

No. 27 of 1977

AN ORDINANCE

Relating to Litter.

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this second day of June, 1977.

A. R. CUTLER
Administrator.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

LITTER ORDINANCE 1977

1. This Ordinance may be cited as the *Litter Ordinance 1977*.* Short title.
2. In this Ordinance, unless the contrary intention appears— Definitions.
 - "Court" means the Court of Petty Sessions;
 - "Department" means the Department of State administered by the Minister of State for the time being administering this Ordinance;
 - "inspector" means an inspector appointed under section 8;
 - "litter" includes—
 - (a) refuse, garbage, rubble and waste of any description; and
 - (b) any other matter or thing of a like nature that, whilst in or on a public place, causes or contributes to the defacement or defilement of that place;
 - "littering offence" means—
 - (a) an offence against section 3; or
 - (b) an offence against section 4 of transporting household or garden refuse without taking reasonable steps to prevent any part of the refuse falling or being blown from the vehicle in or upon which it is being transported into or onto a public place;

* Notified in the *Commonwealth of Australia Gazette* on 1 July 1977.

"occupier" includes the person having the charge, management or control of premises;

"police force" means police force of the Territory;

"public place" means—

- (a) a street, road, lane or footpath that is open to, or used by, the public;
- (b) a place that is a public park within the meaning of the *Public Parks Ordinance* 1928;
- (c) a place that forms part of a lake area within the meaning of the *Lakes Ordinance* 1976;
- (d) any other place to which the public has access, or which the public is entitled to use, without the payment of money; and
- (e) a building or structure situated on a street, road, lane or footpath referred to in paragraph (a) or in a place referred to in paragraph (b), (c) or (d), being a building or structure to which the public has access, or which the public is entitled to use, without the payment of money;

"public street" has the same meaning as in the *Motor Traffic Ordinance* 1936;

"public tip" means a tip conducted by the Department for use by members of the public;

"Secretary" means the person who, for the time being, is, or is performing the duties of, the Permanent Head of the Department within the meaning of the *Public Service Act* 1922.

Littering
prohibited.

3. A person shall not deposit litter in or on a public place.
Penalty: \$250.

Transport of
refuse, &c.

4. A person who—
 (a) transports household or garden refuse or commercial waste;
 or
 (b) transports rubble or other waste material from a construction site,

shall take reasonable steps to prevent any part of the refuse, waste, rubble or material falling or being blown from the vehicle in or upon which it is being transported into or onto a public place.

Penalty: \$250.

Occupier of
commercial,
&c.,
premises
not to litter.

5. The occupier of commercial, industrial or business premises shall take reasonable steps to prevent litter from the premises being deposited in or on a public place.

Penalty: \$250.

Depositing
of
garbage.

6. A person shall not deposit garbage in a place other than a public tip.

Penalty: \$250.

7. Nothing in this Ordinance applies to or in relation to a person who— Application.

- (a) in a public place, deposits litter in a receptacle provided for the purpose;
- (b) places a receptacle containing litter in or on a public place in order that the litter may be removed by a garbage collection service;
- (c) deposits litter in or on a public place in response to an invitation by the Department; or
- (d) deposits litter at a public tip.

8. (1) The Minister may appoint such inspectors as he considers necessary for the purposes of this Ordinance. Appointment of inspectors.

(2) The Minister shall issue to each person appointed under this section a certificate certifying that the person is an inspector for the purposes of this Ordinance.

9. (1) Where a member of the police force or an inspector has reason to believe that a person has committed an offence against this Ordinance, upon the production of the certificate issued to him if he is an inspector he may require the person to furnish his name and usual address and to produce evidence of his identity. Powers of inspectors.

(2) A person shall not—

- (a) refuse or fail to furnish his name or address;
- (b) furnish a false name or address; or
- (c) refuse to produce evidence of his identity.

Penalty: \$500.

10. (1) Where a member of the police force or an inspector has reason to believe that a littering offence has been committed, he may serve or cause to be served a litter notice in accordance with this section. Litters notices.

(2) A litter notice may be served by serving the notice personally on the person who appears to have committed the littering offence, or by leaving it at his last-known place of residence or business with a person apparently over the age of 16 years and apparently an occupant of or employed at that place.

(3) A litter notice shall—

- (a) clearly show on its face the full name, or surname and initials, and address of the person on whom it is served;
- (b) clearly specify the nature of the alleged littering offence;
- (c) clearly specify the day, time and place of the alleged littering offence;
- (d) contain a notification to the person on whom it is served that, if he does not wish the matter to be dealt with by

the Court he may make a signed statement to that effect in the manner specified in the notice and pay the amount of the prescribed penalty specified in the notice within the period of 14 days after the date of the notice; and

- (e) clearly specify the place at which, and the manner in which, the prescribed penalty may be paid,

and may contain such other particulars, if any, as the Minister considers necessary.

(4) For the purposes of this section, the prescribed penalty for a littering offence is the amount of \$25.

(5) Where a litter notice has been served and, before the expiration of the specified period of 14 days or at any time before service of a summons in respect of the alleged littering offence, the amount of the prescribed penalty is paid in accordance with the notice and a statement, signed by the person on whom the notice was served, to the effect that he does not wish the matter to be dealt with by the Court is received by the Secretary—

- (a) any liability of a person in respect of the alleged littering offence shall be discharged;
- (b) no further proceedings shall be taken in respect of the alleged littering offence; and
- (c) no person shall be regarded as having been convicted for the alleged littering offence.

(6) Nothing in this section prevents the service of more than one litter notice in respect of the same littering offence, but it is sufficient for the application of sub-section (5) to a person on whom more than one such notice has been served for that person to pay the prescribed penalty and to make the statement referred to in that sub-section in accordance with any one of the notices so served on him.

(7) Where the amount of the prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

(8) Except as provided by sub-section (5), nothing in this section in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged littering offence or limits the amount of the fine that may be imposed by the Court in respect of a littering offence.

(9) Nothing in this section shall be construed as requiring the serving of a litter notice under this section or as affecting the liability of a person to be prosecuted in the Court in respect of an alleged littering offence in relation to which a litter notice has not been served.

Court may order payment of costs of removal of litter.

11. (1) In a prosecution for an offence against this Ordinance, the Court may, in addition to any penalty it may impose, make an order that the person convicted of the offence pay to the Secretary such sum as the Court thinks just in respect of the expenses of removing the litter the subject of the offence.

(2) Where the Court makes an order under sub-section (1), the order is enforceable in the same manner as if it were an order of the Court made after the hearing of proceedings instituted by a complaint.

12. The Minister may make regulations, not inconsistent with this Ordinance, prescribing matters that are required or permitted by this Ordinance to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. **Regulations.**