

# LITTER.

No. 49 of 1981.

## AN ACT to amend the Litter Act 1979.

[Assented to 16 September 1981.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Litter Amendment Act 1981*. Short title and citation.

(2) In this Act the Litter Act 1979 is referred to as the principal Act. Act No. 81 of 1979.

(3) The principal Act as amended by this Act may be cited as the Litter Act 1979-1981.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Paragraphs (b) and (c) of section 5 of this Act shall come into operation on a day to be fixed by proclamation.

Section 3  
repealed.

3. Section 3 of the principal Act is repealed.

Section 26  
amended.

4. Section 26 of the principal Act is amended in subparagraph (v) of paragraph (c) of subsection (2) by deleting "the Museum" and substituting the following—

“ The Western Australian Museum constituted by the Museum Act 1969 ” .

Section 30  
amended.

5. Section 30 of the principal Act is amended—

(a) in subsection (2) by deleting "by registered post";

(b) in subsection (4) by deleting "signed by a prescribed officer,"; and

(c) by inserting after subsection (4) the following subsections—

“ (4a) A withdrawal notice sent under subsection (4) shall be signed by a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served.

(4b) For the purposes of subsection (4a) an infringement notice served by an authorized officer of a class referred to in column 1 of the Third Schedule shall be regarded as having been served on behalf of the public authority referred to in column 2 of that Schedule opposite the reference to that class of authorized officers. ” .

6. Section 31 of the principal Act is amended—

Section 31  
amended.

(a) by repealing subsection (2) and substituting the following subsections—

“ (2) Penalties for offences against this Act recovered in proceedings instituted by or on behalf of a public authority that has a fund, shall be paid into that fund.

(2a) Penalties for offences against this Act recovered in proceedings instituted by or on behalf of a public authority that does not have a fund but administers or uses any moneys paid to or collected by it, shall be paid to that authority to be administered or used by it as part of those moneys.

(2b) For the purposes of subsections (1), (2) and (2a) proceedings instituted by an authorized officer of a class referred to in column 1 of the Third Schedule shall be regarded as having been instituted on behalf of the public authority referred to in column 2 of that Schedule opposite the reference to that class of authorized officers. ” ; and

(b) in subsection (3) by deleting “or (2)” and substituting the following—

“ , (2) or (2a) ” .

Third  
Schedule  
added.

7. The principal Act is amended by adding, at the end, the following Schedule—

“ **THIRD SCHEDULE.**                      Sections 30 and 31  
**Institution of Proceedings.**

Column 1	Column 2
Class of authorized officer serving infringement notice or instituting proceedings	Public authority on behalf of which notice is served or proceedings instituted
Members of the Police Force Members, officers, employees or honorary inspectors of a municipality	The Commissioner of Police That municipality
Officers or employees of the Council or officers or employees whose services the Council makes use of	The Council
Inspectors under the Environmental Protection Act 1971	The Environmental Protection Authority
Forest officers under the Forests Act 1918	The Conservator of Forests
Wildlife officers under the Wildlife Conservation Act 1950	The Director of Fisheries and Wildlife
Rangers under the National Parks Authority Act 1976	The National Parks Authority of Western Australia
Members of the staff of The Western Australian Museum or honorary wardens under the Aboriginal Heritage Act 1972	The Western Australian Museum
Inspectors or honorary wardens under the Waterways Conservation Act 1976	The Management Authority constituted under that Act in relation to the management area in respect of which the authorized officer is exercising his powers
Inspectors under the Fisheries Act 1905	The Director of Fisheries
Bush fire liaison officers under the Bush Fires Act 1954	The Bush Fires Board

Column 1	Column 2
Class of authorized officer serving infringement notice or instituting proceedings	Public authority on behalf of which notice is served or proceedings instituted
Inspectors under the Western Australian Marine Act 1948	The Manager of the Harbour and Light Department
Persons holding or acting in a prescribed office of a public authority	That public authority

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