

EV301*

Litter Act 1979

Litter Amendment Regulations 2012

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Litter Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Litter Regulations 1981*.

4. Regulation 2 amended

In regulation 2 insert in alphabetical order:

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

5. Regulation 4 amended

At the end of regulation 4 insert:

Penalty: a fine of \$5 000.

6. Regulation 5 amended

At the end of regulation 5 insert:

Penalty: a fine of \$5 000.

7. Regulation 6 amended

At the end of regulation 6(1) insert:

Penalty: a fine of \$5 000.

8. Regulation 8 amended

At the end of regulation 8 insert:

Penalty: a fine of \$5 000.

9. Regulation 9 replaced

Delete regulation 9 and insert:

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.

10. Regulation 9A amended

In regulation 9A in the Table:

- (a) delete item 1;
- (b) delete item 4 and insert:

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
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11. Regulation 10 amended

At the end of regulation 10 insert:

Penalty: a fine of \$400.

12. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Litter creating public risk

[r. 2]

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 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

Item	Category of litter
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 1A — Prescribed offences and modified penalties

[r. 9]

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

13. Schedule 2 amended

(1) In Schedule 2 Form 1 delete:

	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

	Section or regulation	Offence	Modified penalty (\$)
<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

and insert:

	Section or regulation	Offence	Modified penalty (\$)	
			Individual	Body corporate
<input type="checkbox"/>	s. 23	Littering creating public risk	500	2 000
		[Description of litter deposited]		
<input type="checkbox"/>	s. 23	Littering — any other litter	200	500
<input type="checkbox"/>	s. 24	Breaking glass, metal or earthenware	500	2 000
<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

(2) In Schedule 2 Form 3 delete “\$100.” and insert:

\$1 000.

By Command of the Lieutenant-Governor and deputy of the Governor,

N. HAGLEY, Clerk of the Executive Council.