

# AUSTRALIAN CAPITAL TERRITORY

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## Litter (Amendment) Ordinance 1985

No. 45 of 1985

I, THE GOVERNOR-GENERAL 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 6 September 1985.

J.A. ROWLAND  
Administrator

By His Excellency's Command,

G. SCHOLES  
Minister of State for Territories

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An Ordinance to amend the *Litter Ordinance 1977*

### Short title

1. This Ordinance may be cited as the *Litter (Amendment) Ordinance 1985*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Litter Ordinance 1977*.<sup>2</sup>

### Interpretation

3. Section 2 of the Principal Ordinance is amended by inserting after the definition of "Court" the following definition:

“ ‘dangerous container’ means a vessel, container or receptacle (other than a vehicle or part of a vehicle or a bin or other receptacle ordinarily

used to hold garbage or refuse) comprising or containing a compartment that—

- (a) has a capacity of not less than 40 litres;
- (b) has an opening of not less than 120 millimetres in both width and height; and
- (c) is fitted with a door or lid capable of being fastened and capable of closing that opening;”.

### **Application**

4. Section 7 of the Principal Ordinance is amended by inserting “ , other than section 7A,” after “Ordinance”.

5. After section 7 of the Principal Ordinance the following section is inserted:

### **Depositing or abandoning dangerous containers**

“7A. (1) A person who deposits or abandons a dangerous container in a public place or public tip is guilty of an offence punishable, on conviction, by a fine not exceeding \$2,000.”.

“(2) A person is not guilty of an offence under sub-section (1) if he adduces evidence that he took reasonable steps to prevent children gaining access to the relevant compartment and that evidence is not rebutted by the prosecution.”.

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### **NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 13 September 1985.
2. No. 27, 1977 as amended by No. 18, 1979.