

Western Australia

Litter Regulations 1981

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Litter Regulations 1981

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Defined Terms

Western Australia

Litter Act 1979

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 —

litter creating public risk means litter that belongs to a category of litter described in Schedule 1;

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; 11 Jan 2013 p. 43.]

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

r. 4

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.

Penalty: a fine of \$5 000.

[Regulation 4 amended in Gazette 11 Jan 2013 p. 43.]

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.

Penalty: a fine of \$5 000.

[Regulation 5 inserted in Gazette 19 Jul 1996 p. 3459; amended in Gazette 11 Jan 2013 p. 44.]

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.

Penalty: a fine of \$5 000.

- (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.

[Regulation 6 amended in Gazette 11 Jan 2013 p. 44.]

[7. Deleted 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.

Penalty: a fine of \$5 000.

[Regulation 8 amended in Gazette 11 Jan 2013 p. 44.]

9. Prescribed offences

The offences described in Schedule 1A are those prescribed for the purposes of section 30 and the amount specified in that Schedule, directly opposite an offence —

- (a) in the column headed “**Penalty — Individual**” is the prescribed penalty in respect of that offence incurred by an individual, if dealt with under that section; and
- (b) in the column headed “**Penalty — Body corporate**” is the prescribed penalty in respect of that offence incurred by a body corporate, if dealt with under that section.

[Regulation 9 inserted in Gazette 11 Jan 2013 p. 44.]

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

r. 10

Column 1 Public authorities	Column 2 Prescribed offices
<i>[1. deleted]</i>	
2. Department for Youth, Sport and Recreation ²	Manager of camps; Camps officer; Warden; Relieving warden; Groundsman.
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 and Canning Rivers Management Act 2006</i>	A person designated under section 39 of that Act as an inspector

[Regulation 9A inserted by 13 Aug 1982 p. 3154; amended in Gazette 30 May 1988 p. 1847; 7 Apr 1989 p. 1035; 11 Jan 2013 p. 44.]

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.

Penalty: a fine of \$400.

[Regulation 10 erratum in Gazette 17 Jul 1981 p. 2888; amended in Gazette 11 Jan 2013 p. 45.]

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 — Litter creating public risk

[r. 2]

[Heading inserted in Gazette 11 Jan 2013 p. 45.]

Item	Category of litter
1.	Animal carcass or animal body part (other than as cooked food)
2.	Pill, capsule or tablet, or a blister pack that contains or is designed to contain a pill, capsule or tablet
3.	Container, whether empty or not, that is labelled or marked with any of the following warnings — POISON DANGEROUS POISON CONTROLLED DRUG KEEP OUT OF REACH OF CHILDREN FIRE AND EXPLOSIVE HAZARD BURNS SKIN AND THROAT
4.	Container, whether empty or not, that is labelled or marked with any of the following warnings — TOXIC TOXIC GAS RADIATION BIO-HAZARD EXPLOSIVES CHEMICAL HAZARD FLAMMABLE GAS FLAMMABLE LIQUID FLAMMABLE SOLID OXIDISING GAS

Litter Regulations 1981

Schedule 1 Litter creating public risk

Item	Category of litter
	INFECTIOUS SUBSTANCE
	CORROSIVE
	DANGEROUS GOODS
5.	Unexploded firework or flare or live ammunition
6.	Broken glass, or sharp-edged metal or earthenware
7.	Motor vehicle body or motor vehicle part
8.	Refrigerator or freezer with door attached
9.	Lit cigarette
10.	Hypodermic needle or syringe, whether or not attached to each other
11.	Tyre
12.	Battery

[Schedule 1 inserted in Gazette 11 Jan 2013 p. 45-6.]

Schedule 1A — Prescribed offences and modified penalties

[r. 9]

[Heading inserted in Gazette 11 Jan 2013 p. 46.]

Item	Section or regulation	Offence	Penalty — Individual (\$)	Penalty — Body corporate (\$)
1.	s. 23	Littering creating public risk	500	2 000
2.	s. 23	Littering — any other litter	200	500
3.	s. 24	Breaking glass, metal or earthenware	500	2 000
4.	s. 24A(1)	Bill posting	200	500
5.	s. 24A(2)	Bill posting on vehicle	200	500
6.	r. 6	Depositing domestic or commercial waste in public litter receptacle	200	500
7.	r. 8	Transporting load inadequately secured	200	N/A

[Schedule 1A inserted in Gazette 11 Jan 2013 p. 46.]

	Section or regulation	Offence	Modified penalty (\$)	
			Individual	Body corporate
<input type="checkbox"/>	s. 24A(1)	Bill posting	200	500
<input type="checkbox"/>	s. 24A(2)	Bill posting on vehicle	200	500
<input type="checkbox"/>	r. 6	Depositing domestic or commercial waste in public litter receptacle	200	500
<input type="checkbox"/>	r. 8	Transporting load inadequately secured	200	N/A

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; 11 Jan 2013 p. 46-7.]

Western Australia

WITHDRAWAL OF LITTER INFRINGEMENT NOTICE

Litter Act 1979 Section 30(4)

No.

Date / /

M
Surname (block letters) Other names in full

ADDRESS
Number and street Town or suburb

.....
Postcode

Litter Infringement Notice No. Dated/...../.....
for the alleged offence of
with penalty of is hereby withdrawn.

- (a) * No further action will be taken.
 - (b) * It is proposed to institute court proceedings for the alleged offence.
- * Strike out that which is not applicable.

Appointed by
(relevant public authority)

to withdraw infringement notices.

In the event of payment having been made you are entitled to a refund.

[Form 2 amended in Gazette 20 Nov 1981 p. 4779.]

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 \$1 000.

[Form 3 amended in Gazette 11 Jan 2013 p. 47.]

[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; 11 Jan 2013 p. 47.]

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 (No. 2) 1988</i>	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 (No. 2) 1996</i>	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 (No. 2) 2004</i>	28 May 2004 p. 1836	28 May 2004
<i>Litter Amendment Regulations 2012</i>	11 Jan 2013 p. 43-7	r. 1 and 2: 11 Jan 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Jan 2013 (see r. 2(b))

- 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.

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
commercial waste.....	6(2)
domestic waste.....	6(2)
litter creating public risk.....	2
public litter receptacle.....	2
Schedule.....	2