

# Scrap Metal Industry Regulation 2016

[2016-776]



New South Wales

## Status Information

### Currency of version

Current version for 16 December 2016 to date (accessed 6 May 2024 at 17:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Scrap Metal Industry Amendment \(Review\) Act 2022 No 51](#) (not commenced)
- **Staged repeal status**  
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 28 July 2023

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New South Wales

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# Scrap Metal Industry Regulation 2016



New South Wales

## 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**

<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
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
<b>Offence under this Regulation</b>	
Clause 8	\$220