



New South Wales

Scrap Metal Industry Regulation 2016

under the

Scrap Metal Industry Act 2016

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Scrap Metal Industry Act 2016*.

TROY GRANT, MP
Minister for Justice and Police

Explanatory note

The objects of this Regulation are as follows:

- (a) to exclude aluminium cans from the definition of *scrap metal* for the purposes of the *Scrap Metal Industry Act 2016 (the Act)*,
- (b) to prescribe additional information in relation to a scrap metal business that the person carrying on the business is required to provide to the Commissioner of Police,
- (c) to prescribe the registration fee payable by persons carrying on business of dealing in scrap metal,
- (d) to prescribe the photo identification documents that must be used by a scrap metal dealer to record the name, residential address and date of birth of an individual who sells scrap metal to the dealer,
- (e) to prescribe the particulars that are to be listed on a certificate of registration issued by the Commissioner of Police to a scrap metal dealer,
- (f) to require a scrap metal dealer to display a copy of the certificate of registration at any scrap metal yard used by the dealer,
- (g) to exclude the requirement for scrap metal dealers to record the unique identifier of a motor vehicle if the motor vehicle has been crushed, cubed or shredded,
- (h) to prescribe offences under the Act that may be dealt with by way of a penalty notice.

This Regulation is made under the *Scrap Metal Industry Act 2016*, including sections 3 (1) (definition of *scrap metal*), 6 (2) (e), 7, 9 (1), 16 (1), 27 and 28 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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1 Name of Regulation

This Regulation is the *Scrap Metal Industry Regulation 2016*.

2 Commencement

- (1) This Regulation commences on 16 December 2016 (except as provided by subclause (2)) and is required to be published on the NSW legislation website.
- (2) Clauses 8–10 commence on 1 March 2017.

3 Definition

- (1) In this Regulation:

the Act means the *Scrap Metal Industry Act 2016*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) Notes included in this Regulation do not form part of this Regulation.

4 Objects that are not scrap metal

Aluminium cans are excluded from the definition of *scrap metal* in section 3 (1) of the Act.

5 Prescribed registration information

For the purposes of section 6 (2) (e) of the Act, the registration information for a business carried on by a scrap metal dealer includes, in the case where the business is carried on by an individual or in partnership, the name of the manager (if any) of each scrap metal yard used by the dealer.

6 Prescribed registration fee

For the purposes of section 7 of the Act, the prescribed fee is \$210.

7 Particulars to be included in certificate of registration

For the purposes of section 9 (1) of the Act, the following particulars are prescribed:

- (a) the registration number allocated to the certificate of registration,
- (b) the date on which the business carried on by the scrap metal dealer was registered.

8 Display of certificate of registration

A scrap metal dealer must ensure that a copy of the certificate of registration for the business carried on by the dealer is conspicuously displayed in the main office of each scrap metal yard used by the dealer in carrying on that business.

Maximum penalty: 10 penalty units.

9 Photo identification

For the purposes of section 16 (1) (b) (i) of the Act, the following documents are prescribed:

- (a) an Australian driver licence within the meaning of the *Road Transport Act 2013*,
- (b) a NSW Photo Card issued under the *Photo Card Act 2005*,
- (c) a card issued under a law of the Commonwealth or another State or Territory for the purpose of proving a person's age and address and which contains a photograph of the person in whose name the card is issued,
- (d) a foreign driver licence (within the meaning of section 107 of the *Road Transport Act 2013*) that is written in the English language or is accompanied by an English translation, but only if the foreign driver licence contains a person's date of birth, address and a photograph of that person.

10 Exemption from record-keeping requirement

A scrap metal dealer is exempt from the requirement of recording the unique identifier of a motor vehicle under section 16 (1) (e) of the Act if the motor vehicle was crushed, cubed or shredded before the transaction that relates to that motor vehicle occurred.

Schedule 1 Penalty notice offences

For the purposes of section 27 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 5	\$2,200
Section 8	\$220
Section 12	\$1,100
Section 13	\$550
Section 14	\$1,100
Section 15 (4)	\$550
Section 16 (1), (2) and (4)	\$550
Section 19 (1)	\$2,200
Section 24	\$550
Offence under this Regulation	
Clause 8	\$220