Western Australia

Litter Regulations 1981

Compare between:

[01 Jul 2015, 03-b0-01] and [08 Aug 2015, 03-c0-03]

Western Australia

Litter Act 1979

Litter Regulations 1981

##### 1. Citation

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

##### 2. Terms used

 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: 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 L; and

 (b) all outer edges rounded or rolled; and

 (c) in the case of covered receptacles; openings that are readily identifiable and accessible; and

 (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.

 Penalty: a fine of $5 000.

 [Regulation 4 amended: 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: Gazette 19 Jul 1996 p. 3459; amended: 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: Gazette 11 Jan 2013 p. 44.]

[**7.** Deleted: 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: 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: 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**

| **Column 1****Public authorities** | **Column 2****Prescribed offices** |
| --- | --- |
| *[1. deleted]* |  |
| 2. Department for Youth, Sport and Recreation 2 | Manager of camps; Camps officer; Warden; Relieving warden; Groundsman. |
| 3. Rottnest Island Authority under the *Rottnest Island Authority Act 1987* | 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. Department of Parks and Wildlife | A person designated under the *Swan and Canning Rivers Management Act 2006* section 39 as an inspector |

 [Regulation 9A inserted: Gazette 13 Aug 1982 p. 3154; amended: Gazette 30 May 1988 p. 1847; 7 Apr 1989 p. 1035; 11 Jan 2013 p. 44; 19 Jun 2015 p. 2097.]

##### 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: Gazette 17 Jul 1981 p. 2888; amended: 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: 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 — POISONDANGEROUS POISONCONTROLLED DRUGKEEP OUT OF REACH OF CHILDRENFIRE AND EXPLOSIVE HAZARDBURNS SKIN AND THROAT |
| 4. | Container, whether empty or not, that is labelled or marked with any of the following warnings — TOXICTOXIC GASRADIATIONBIO‑HAZARDEXPLOSIVESCHEMICAL HAZARDFLAMMABLE GASFLAMMABLE LIQUIDFLAMMABLE SOLIDOXIDISING GAS |
|  | INFECTIOUS SUBSTANCECORROSIVEDANGEROUS 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: Gazette 11 Jan 2013 p. 45‑6.]

Schedule 1A — Prescribed offences and modified penalties

[r. 9]

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

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($)** |
| --- | --- | --- | --- |
| **Individual** | **Body corporate** |
| ❒ | s. 23 | Littering creating public risk ................. | 500 | 2 000 |
|  |  | [Description of litter deposited] ..................................................................................................................................................................................................................................................................... |
| ❒ | s. 23 | Littering — any other litter ........................... | 200 | 500 |
| ❒ | s. 24 | Breaking glass, metal or earthenware ........... | 500 | 2 000 |
| ❒ | s. 24A(1) | Bill posting ................ | 200 | 500 |
| ❒ | s. 24A(2) | Bill posting on vehicle ....................... | 200 | 500 |
| ❒ | r. 6 | Depositing domestic or commercial waste in public litter receptacle .................. | 200 | 500 |
| ❒ | 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: Gazette 19 Jul 1996 p. 3460-1; amended: Gazette 8 Nov 1996 p. 6218; 9 Jan 2004 p. 89-90; 28 May 2004 p. 1836; 11 Jan 2013 p. 46‑7.]

Form 2

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: 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 below is an authorised officer under the *Litter Act 1979* and is entrusted under that Act with the following area of jurisdiction ..........................

|  |  |
| --- | --- |
| ..................................................................... | ............................. |
| Signature of CEO as defined in the *Environmental Protection Act 1986* section 3(1) | Date |
| ...................................................................... | ............................. |
| Signature of authorised officer | Date |

The authorised officer has the duties and powers conferred by the *Litter Act 1979*.

The penalty for failing to comply with a lawful requisition by an authorised officer or giving false or misleading information in response to a lawful requisition by an authorised officer is a maximum fine of $1 000.

 [Form 3 inserted: Gazette 7 Aug 2015 p. 3199‑200.]

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** |
| --- | --- | --- |
| *Litter Regulations 1981* | 3 Jul 1981 p. 2603‑5(erratum 17 Jul 1981 p. 2888) | 3 Jul 1981 |
| *Litter Amendment Regulations 1981* | 20 Nov 1981 p. 4779 | 20 Nov 1981 |
| *Litter Amendment Regulations 1982* | 13 Aug 1982 p. 3154 | 13 Aug 1981 |
| *Litter Amendment Regulations 1988* | 30 May 1988 p. 1847 | 30 May 1988 (see r. 2 and *Gazette* 30 May 1988 p. 1823) |
| *Litter Amendment Regulations (No. 2) 1988* | 19 Aug 1988 p. 2960 | 19 Aug 1988 |
| *Litter Amendment Regulations 1989* | 7 Apr 1989 p. 1035 | 7 Apr 1989 3 |
| *Litter Amendment Regulations 1996* | 19 Jul 1996 p. 3459‑61 | 20 Jul 1996 (see r. 2 and *Gazette* 19 Jul 1996 p. 3455) |
| *Litter Amendment Regulations (No. 2) 1996* | 8 Nov 1996 p. 6217‑18 | 8 Nov 1996 |
| **Reprint of the *Litter Regulations 1981* as at 30 Sep 1997** (includes amendments listed above) |
| *Litter Amendment Regulations 2004* | 9 Jan 2004 p. 88‑90 | 9 Jan 2004 |
| **Reprint 2: The *Litter Regulations 1981* as at 19 Mar 2004** (includes amendments listed above) |
| *Litter Amendment Regulations (No. 2) 2004* | 28 May 2004 p. 1836 | 28 May 2004 |
| *Litter Amendment Regulations 2012* | 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)) |
| **Reprint 3: The *Litter Regulations 1981* as at 14 Nov 2014** (includes amendments listed above) |
| *Litter Amendment Regulations 2015* | 19 Jun 2015 p. 2096‑7 | r. 1 and 2: 19 Jun 2015 (see r. 2(a));Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)) |
| *Litter Amendment Regulations (No. 2) 2015* | 7 Aug 2015 p. 3199‑200 | r. 1 and 2: 7 Aug 2015 (see r. 2(a));Regulations other than r. 1 and 2: 8 Aug 2015 (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.