

Western Australia

Litter Regulations 1981

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THE TEXT OF THE LEGISLATION FOLLOWS

Litter Regulations 1981

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Litter Regulations 1981

1. Citation

These regulations may be cited as the *Litter Regulations 1981* ¹.

2. Interpretation

In these regulations, unless the contrary intention appears —

“public litter receptacle” means a container provided in a public place for disposal of litter;

“Schedule” means a Schedule to these regulations.

[Regulation 2 amended in Gazette 19 Jul 1996 p. 3459.]

3. Recommended litter receptacles

For the purposes of section 25 the use of litter receptacles of the following specifications is recommended —

- (a) a capacity of not less than 60 and not more than 200 litres;
- (b) all outer edges rounded or rolled;
- (c) in the case of covered receptacles; openings that are readily identifiable and accessible;
- (d) an outer surface coloured “golden yellow” in accordance with C356 — British Standard Colour Code 381c and

bearing, in a contrasting colour, the symbol depicted in the Appendix to these regulations; and

- (e) the body constructed of galvanised metal of not less than .6 mm in thickness or other material of equivalent strength.

4. Damage to litter receptacle

A person shall not —

- (a) wilfully damage or deface;
- (b) ignite the contents of,

a public litter receptacle.

5. Interference with litter receptacle

Except with the consent of the owner, a person shall not misuse or interfere with the proper function of, or detract from the proper appearance of, a public litter receptacle.

[Regulation 5 inserted in Gazette 19 Jul 1996 p. 3459.]

6. Domestic or commercial waste not to be deposited in litter receptacle

- (1) Except with the consent of a public authority a person shall not deposit any domestic or commercial waste in a public litter receptacle.

- (2) In this regulation —

“commercial waste” means waste material of any kind generated by shops, offices, industrial premises, hotels, restaurants and hospitals;

“domestic waste” means waste material of any kind generated by private dwellings and includes garbage, lawn clippings and old furnishings.

[7. Repealed in Gazette 19 Jul 1996 p. 3460.]

8. Securing of loads

A person shall not drive a vehicle carrying a load unless the load is so arranged, contained, fastened or covered that the load or any part of it cannot fall or otherwise escape from the vehicle in or upon any street or public place.

9. Offences and penalties

- (1) A person who contravenes or fails to comply with any of the provisions of these regulations commits an offence and is liable to a penalty not exceeding \$400.
- (2) The offences described in Schedule 1 are those prescribed for the purposes of section 30 and the amount specified in that Schedule, directly opposite an offence, is the prescribed penalty in respect of that offence, if dealt with under that section.

[Regulation 9 amended in Gazette 9 Jan 2004 p. 89; 28 May 2004 p. 1836.]

9A. Prescribed office

Where opposite a public authority specified in column 1 of the table to this regulation, an office of that public authority is specified in column 2 of that table, that office is a prescribed office for the purposes of section 26(2)(d).

Table

Column 1 Public authorities	Column 2 Prescribed offices
1. Metropolitan Region Planning Authority	Warden appointed under regulation 23(1) of the <i>Metropolitan Region Planning Authority (Reserved Land) Regulations</i> .
2. Department for Youth, Sport and Recreation ²	Manager of camps; Camps officer; Warden; Relieving warden; Groundsman.

r. 10

Column 1 Public authorities	Column 2 Prescribed offices
3. Rottnest Island Authority under the <i>Rottnest Island Authority Act 1987</i>	A person designated under subsection (1)(a) of section 28 of that Act to be a ranger, or appointed under subsection (1)(b) of that section to be an honorary ranger for Rottnest Island.
4. Swan River Trust under the <i>Swan River Trust Act 1988</i>	A person appointed under section 64(1) of that Act to be an inspector or an honorary inspector.

[Regulation 9A inserted by 13 Aug 1982 p. 3154; amended in Gazette 30 May 1988 p. 1847; 7 Apr 1989 p. 1035.]

10. Offence of adding to, or altering infringement notices

A person, not being an authorised officer, shall not make any endorsement on, or alteration to, an infringement notice.

[Regulation 10 erratum in Gazette 17 Jul 1981 p. 2888.]

11. Forms

The several forms set out in Schedule 2 are prescribed for the respective purposes for which forms are required by sections 26 and 30.

Schedule 1

Schedule 1

[r. 9(2)]

Item	Section or regulation	Offence	Penalty (\$)
1.	s. 23	Littering — cigarette butt	75
2.	s. 23	Littering — any other litter	200
3.	s. 24	Breaking glass, metal or earthenware	200
4.	s. 24A(1)	Bill posting	200
5.	s. 24A(2)	Bill posting on a vehicle	200
6.	r. 6	Depositing domestic or commercial waste in a public litter receptacle	200
7.	r. 8	Transporting load inadequately secured	200

[Schedule 1 inserted in Gazette 9 Jan 2004 p. 89; amended in Gazette 28 May 2004 p. 1836.]

Schedule 2

Schedule 2

Form 1

Western Australia

LITTER INFRINGEMENT NOTICE

Litter Act 1979 Section 30(1)

No.

Date

M
Surname (block letters) Other names in full

ADDRESS
Number and street Town or suburb
.....
Postcode

It is alleged that at a.m./p.m. on the
day of 20..... in the area of
you committed the offence indicated hereunder by a cross (x).

Section or regulation	Offence	Modified penalty (\$)
<input type="checkbox"/> s. 23	Littering — cigarette butt	75
<input type="checkbox"/> s. 23	Littering — any other litter	200
<input type="checkbox"/> s. 24	Breaking glass, metal or earthenware	200
<input type="checkbox"/> s. 24A(1)	Bill posting	200
<input type="checkbox"/> s. 24A(2)	Bill posting on a vehicle	200
<input type="checkbox"/> r. 6	Deposit of domestic or commercial waste in a public litter receptacle	200
<input type="checkbox"/> r. 8	Transporting load inadequately secured	200

Schedule 2

If you do not wish to have a complaint of this offence heard and determined by a court, you may pay to an officer at the place specified on the reverse side of this form, within a period of 28 days after the date of service of this notice, the modified penalty set out in this notice.

.....
Authorised Officer

[Form 1 inserted in Gazette 19 Jul 1996 p. 3460-1; amended in Gazette 8 Nov 1996 p. 6218; 9 Jan 2004 p. 89-90; 28 May 2004 p. 1836.]

Form 3

Western Australia

CERTIFICATE OF APPOINTMENT OF AUTHORISED OFFICER

LITTER ACT 1979

This is to certify that
whose signature appears hereunder is an authorised officer under the *Litter Act 1979* and that the area of jurisdiction entrusted to him under that Act is
.....

Signed

Signature of authorised officer

Dated

An authorised officer may require a person whom he finds committing or whom he reasonably suspects to be committing or to have committed an offence against the Act —

- (a) to state his full name and address;
- (b) to remove the material the subject of the offence;
- (c) to deposit the material the subject of the offence in the nearest place provided for the deposit of litter.

Penalty: For non-compliance with the above or giving false or misleading information \$100.

[Schedule 2 amended in Gazette 20 Nov 1981 p. 4779; 19 Aug 1988 p. 2960; 19 Jul 1996 p. 3460-1; 8 Nov 1996 p. 6218; 9 Jan 2004 p. 89-90; 28 May 2004 p. 1836.]

Appendix

Appendix



Notes

- ¹ This is a compilation of the *Litter Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Litter Regulations 1981</i>	3 Jul 1981 p. 2603-5 (Erratum 17 Jul 1981 p. 2888)	3 Jul 1981
<i>Litter Amendment Regulations 1981</i>	20 Nov 1981 p. 4779	20 Nov 1981
<i>Litter Amendment Regulations 1982</i>	13 Aug 1982 p. 3154	13 Aug 1981
<i>Litter Amendment Regulations 1988</i>	30 May 1988 p. 1847	30 May 1988 (see r. 2 and <i>Gazette</i> 30 May 1988 p. 1823)
<i>Litter Amendment Regulations</i> (No. 2) 1988	19 Aug 1988 p. 2960	19 Aug 1988
<i>Litter Amendment Regulations 1989</i>	7 Apr 1989 p. 1035	7 Apr 1989 ³
<i>Litter Amendment Regulations 1996</i>	19 Jul 1996 p. 3459-61	20 Jul 1996 (see r. 2 and <i>Gazette</i> 19 Jul 1996 p. 3455)
<i>Litter Amendment Regulations</i> (No. 2) 1996	8 Nov 1996 p. 6217-18	8 Nov 1996
Reprint of the <i>Litter Regulations 1981</i> as at 30 Sep 1997 (includes amendments listed above)		
<i>Litter Amendment Regulations 2004</i>	9 Jan 2004 p. 88-90	9 Jan 2004
Reprint 2: The <i>Litter Regulations 1981</i> as at 19 Mar 2004 (includes amendments listed above)		
<i>Litter Amendment Regulations</i> (No. 2) 2004	28 May 2004 p. 1836	28 May 2004

- ² Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference in any law to the Department of Youth, Sport and Recreation is read and construed as a reference to the Department of Sport and Recreation.

- ³ The commencement date of 1 Mar 1989 that was specified was before the date of gazettal.

