

WESTERN AUSTRALIA

LITTER ACT 1979

**LITTER
REGULATIONS
1981**

REPRINTED AS AT 30 SEPTEMBER 1997

WESTERN AUSTRALIA

LITTER REGULATIONS 1981

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WESTERN AUSTRALIA

LITTER ACT 1979

LITTER REGULATIONS 1981

Citation

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

Interpretation

2. 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 July 1996 p.3459.*]

Recommended litter receptacles

3. 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;

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- (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.

Damage to litter receptacle

4. A person shall not —

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

a public litter receptacle.

Interference with litter receptacle

5. 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 July 1996 p.3459.]

Domestic or commercial waste not to be deposited in litter receptacle

6. (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 *Repealed in Gazette 19 July 1996 p.3460.*]

Securing of loads

8. 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.

Offences and penalties

9. (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 appearing in the final column of that Schedule, directly opposite an offence, is the prescribed penalty in respect of that offence, if dealt with under that section.

Prescribed office

9A. 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).

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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.	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 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 August 1982 p.3154; amended in Gazette 30 May 1988 p.1847; 7 April 1989 p.1035.*]

Offence of adding to, or altering infringement notices

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

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

Forms

11. 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

[Regulation 9 (2)]

Item	Section or regulation	Nature of Offence	Penalty (\$)
1	s. 23	Littering	50
2	s. 24	Breaking glass, metal or earthenware	50
3	s. 24A (1)	Bill posting	100
4	s. 24A (2)	Bill posting on a vehicle	50
5	reg. 6	Depositing domestic or commercial waste in a public litter receptacle	50
6	reg. 8	Transporting load inadequately secured	100

[Schedule 1 inserted in Gazette 19 July 1996 p.3460; amended in Gazette 8 November 1996 p.6218.]

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 19..... in the area of you committed the offence indicated hereunder by a cross (x).

Table with 3 columns: Offence, Section or regulation, Modified penalty. Rows include Littering (\$50), Breaking glass, metal or earthenware (\$50), Bill posting (\$100), Bill posting on a vehicle (\$50), Deposit of domestic or commercial waste in a public litter receptacle (\$50), Transporting load inadequately secured (\$100).

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

..... Authorized Officer

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.

Western Australia

CERTIFICATE OF APPOINTMENT OF AUTHORIZED OFFICER

LITTER ACT 1979

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

Signed

Signature of authorized officer

Dated

An authorized 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 November 1981 p.4779;
19 August 1988 p.2960; 19 July 1996 pp.3460-1;
8 November 1996 p.6218.]

APPENDIX



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NOTES

¹ This reprint is a compilation as at 30 September 1997 of the *Litter Regulations 1981* and includes amendments effected by the regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Litter Regulations 1981</i> Erratum 17 July 1981 p.2888	3 July 1981 pp.2603-5		
<i>Litter Amendment Regulations 1981</i>	20 November 1981 p.4779	20 November 1981	
<i>Litter Amendment Regulations 1982</i>	13 August 1982 p.3154	13 August 1981	
<i>Litter Amendment Regulations 1988</i>	30 May 1988 p.1847	30 May 1988 (see regulation 2 and <i>Gazette</i> 30 May 1988 p.1823)	
<i>Litter Amendment Regulations (No. 2) 1988</i>	19 August 1988 p.2960	19 August 1988	
<i>Litter Amendment Regulations 1989</i>	7 April 1989 p.1035	1 March 1989 (see regulation 2 and <i>Gazette</i> 27 January 1989 p.264)	
<i>Litter Amendment Regulations 1996</i>	19 July 1996 pp.3459-61	20 July 1996 (see regulation 2 and <i>Gazette</i> 19 July 1996 p.3455)	
<i>Litter Amendment Regulations (No. 2) 1996</i>	8 November 1996 pp.6217-8	8 November 1996	