



Australian Capital Territory

Litter Act 2004

A2004-47

Republication No 12

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About this republication

The republished law

This is a republication of the *Litter Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Litter Act 2004

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Australian Capital Territory

Litter Act 2004

An Act relating to litter, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Litter Act 2004*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*road related area*—see the [Road Transport \(General\) Act 1999](#), dictionary.’ means that the term ‘road related area’ is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Objects and key concepts

6 Objects of Act

- (1) The objects of this Act are—
 - (a) to protect and enhance the natural and built environment and amenity of the ACT, including the wellbeing of its people; and
 - (b) to reduce the economic and health impact of littering and illegal dumping.
- (2) This Act aims to achieve its objects by—
 - (a) reducing and preventing littering and illegal dumping; and
 - (b) regulating the depositing of litter, or other material that may become litter; and
 - (c) facilitating the removal of litter.

7 Meaning of *litter*

In this Act:

litter includes any solid or liquid waste, whether domestic or commercial, and also includes—

- (a) any glass, metal, cigarette butt, plastic, paper, fabric, wood, food, abandoned vehicle and vehicle part, construction or demolition material, garden remnants and clippings, soil, sand or rocks; and

Example—abandoned vehicle

dockless bicycle

- (b) any material, substance or thing deposited at a place if its size, shape, nature or volume makes the place untidy or adversely affects the proper use of the place.

Example—untidy or adversely affects proper use of place

large pile of soil or rocks left on side of road or in school playground for no purpose

7A Reference to *level* of litter

For this Act, a reference to litter at a *level* mentioned in an item in table 7A, column 2, is a reference to the volume of litter mentioned in the item, column 3.

Table 7A

| column 1 item | column 2 level | column 3 volume of litter (L) |
|------------------|-------------------|----------------------------------|
| 1 | level 1 | 1L or more but less than 10L |
| 2 | level 2 | 10L or more but less than 200L |
| 3 | level 3 | 200L or more |

Part 3 Offences

8 Littering

- (1) A person must not deposit litter at a public place or an open private place.

Maximum penalty: 10 penalty units.

Examples

- 1 dropping a lolly wrapper onto a footpath
- 2 leaving food packaging in a private car park

- (2) A person commits an offence if—
- (a) the person deposits litter at a public place or an open private place; and
 - (b) the litter escapes, or is likely to escape—
 - (i) from the public place into or onto another public place or an open private place; or
 - (ii) from the open private place into or onto a public place or another open private place.

Maximum penalty: 10 penalty units.

Examples

- 1 unsolicited advertising material, brochures or newspapers left falling out of a letterbox or in a front yard that are likely to be windblown onto a public park
- 2 building waste kept unsecured on a building site that is likely to be windblown offsite

Note **Escape** is defined in the dictionary.

- (3) A person commits an offence if—
- (a) the person deposits litter in a public place in a receptacle provided for litter; and

- (b) the litter is not of the size, shape, nature or volume for which the receptacle is provided.

Maximum penalty: 10 penalty units.

Example

placing commercial or household waste in a bin provided for general public waste

- (4) Subsection (1) does not apply to the depositing of litter at a place with the consent of the occupier of the place.
- (5) Subsection (2) does not apply to the depositing of litter at a place with the consent of the occupier of the place only if the litter is unlikely to escape.
- (6) Subsections (1) and (2) do not apply to—
- (a) the placing of a receptacle containing litter at a public place for the litter to be removed by a waste collection service; or
 - (b) the depositing of litter at a public place or an open private place in a receptacle that is—
 - (i) provided or designed to be used for litter; and
 - (ii) appropriate for litter of that size, shape, nature and volume; or
 - (c) the depositing of litter in accordance with an invitation from a public servant in the exercise of the public servant's functions; or
 - (d) the depositing of litter at a public landfill or waste facility.
- (7) Subsections (1) to (3) do not apply if the depositing of the litter is accidental and the person takes all reasonable steps to retrieve the litter.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) to s (7) (see [Criminal Code](#), s 58).
- (8) An offence against this section is a strict liability offence.

9 Aggravated littering

- (1) A person commits an offence if—
- (a) the person deposits litter at a public place; and
 - (b) the nature of the litter or the way the litter is deposited is likely to injure a person or animal, or to damage property.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person commits an offence if—
- (a) the person deposits litter at a public place; and
 - (b) the litter is any of the following:
 - (i) a cigarette or cigarette butt whether lit or unlit;
 - (ii) a match or similar item whether lit or unlit;
 - (iii) a syringe.

Maximum penalty: 50 penalty units.

- (3) Subsections (1) and (2) do not apply if the depositing of the litter is accidental and the person takes all reasonable steps to retrieve the litter.
- (4) Subsection (2) does not apply to—
- (a) the depositing of the litter in a public place in a receptacle that is—
 - (i) provided or designed to be used for litter; and
 - (ii) appropriate for litter of that size, shape, nature and volume;or

Example

depositing a syringe in a sharps container

- (b) the depositing of litter in accordance with an invitation from a public servant in the exercise of the public servant's functions;
or
- (c) for litter mentioned in subsection (2) (b) (i) or (ii)—
 - (i) the placing of a receptacle containing litter at a public place for the litter to be removed by a waste collection service;
or
 - (ii) the depositing of litter at a public landfill or waste facility.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

(5) An offence against subsection (2) is a strict liability offence.

(6) In this section:

syringe means a hypodermic syringe and includes—

- (a) anything designed for use, or intended to be used, as part of a hypodermic syringe; and
- (b) a needle designed for use, or intended to be used, in relation to a hypodermic syringe.

9A Dumping litter

(1) A person commits an offence if—

- (a) the person dumps litter at a public place or an open private place;
and
- (b) the volume of litter is 200L or more but less than 1 000L.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) A person commits an offence if—

- (a) the person dumps litter at a public place or an open private place;
and

(b) the volume of litter is 1 000L or more.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

(3) A person commits an offence if—

(a) the person dumps litter at a public place or an open private place;
and

(b) the volume of litter is 200L or more but less than 1 000L; and

(c) the person is reckless about whether the litter, or part of the litter, escapes, or is likely to escape—

(i) from the public place into or onto another public place or an open private place; or

(ii) from the open private place into or onto a public place or another open private place.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(4) A person commits an offence if—

(a) the person dumps litter at a public place or an open private place;
and

(b) the volume of litter is 1 000L or more; and

(c) the person is reckless about whether the litter, or part of the litter, escapes, or is likely to escape—

(i) from the public place into or onto another public place or an open private place; or

(ii) from the open private place into or onto a public place or another open private place.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (5) Subsections (1) and (2) do not apply to the dumping of litter at a place with the consent of the occupier of the place.
- (6) Subsections (3) and (4) do not apply to the dumping of litter at a place with the consent of the occupier of the place only if the litter is unlikely to escape.
- (7) Subsections (1) to (4) do not apply to—
- (a) the placing of a receptacle containing litter at a public place for the litter to be removed by a waste collection service; or
 - (b) the dumping of litter at a public place or an open private place in a receptacle that is—
 - (i) provided or designed to be used for litter; and
 - (ii) appropriate for litter of that size, shape, nature and volume; or
 - (c) the dumping of litter in accordance with an invitation from a public servant in the exercise of the public servant's functions; or
 - (d) the dumping of litter at a public landfill or waste facility.
- (8) Subsections (1) to (4) do not apply if the dumping of the litter is accidental and the person takes all reasonable steps to retrieve the litter.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) to s (7) (see [Criminal Code](#), s 58).
- (9) Strict liability applies to subsections (1) (b), (2) (b), (3) (b) and (4) (b).

9B Dumping litter—strict liability

- (1) A person commits an offence if—
- (a) the person dumps litter at a public place or an open private place; and

- (b) the volume of litter is at a level mentioned in an item in table 7A, column 2.
- (2) A person commits an offence if—
- (a) the person dumps litter at a public place or an open private place; and
 - (b) the volume of litter is at a level mentioned in an item in table 7A, column 2; and
 - (c) the litter, or part of the litter, escapes, or is likely to escape—
 - (i) from the public place into or onto another public place or an open private place; or
 - (ii) from the open private place into or onto a public place or another open private place.
- (3) For an offence against subsections (1) and (2), a penalty in accordance with section 9BA applies.
- (4) Subsection (1) does not apply to the dumping of litter at a place with the consent of the occupier of the place.
- (5) Subsection (2) does not apply to the dumping of litter at a place with the consent of the occupier of the place only if the litter is unlikely to escape.
- (6) Subsections (1) and (2) do not apply to—
- (a) the placing of a receptacle containing litter at a public place for the litter to be removed by a waste collection service; or
 - (b) the dumping of litter at a public place or an open private place in a receptacle that is—
 - (i) provided or designed to be used for litter; and
 - (ii) appropriate for litter of that size, shape, nature and volume; or

- (c) the dumping of litter in accordance with an invitation from a public servant in the exercise of the public servant's functions;
or
- (d) the dumping of litter at a public landfill or waste facility.
- (7) Subsections (1) and (2) do not apply if the dumping of the litter is accidental and the person takes all reasonable steps to retrieve the litter.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) to s (7) (see [Criminal Code](#), s 58).

- (8) An offence against this section is a strict liability offence.

9BA Dumping litter—penalties for s 9B offences

If a person commits an offence against section 9B (1) or (2) and the volume of litter was at a level stated in column 2 of an item of table 9BA, the offence is punishable by the maximum penalty stated in column 3 of that item.

Table 9BA

| column 1 item | column 2 level | column 3 maximum penalty (penalty units) |
|--------------------------|---------------------------|---|
| 1 | level 1 | 20 |
| 2 | level 2 | 35 |
| 3 | level 3 | 50 |

9C Commercial waste

- (1) A person commits an offence if the person deposits commercial waste at a public place.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) An occupier of commercial, industrial or business premises commits an offence if the occupier fails to take reasonable steps to prevent litter from the premises being deposited at a public place.

Maximum penalty: 100 penalty units.

10 Commercial waste—strict liability

- (1) A person commits an offence if the person deposits commercial waste at a public place.

Maximum penalty: 50 penalty units.

- (2) An occupier of commercial, industrial or business premises commits an offence if the occupier fails to take reasonable steps to prevent litter from the premises being deposited at a public place.

Maximum penalty: 50 penalty units.

- (3) An offence against this section is a strict liability offence.

11 Offences about vehicle loads

- (1) A person commits an offence if the person—
- (a) requires someone else to move a vehicle carrying a load through a public place; and
 - (b) fails to give the other person appropriate means to secure the load appropriately so that it (or any part of it) is not likely to fall, be dislodged or escape, from the vehicle.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if the person—
- (a) is the driver or rider of a moving vehicle carrying a load through a public place; and
 - (b) fails to secure the load appropriately so that it is not likely to fall, be dislodged or escape, from the vehicle.

Maximum penalty: 50 penalty units.

Example

a trailer containing garden clippings that are uncovered or not strapped down

- (3) An offence against this section is a strict liability offence.

11A Unsecured construction materials

- (1) A person commits an offence if the person—
- (a) keeps construction material at an open private place; and
 - (b) fails to secure the material to prevent it escaping from the place.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

Example

styrofoam waffle pods used for construction, left loose or uncontained on a building site

12 Depositing or abandoning dangerous containers

- (1) In this section:

dangerous container means a vessel, container or receptacle (other than a vehicle or a part of a vehicle or a bin or other receptacle ordinarily used to hold litter) that consists of or contains a compartment that—

- (a) has a capacity of at least 40L; and
- (b) has an opening of at least 120mm in both width and height; and

- (c) is fitted with a door or lid that can be fastened to close that opening effectively.
- (2) A person commits an offence if the person deposits or abandons a dangerous container at a public place (including a public tip, public landfill or waste transfer station conducted by the Territory).
Maximum penalty: 50 penalty units.
- (3) Subsection (2) does not apply if the person takes all reasonable steps to prevent children gaining access to the relevant compartment of the container.

13 Placing advertising leaflets on motor vehicles, buildings or other fixed structures

- (1) A person commits an offence if the person—
 - (a) places any unsolicited leaflet in or on a motor vehicle at a public place; or
 - (b) attaches any unsolicited leaflet to any building or other fixed structure at a public place.

Example

attaching a sticker on a traffic sign or other public infrastructure

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply if the leaflet is placed in or on a motor vehicle (other than a light rail vehicle) or attached to any building or other fixed structure and—
 - (a) is placed or attached in accordance with a territory law; or
 - (b) for a motor vehicle—contains a message that is—
 - (i) of a personal nature; and
 - (ii) directed only to the owner, or the driver or rider, of the motor vehicle; or

- (c) for a building or other fixed structure—is attached with the consent of the owner or occupier of the building, or the owner of the structure.
- (3) A person commits an offence if the person distributes, or commissions, authorises or arranges for the distribution of, any unsolicited leaflet for—
- (a) placement in or on a motor vehicle at a public place; or
 - (b) attachment to any building or other fixed structure at a public place.

Maximum penalty: 20 penalty units.

- (4) Subsection (3) does not apply if the leaflet—
- (a) is placed in or on a motor vehicle (other than a light rail vehicle) or attached to any building or other fixed structure; and
 - (b) is placed or attached in accordance with a territory law.
- (5) An offence against this section is a strict liability offence.
- (6) In this section:

leaflet includes a handbill or other document publicising or promoting a product, service, event, cause or belief, or otherwise giving a message or information.

light rail vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

13A Incidental vehicle offences

- (1) This section applies to the following offences (a *relevant offence*):
- (a) section 8 (1) to (3);
 - (b) section 9 (2);
 - (c) section 9B (1) and (2).

- (2) An offence against a relevant offence is an *incidental vehicle offence* if a person commits the offence—
- (a) near a vehicle before entering the vehicle; or
 - (b) after exiting a vehicle, near the vehicle.
- (3) However, subsection (2) does not apply if the incidental vehicle offence was committed by a person other than the driver of the vehicle.
- (4) The *Magistrates Court Act 1930*, division 3.8.3 (Additional provisions for vehicle-related offences) applies to an incidental vehicle offence as if a reference in the division to a vehicle-related offence were a reference to an incidental vehicle offence.

Note An infringement notice offence that involves a vehicle, such as throwing litter out of a car window or using a truck to transport litter for dumping, is a vehicle-related offence under the *Magistrates Court Act 1930*, div 3.8.1 if it is declared by a regulation under that Act to be an offence to which div 3.8.3 of that Act applies. The *Magistrates Court (Litter Infringement Notices) Regulation 2004*, sch 2 sets out these offences.

Part 4 Enforcement

Division 4.1 Authorised people

14 Appointment of authorised people

The director-general may appoint a public servant as an authorised person for this Act.

Note 1 For the making of appointments (including acting appointments), see [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

15 Identity cards

- (1) The director-general must give an authorised person an identity card stating the person's name and that the person is an authorised person.
- (2) The identity card must show—
 - (a) a recent photograph of the person; and
 - (b) the card's date of issue and expiry; and
 - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
 - (a) the person stops being an authorised person; and
 - (b) the person does not return the person's identity card to the director-general as soon as practicable, but no later than 7 days after the day the person stops being an authorised person.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.

Division 4.2 Powers of authorised people

16 Power not to be exercised before identity card shown etc

- (1) An authorised person may exercise a power under this Act in relation to a person only if the authorised person first shows the person his or her identity card.
- (2) An authorised person may not remain on premises entered under this division if, when asked by the occupier, the authorised person does not show his or her identity card.
- (3) Subsection (1) does not apply to the exercise of a power by an authorised person under section 17 (1).

Note Section 17 (3) allows a person to ask the authorised person to produce his or her identity card for inspection.

17 Power to require name and address

- (1) An authorised person may require a person to state the person's name and home address if the authorised person believes, on reasonable grounds, that the person is committing or has just committed an offence against this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (2) The authorised person must tell the person the reason for the requirement and, as soon as practicable, record the reason.
- (3) The person may ask the authorised person to produce his or her identity card for inspection by the person.
- (4) A person must comply with a requirement made of the person under subsection (1) if the authorised person—
 - (a) tells the person the reason for the requirement; and

(b) complies with any request made by the person under subsection (3).

Maximum penalty: 10 penalty units.

(5) An offence against this section is a strict liability offence.

18 Entry to premises

(1) This section applies if an authorised person suspects on reasonable grounds that an offence against this Act is being, or is likely to be, or has just been, committed at premises not on public land.

(2) The authorised person may—

(a) enter the premises (other than a part used for residential purposes) at any reasonable time; or

(b) enter the premises at any time with the occupier's consent.

(3) An authorised person may, without the occupier's consent, enter the land around premises to ask for consent to enter the premises.

(4) An authorised person who enters premises under this section may inspect the premises or anything on it.

19 Consent to entry

(1) This section applies if an authorised person intends to ask the occupier of premises to consent to the authorised person entering the premises.

(2) Before asking for the consent, the authorised person must tell the occupier—

(a) the reason for the entry; and

(b) that the occupier is not required to consent.

(3) If the consent is given, the authorised person must ask the occupier to sign an acknowledgment of the consent.

- (4) The acknowledgment must state that—
 - (a) the occupier was told—
 - (i) the reason for the entry; and
 - (ii) that the occupier is not required to consent; and
 - (b) the occupier gives an authorised person consent to enter the premises and exercise powers under this part; and
 - (c) the time and date the consent was given.
- (5) If the occupier signs an acknowledgment of consent, the authorised person must immediately give a copy to the occupier.
- (6) A court may assume that the occupier did not consent if—
 - (a) a question arises, in a proceeding in the court, whether the occupier consented to the authorised person entering the premises under this part; and
 - (b) an acknowledgment under this section is not produced in evidence for the entry; and
 - (c) it is not proved that the occupier consented to the entry.

Division 4.3 Dealing with litter

Subdivision 4.3.1 Dealing with litter—removal etc by person

20 Request to remove litter

- (1) This section applies if an authorised person or police officer believes on reasonable grounds that litter in a public place has been deposited by a person in contravention of this Act.
- (2) The authorised person or police officer may ask the person to remove the litter from the public place.

- (3) The person commits an offence if the person fails to comply with the request.

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.

21 Notice to remove etc litter

- (1) This section applies if an authorised person or police officer believes on reasonable grounds that litter in a public place has been deposited by a person in contravention of this Act.

- (2) An authorised person or police officer may, by written notice given to the person, require the person to do either or both of the following:

- (a) remove or dispose of the litter from the public place;
- (b) restore the public place affected by the litter to a state as close as practicable to the state it was in immediately before the litter was deposited.

Note If the notice is given to a person who may apply to the ACAT for review of the decision to which it relates, the notice must be a reviewable decision notice (see s 24X).

- (3) The notice may state—

- (a) how the requirement is to be carried out; and
- (b) the time within which the requirement must be complied with.

- (4) The notice must contain a statement to the effect that if the litter is not removed or disposed of, or the public place not restored, in accordance with the requirement—

- (a) an authorised person may authorise someone else to remove or dispose of the litter or restore the public place; and

- (b) the reasonable cost of the removal, disposal or restoration is a debt due to the Territory by the person who is required to comply with the requirement.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

- (5) A person commits an offence if the person—
- (a) is given a notice under subsection (2); and
 - (b) fails to comply with a requirement of the notice.

Maximum penalty: 20 penalty units.

- (6) An offence against this section is a strict liability offence.

22 Authority to remove etc litter when direction not complied with

- (1) This section applies if a person fails to comply with a requirement in a notice under section 21.
- (2) The director-general may arrange for a person to remove or dispose of the litter, or restore the public place, in relation to which the direction relates.
- (3) However, the director-general must not give the authorisation—
- (a) until the end of the period (or any extended period) within which an application may be made to the ACAT for the review of the decision to give the direction to which the notice relates; or
 - (b) if an application is made to the ACAT for a review of the decision—unless the decision is upheld or the application is withdrawn.

23 Liability for cost of removal etc

A person who fails to comply with a requirement in a notice under section 21 (Notice to remove etc litter) must pay to the Territory the reasonable cost of any removal, disposal or restoration carried out under section 22.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

Subdivision 4.3.2 Dealing with litter—removal etc by Territory

24A Removal etc of litter—by Territory

- (1) This section applies if an authorised person or police officer believes on reasonable grounds that—
- (a) litter in a public place has been deposited by anyone (the *litterer*) in contravention of this Act; and
 - (b) either or both of the following applies:
 - (i) prompt removal or disposal of the litter is necessary because it could cause injury to a person or animal or damage to property;
 - (ii) the size, shape, nature or volume of the litter means that prompt removal or disposal is in the public interest.

Examples

- 1 A large volume of litter is dumped next to a main road. Prompt removal is in the public interest because the litter smells and is unsightly.
- 2 Access to a walking trail in a nature reserve is blocked by an old spa bath that has been dumped in the reserve. Prompt removal is in the public interest to restore access to the trail.

- 3 A large public building is being extensively renovated. The Territory gives permission for the builder to establish a temporary depot on adjacent public land for rubbish from the building site to be deposited. The depot is fenced. When the renovations are finished, the rubbish is removed and the fence taken down. However, someone dumps rubbish at the site, and soon others also dump rubbish there. Prompt removal is in the public interest because it discourages the dumping of rubbish at the site.
- (2) The director-general may arrange for a person to do either or both of the following:
- (a) remove or dispose of the litter from the public place;
 - (b) restore the public place affected by the litter to a state as close as practicable to the state it was in immediately before the litter was deposited.
- (3) To remove any doubt, if this section applies, notice need not be given to the litterer under section 21 (Notice to remove etc litter).

24B Recovery of costs associated with removal etc of litter

- (1) If the director-general arranges for a person to do a thing mentioned in section 24A (2), the litterer must pay to the Territory the reasonable cost of doing the thing.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

- (2) In this section:

litterer—see section 24A (1).

Part 4A Shopping trolleys

24C Definitions—pt 4A

In this part:

collection area—see section 24H (2) (c).

collection day—see section 24H (2) (b).

collection day notice—see section 24H (1).

removal notice means a notice under section 24I (3).

removal notice location, of a retailer's shopping trolley, means—

- (a) the place mentioned in section 24I (1) where the trolley was found; and
- (b) any place outside the retailer's shopping centre precinct that can be clearly seen from the place mentioned in paragraph (a).

retailer means a person who provides shopping trolleys for use in the retailer's premises.

retailer collection notice—see section 24K (2).

retailer's shopping centre precinct, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises identified on the trolley are located.

shopping centre, for retail premises which provide shopping trolleys for use in the premises, means—

- (a) if the premises occupy a single building—the retail premises; or
- (b) if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade.

shopping centre precinct means—

- (a) an area consisting of—
 - (i) a shopping centre; and
 - (ii) any car park provided for the use of customers of the shopping centre; and
 - (iii) any area, including a road or other public place, between the shopping centre and the car park; and
 - (iv) any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
- (b) an area prescribed by regulation.

shopping trolley means—

- (a) a predominantly metal trolley incorporating a basket that cannot be removed; or
- (b) a trolley or handcart prescribed by regulation.

24D Direction to return shopping trolley

- (1) This section applies if an authorised person or police officer believes on reasonable grounds that—
 - (a) a person—
 - (i) has taken a retailer's shopping trolley from the retailer's shopping centre precinct; or
 - (ii) is using a retailer's shopping trolley in a place outside the retailer's shopping centre precinct; or
 - (iii) has left a retailer's shopping trolley at a place outside the retailer's shopping centre precinct; and

- (b) for paragraph (a) (i) and (ii), the person is not—
- (i) the retailer identified on the trolley; or
 - (ii) a person authorised by the retailer to do the things mentioned in paragraph (a) (i) and (ii).
- (2) The authorised person or police officer may give the person a written direction to return the shopping trolley to the retailer's premises identified on the trolley.
- (3) The person must comply with the direction.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) The authorised person or police officer must not give the person a written direction under subsection (2) if it is harsh or unreasonable in the circumstances to do so.

Note The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

- (6) A direction must—
- (a) state that it is an offence against subsection (3) not to comply with the direction; and
 - (b) state a reasonable time within which the direction must be complied with; and
 - (c) include a statement that the person may be served with an infringement notice or prosecuted under subsection (3) if the person does not comply with the direction.
- (7) In this section:
- infringement notice***—see the [Magistrates Court Act 1930](#), section 117.

24E Notice about taking etc shopping trolley outside of shopping centre precinct

- (1) A retailer must place prominently at or near the customer exits in the retailer's premises a notice that—
- (a) contains the following statement:
‘Under the *Litter Act 2004* fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct’; and
 - (b) describes the retailer's shopping centre precinct; and
 - (c) contains anything else prescribed by regulation; and
 - (d) can be seen and read easily by a person leaving the retailer's premises.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

24F Identification of ownership of shopping trolleys

- (1) A retailer must display on each of the retailer's shopping trolleys the following information:
- (a) the retailer's name;
 - (b) the address of the retailer's premises at which the retailer keeps the trolley;
 - (c) the contact telephone number of—
 - (i) the retailer; or
 - (ii) a person authorised by the retailer to collect the trolley;
 - (d) the telephone number for the shopping trolley hotline;
 - (e) anything else prescribed by regulation.

- (2) The information mentioned in subsection (1)—
- (a) must be legible and conspicuously displayed on the shopping trolley; and
 - (b) must not be easily removed from the trolley or made illegible.
- (3) A retailer commits an offence if the retailer fails to comply with this section.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply if the information mentioned in subsection (1) is—
- (a) removed from the shopping trolley by a person other than the retailer; or
 - (b) made illegible by a person other than the retailer.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) An offence against this section is a strict liability offence.
- (6) In this section:

shopping trolley hotline means a telephone contact service operated by the Territory to receive information about shopping trolleys left in public places.

24G Retailer must keep shopping trolleys within shopping centre precinct

- (1) A retailer commits an offence if the retailer fails to keep a shopping trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct.

Maximum penalty: 60 penalty units.

- (2) This section does not apply if the shopping trolley is—
- (a) in premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley; or
 - (b) in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
 - (c) in a shopping centre precinct other than the retailer’s shopping centre precinct.
- (3) This section does not apply if—
- (a) the retailer operates and maintains a trolley containment system at the retailer’s premises where the shopping trolley came from and the containment system applied to the trolley; or
 - (b) the retailer took all reasonable measures to ensure that the trolley was kept within the retailer’s shopping centre precinct; or
 - (c) the number of trolleys provided by the retailer at the retailer’s premises where the trolley came from is less than the number prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) and (3) (see [Criminal Code](#), s 58).

- (4) In this section:

trolley containment system means a system approved by the director-general that is designed to reduce the number of a retailer’s shopping trolleys taken out of the retailer’s shopping centre precinct.

Example—trolley containment system

a system which requires the deposit of money by customers to use a shopping trolley which is refundable on the return of the trolley

24H Notice of shopping trolley collection days

- (1) The director-general may give a retailer a notice (a *collection day notice*) of the director-general's intention to remove shopping trolleys left in places outside a shopping centre precinct.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (2) A collection day notice must state the following:
- (a) the date the notice is given;
 - (b) the day (the *collection day*) that the removal of shopping trolleys will take place, being a day not less than 2 days after the date the notice is given;
 - (c) the area (the *collection area*) from where trolleys will be removed;
 - (d) if a trolley is found in a place outside a shopping centre precinct in a collection area on a collection day, the trolley may—
 - (i) be removed to a retention area; and
 - (ii) only be collected by the retailer from the retention area if the retailer pays all fees, charges and other amounts payable under this Act;

Note A fee for removing and storing the trolley may be determined under s 25 for this provision.

- (e) it is an offence against section 24G if the retailer fails to keep a trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct;
- (f) the maximum penalty for the offence;

- (g) how the retailer may contact an authorised person, including, for example, by giving a telephone number.

24I Notice to remove individual shopping trolley

- (1) This section applies if a retailer's shopping trolley is found in a place outside the retailer's shopping centre precinct by an authorised person or police officer.
- (2) This section does not apply if the retailer identified on the shopping trolley has been given a collection day notice and the trolley is found on a collection day in a collection area.
- (3) An authorised person or police officer may give the retailer a notice (a **removal notice**) to remove the shopping trolley from the removal notice location.
- (4) A removal notice must state the following:
 - (a) the time and date the notice is given;
 - (b) the place where the shopping trolley was found;
 - (c) that the trolley must be removed from the removal notice location within 24 hours after the time the notice is given;
 - (d) if the trolley is not removed from the removal notice location within 24 hours after the time the notice is given, the trolley may—
 - (i) be removed to a retention area; and
 - (ii) only be collected by the retailer from the retention area if the retailer pays all fees, charges and other amounts payable under this Act;

Note A fee for removing and storing the trolley may be determined under s 25 for this provision.

- (e) it is an offence against section 24G if the retailer fails to keep a trolley identified as belonging to the retailer under section 24F (1) within the retailer's shopping centre precinct;

- (f) the maximum penalty for the offence;
 - (g) how the retailer may contact an authorised person, including, for example, by giving a telephone number.
- (5) The removal notice must be given by—
- (a) securely attaching the notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and
 - (b) calling the contact telephone number stated on the trolley and giving the information in the notice to the retailer.
- (6) For subsection (5) (b), information in the removal notice is taken to have been given to the retailer if—
- (a) the information is given to—
 - (i) a person who answers the telephone call; or
 - (ii) a telephone answering or recording device; or
 - (b) a reasonable attempt was made to give the information to the retailer by telephone.
- (7) A removal notice given in the way mentioned in subsection (5) is taken to have been given to the retailer at the time and date the telephone call is made.

24J Removal of shopping trolley to retention area

- (1) The director-general may authorise a person (a *trolley collector*) to remove shopping trolleys found outside shopping centre precincts to a retention area.
- (2) A trolley collector or authorised person may remove a shopping trolley found outside a shopping centre precinct to a retention area if the retailer identified on the trolley has been given—
- (a) a collection day notice and the trolley is found on a collection day in a collection area; or

- (b) a removal notice in relation to the trolley and the trolley has not been removed from the removal notice location within 24 hours after the time the notice was given.
- (3) Subsection (2) does not apply if the shopping trolley is—
- (a) in premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley; or
 - (b) in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
 - (c) in a shopping centre precinct other than the retailer's shopping centre precinct.
- (4) However, an authorised person or a police officer may remove a shopping trolley to a retention area without a notice under section 24H or section 24I having been given if the authorised person or a police officer believes on reasonable grounds that—
- (a) the trolley may cause injury to a person or animal or damage to property or a public place if it is not removed; or
 - (b) it is impractical for the retailer to remove the trolley.

Example—par (a)

A shopping trolley is left next to a main road. Prompt removal is necessary because the trolley could roll or be pushed onto the road.

Example—par (b)

A shopping trolley is dumped in a waterway. Removal by the retailer is impractical because it requires specialised equipment to remove it.

24K Retention of shopping trolleys

- (1) This section applies if a shopping trolley is removed to a retention area under section 24J.
- (2) The director-general must give written notice (a *retailer collection notice*) that the shopping trolley is in the retention area to the retailer identified on the trolley.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (3) The retailer collection notice must state the following:
 - (a) the date of the notice;
 - (b) the address of the retention area where the trolley may be collected;
 - (c) when the trolley may be collected;
 - (d) any fee the retailer must pay before the trolley may be collected;

Note A fee for removing and storing the trolley may be determined under s 25 for this provision.

- (e) that the trolley may be disposed of under the [Uncollected Goods Act 1996](#), part 3 if the trolley is not collected within 7 days after the day the notice is given to the retailer.

24L Disposal of retained shopping trolleys

If a shopping trolley is removed to a retention area under section 24J—

- (a) the trolley is taken to be uncollected goods for the [Uncollected Goods Act 1996](#); and
- (b) the trolley is taken to have become uncollected goods for that Act on the day the retailer collection notice is given; and
- (c) the director-general is taken to be the possessor of the trolley for that Act; and

- (d) the director-general may dispose of the trolley under that [Act](#), part 3 after 7 days after the day the retailer collection notice is given; and
- (e) if a trolley is to be destroyed under that [Act](#), part 3—to the extent reasonably practicable, the component materials of the trolley must be recycled; and
- (f) for that [Act](#), section 26 (2) (a) and (b) and section 30 (1) (a) and (b), the reasonable costs incurred by the director-general are taken to be any fee determined under this Act for the removal, storage and disposal of the trolley; and

Note A fee for removing, storing and disposing of the trolley may be determined under s 25 for this provision.

- (g) that Act, section 27 does not apply.

24M Recovery of cost of disposal etc of shopping trolley

- (1) This section applies if a shopping trolley has been disposed of under section 24L and the [Uncollected Goods Act 1996](#), part 3.
- (2) A fee for the removal, storage and disposal of the shopping trolley is a debt due to the Territory by the retailer.

Note A fee for removing, storing and disposing of the trolley may be determined under s 25 for s 24L (f).

- (3) The debt is payable within 14 days after the date of the invoice.
- (4) Interest is payable on the amount of the debt that remains unpaid after the payment date at the interest rate mentioned in the [Court Procedures Rules 2006](#), schedule 2, rule 2.3 (Interest on judgment after 30 June 2010—Supreme Court).

24N Removing, defacing or interfering with removal notices

- (1) A person commits an offence if—
- (a) a removal notice is placed on, or attached to, a shopping trolley;
and
 - (b) the person is not—
 - (i) an authorised person or police officer; or
 - (ii) the retailer; or
 - (iii) a person authorised by the retailer to collect the trolley; and
 - (c) the person removes, defaces or interferes with the notice.
- Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.

Part 4B Abandoned vehicles

24O Power to enter abandoned vehicle

- (1) This section applies if an authorised person has reasonable grounds for believing that a vehicle has been abandoned at a public place.

Examples—reasonable grounds

- 1 burnt out wreck
- 2 deteriorating body or broken windows
- 3 missing number plates

Note **Litter** is defined to include an abandoned vehicle (see s 7).

- (2) The authorised person may enter the vehicle, to identify the vehicle or responsible person for the vehicle, only if the vehicle or responsible person cannot be identified without entering the vehicle.
- (3) If the vehicle is entered, the authorised person—
- (a) may take only the steps reasonably necessary to obtain the information needed to identify the vehicle or responsible person for the vehicle (the **identification information**); and
 - (b) must not examine anything else in the vehicle that is not relevant for obtaining the identification information; and
 - (c) must not remove anything from the vehicle other than the following:
 - (i) perishable items;
 - (ii) items that could cause harm to a person or animal if left in the vehicle;
 - (iii) items that may damage the vehicle if left in the vehicle.

Examples—removable items

- 1 foods that if spoiled, may soil or cause an offensive smell to permeate the vehicle
- 2 chemicals or explosives

- (4) The authorised person must not disclose any information, other than the identification information for the purposes of this Act, obtained by the authorised person because of the exercise of the authorised person's functions under subsection (3).

24P Direction to remove vehicles from public places

- (1) This section applies if—
- (a) a person places a vehicle at a public place; and
 - (b) an authorised person or police officer has reasonable grounds for believing that the vehicle has been abandoned.
- (2) The authorised person or police officer may direct (a *removal direction*) the person to remove the vehicle.

Note The power to make the direction includes the power to amend or repeal the direction (see [Legislation Act](#), s 46).

- (3) A removal direction must be in writing and state—
- (a) the public place; and
 - (b) the vehicle to be removed; and
 - (c) when the direction must be complied with (the *due date*), being a day at least 2 days after the direction is given to the person; and
 - (d) that, if the vehicle is not removed by the due date—
 - (i) the person may be committing an offence under section 24Q; and
 - (ii) the vehicle may be removed and disposed of under section 24R and section 24S.
- (4) A removal direction may be given to a person by securely attaching the direction to the vehicle in a conspicuous place.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) A removal direction given to a person in the way mentioned in subsection (4) is taken to be given to the person on the day the direction is attached to the vehicle.

24Q Offence—fail to comply with removal direction

- (1) A person commits an offence if the person—
- (a) is subject to a removal direction; and
 - (b) fails to comply with the direction.
- (2) Subsection (1) does not apply if the person has a reasonable excuse for failing to comply with the direction.

Maximum penalty: 20 penalty units.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) An offence against this section is a strict liability offence.

24R Removal of vehicles at public places by Territory

- (1) This section applies if—
- (a) a person—
 - (i) is subject to a removal direction for a vehicle; and
 - (ii) fails to comply with the direction; or
 - (b) a vehicle is at a public place and an authorised person reasonably believes that the vehicle is abandoned.
- (2) An authorised person may—
- (a) move the vehicle to a retention area; or
 - (b) for a vehicle of no value—move the vehicle to a retention area or dispose of it immediately.

Example

A burnt out wreck may be disposed of immediately.

- (3) In this section:

net value—see the *Uncollected Goods Act 1996*, dictionary.

no value, in relation to a vehicle, means a vehicle having a net value of \$20 or less.

value—see the *Uncollected Goods Act 1996*, dictionary.

24S Disposal of vehicles by Territory

- (1) This section applies if a vehicle is moved to a retention area under section 24R.
- (2) The director-general must give the responsible person for the vehicle a written notice (a *retention notice*) stating—
- that the vehicle has been moved to a retention area; and
 - when and where the vehicle may be collected; and
 - that, if the responsible person does not collect the vehicle within 7 days after the retention notice is given to the responsible person, the vehicle may be disposed of under the *Uncollected Goods Act 1996*.

Note For how documents may be given, see the *Legislation Act*, pt 19.5.

- (3) If the vehicle is not collected within the period mentioned in subsection (2) (c)—
- the vehicle is taken to be uncollected goods under the *Uncollected Goods Act 1996*; and
 - the director-general is taken to be the possessor of the goods for that Act; and
 - the director-general may dispose of the goods under that Act, part 3 (Disposal of uncollected goods).

- (4) For the *Uncollected Goods Act 1996*, section 26 (2) (a) (Claim by owner before disposal) and section 30 (1) (a) (Proceeds of sale), the reasonable costs incurred by the director-general in complying with that Act are taken to include the cost of removing the vehicle from the public place to the retention area.

24T Damage etc to be minimised

- (1) In the exercise, or purported exercise, of a function under this part, an authorised person must take all reasonable steps to ensure that the authorised person causes as little inconvenience, detriment and damage as is practicable.
- (2) If an authorised person damages a vehicle in the exercise or purported exercise of a function under this part, the authorised person must give written notice of the particulars of the damage to the person whom the authorised person believes on reasonable grounds is the owner of the vehicle.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) This section does not apply if the authorised person immediately disposes of the vehicle under section 24R (2) (b).

24U Compensation for exercise of enforcement powers

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an authorised person.
- (2) Compensation may be claimed and ordered in a proceeding for—
- (a) compensation brought in a court of competent jurisdiction; or
 - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.

- (4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

24V Protection from liability

- (1) An authorised person is not civilly liable for conduct engaged in honestly and without recklessness—
- (a) in the exercise of a function under this Act; or
 - (b) in the reasonable belief that the conduct was in the exercise of a function under this Act.
- (2) Any civil liability that would, apart from this section, attach to the authorised person attaches instead to the Territory.
- (3) In this section:

conduct means an act or omission to do an act.

Part 4C Review and appeals

24W Meaning of *reviewable decision*—pt 4C

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

24X Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#), div 6.3.

24Y Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

Part 5 Miscellaneous

24ZA Codes of practice

- (1) The Minister may approve a code of practice setting out minimum standards or guidelines for this Act.
- (2) However, the Minister must approve a code of practice setting out guidelines for the director-general in dealing with amenity impacts caused by hoarding (a *hoarding code of practice*).
- (3) Despite subsection (2), the Minister must not approve a hoarding code of practice within 6 months after the day this section commences.
- (4) In approving a hoarding code of practice, the Minister must have regard to—
 - (a) the objects of the Act in section 6; and
 - (b) minimising amenity impacts, and ways of dealing with amenity impacts, on the wellbeing of people affected by the amenity impacts, including people whose hoarding caused the amenity impacts.
- (5) Without limiting a hoarding code of practice, it must include guidelines about the following:
 - (a) the regular review of the circumstances of a person in relation to whom an abatement notice has been given, or an abatement order has been made, as a consequence of an amenity impact caused by the person's hoarding;
 - (b) the establishment of, or referral to, a group made up of representatives from government agencies and support services to advise the director-general in relation to the management of amenity impacts caused by hoarding;
 - (c) the circumstances in which a person whose hoarding has caused an amenity impact should be referred to a government agency or support service;

(d) the least restrictive means reasonably available to the director-general for dealing with amenity impacts caused by hoarding.

- (6) An approved code of practice may apply, adopt or incorporate an instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the [Legislation Act](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (7) An approved code of practice is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

25 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

26 Approved forms

- (1) The director-general may approve forms for this Act.

- (2) If the director-general approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

27 Regulation-making power

- (1) The Executive may make regulations for this Act.
- (2) A regulation may—
- (a) make provision in relation to dockless bicycle sharing schemes or other sharing schemes using GPS tracking devices on vehicles; and
 - (b) create offences for contraventions of the regulations and fix maximum penalties of not more than 30 penalty units for the offences.
- (3) In this section:

GPS tracking device, in relation to a vehicle, means a device that uses the global positioning system to keep track of the location of the vehicle.

Schedule 1 Reviewable decisions

(see pt 4C)

| column 1 item | column 2 section | column 3 decision | column 4 entity |
|--------------------------|-----------------------------|--|----------------------------|
| 1 | 21 (2) | give notice requiring person to remove etc litter/restore public place | person given notice |
| 2 | 24P (2) | issue removal direction | person directed |

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- contravene
- director-general (see s 163)
- entity
- Executive
- fail
- function
- home address
- public servant
- reviewable decision notice
- the Territory.

authorised person means an authorised person appointed under section 14.

collection area, for part 4A (Shopping trolleys)—see section 24H (2) (c).

collection day, for part 4A (Shopping trolleys)—see section 24H (2) (b).

collection day notice, for part 4A (Shopping trolleys)—see section 24H (1).

commercial waste means—

- (a) waste resulting from institutional, commercial or industrial activities; or
- (b) waste collected and transported in the course of business.

deposit means the act of parting with possession of litter.

driver—see the [Road Transport \(General\) Act 1999](#), dictionary.

escape, into or onto a public place or an open private place, includes fall, descend and percolate, and be blown or washed, into or onto the place.

lake—see the *Lakes Act 1976*, dictionary.

level, for a volume of litter—see section 7A.

litter—see section 7.

motor vehicle—see the *Road Transport (General) Act 1999*, dictionary.

occupier, of premises, includes the person in charge of the premises.

open private place means—

- (a) a private place that is situated in or on land and that is not within a building on the land; or
- (b) a private place that is situated in or on waters.

public place means—

- (a) a road, road related area or any other unleased Territory land; or
- (b) a place to which the public, or a section of the public, has access, whether by payment or not.

removal direction—see section 24P (2).

removal notice, for part 4A (Shopping trolleys)—see section 24C.

removal notice location, for part 4A (Shopping trolleys)—see section 24C.

removal direction—see section 24P (2).

responsible person, for a vehicle—see the *Road Transport (General) Act 1999*, section 10 and section 11.

retailer, for part 4A (Shopping trolleys)—see section 24C.

retailer collection notice, for part 4A (Shopping trolleys)—see section 24K (2).

retailer's shopping centre precinct, for part 4A (Shopping trolleys)—see section 24C.

retention area—see the *Uncollected Goods Act 1996*, dictionary.

reviewable decision, for part 4C (Review and appeals)—see section 24W.

rider—see the *Road Transport (General) Act 1999*, dictionary.

road—see the *Road Transport (General) Act 1999*, dictionary.

road related area—see the *Road Transport (General) Act 1999*, dictionary.

shopping centre, for part 4A (Shopping trolleys)—see section 24C.

shopping centre precinct, for part 4A (Shopping trolleys)—see section 24C.

shopping trolley, for part 4A (Shopping trolleys)—see section 24C.

unleased Territory land includes a waterway.

vehicle includes a boat or trailer.

waste—see the *Waste Management and Resource Recovery Act 2016*, section 10.

waste collection service—see the *Waste Management and Resource Recovery Act 2016*, section 63.

waste facility—see the *Waste Management and Resource Recovery Act 2016*, section 14.

waterway means—

- (a) a river, creek, stream or other natural channel in which water flows (whether permanently or intermittently); or
- (b) the stormwater system and any other channel formed (whether in whole or part) by altering or relocating a waterway mentioned in paragraph (a); or

- (c) a lake, pond, lagoon or marsh (whether formed by geomorphic processes or by works) in which water collects (whether continuously or intermittently);

and includes the bed that the water in the waterway normally flows over or is covered by.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

Litter Act 2004 A2004-47

notified LR 16 August 2004
s 1, s 2 commenced 16 August 2004 (LA s 75 (1))
remainder commenced 30 September 2004 (s 2 and [CN2004-22](#))

as amended by

[Litter Amendment Act 2005 A2005-50](#)

notified LR 27 September 2005
s 1, s 2 commenced 27 September 2005 (LA s 75 (1))
remainder commenced 28 September 2005 (s 2)

[Statute Law Amendment Act 2007 \(No 2\) A2007-16 sch 3 pt 3.25](#)

notified LR 20 June 2007
s 1, s 2 taken to have commenced 12 April 2007 (LA s 75 (2))
sch 3 pt 3.25 commenced 11 July 2007 (s 2 (1))

[ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 \(No 2\) A2008-37 sch 1 pt 1.70](#)

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.70 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 \(1\)](#) and [CN2009-2](#))

[Dangerous Substances and Litter \(Dumping\) Legislation Amendment Act 2009 A2009-1 pt 3](#)

notified LR 17 February 2009
s 1, s 2 commenced 17 February 2009 (LA s 75 (1))
pt 3 commenced 17 August 2009 (s 2 and LA s 79)

[Statute Law Amendment Act 2009 \(No 2\) A2009-49 sch 3 pt 3.47](#)

notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.47 commenced 17 December 2009 (s 2)

[Litter \(Shopping Trolleys\) Amendment Act 2010 A2010-34](#)

notified LR 2 September 2010
s 1, s 2 commenced 2 September 2010 (LA s 75 (1))
remainder commenced 2 March 2011 (s 2 and LA s 79)

**Administrative (One ACT Public Service Miscellaneous Amendments)
Act 2011 A2011-22 sch 1 pt 1.95**

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.95 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.36

notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.36 commenced 12 December 2011 (s 2)

Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.29

notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
sch 3 pt 3.29 commenced 5 June 2012 (s 2 (1))

**Road Transport Reform (Light Rail) Legislation Amendment Act 2017
A2017-21 sch 1 pt 1.11**

notified LR 8 August 2017
s 1, s 2 commenced 8 August 2017 (LA s 75 (1))
sch 1 pt 1.11 commenced 15 August 2017 (s 2)

Litter Legislation Amendment Act 2019 A2019-39 pt 2

notified LR 31 October 2019
s 1, s 2 commenced 31 October 2019 (LA s 75 (1))
s 25, s 28, s 32, s 34 awaiting commencement
pt 2 remainder commenced 1 November 2019 (s 2 (1))

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Objects of Act

s 6 sub [A2019-39](#) s 5

Meaning of *litter*

s 7 am [A2019-39](#) ss 6-8

Reference to *level of litter*

s 7A ins [A2019-39](#) s 9

Littering

s 8 am [A2009-1](#) s 7, s 8; ss renum R5 LA
sub [A2019-39](#) s 10

Aggravated littering

s 9 am [A2009-1](#) s 9
sub [A2019-39](#) s 10

Dumping litter

s 9A ins [A2009-1](#) s 10
sub [A2019-39](#) s 10

Dumping litter—strict liability

s 9B ins [A2009-1](#) s 10
sub [A2019-39](#) s 10

Dumping litter—penalties for s 9B offences

s 9BA ins [A2019-39](#) s 10

Commercial waste

s 9C ins [A2009-1](#) s 10

Commercial waste—strict liability

s 10 hdg sub [A2009-1](#) s 11
s 10 am [A2019-39](#) s 11

Offences about vehicle loads

s 11 am [A2019-39](#) ss 12-15

Unsecured construction materials

s 11A ins [A2019-39](#) s 16

Placing advertising leaflets on motor vehicles, buildings or other fixed structures

s 13 hdg sub [A2019-39](#) s 17
s 13 am [A2017-21](#) amdts 1.28-1.30; [A2019-39](#) s 18

Incidental vehicle offences

s 13A ins [A2019-39](#) s 19

Appointment of authorised peoples 14 am [A2011-22](#) amdt 1.295**Identity cards**s 15 sub [A2005-50](#) s 4
am [A2011-22](#) amdt 1.295**Power not to be exercised before identity card shown etc**s 16 am [A2005-50](#) s 5**Power to require name and address**s 17 sub [A2005-50](#) s 6
am [A2009-49](#) amdt 3.111**Dealing with litter**div 4.3 hdg sub [A2009-1](#) s 12**Dealing with litter—removal etc by person**sdiv 4.3.1 hdg ins [A2009-1](#) s 13**Request to remove litter**s 20 am [A2019-39](#) s 20**Notice to remove etc litter**s 21 hdg sub [A2009-1](#) s 14
s 21 am [A2008-37](#) amdt 1.304; ss renum R4 LA; [A2009-1](#) s 15;
[A2011-52](#) amdt 3.134; [A2019-39](#) ss 21-23; ss renum R12 LA**Authority to remove etc litter when direction not complied with**s 22 hdg sub [A2009-1](#) s 16
s 22 am [A2008-37](#) amdt 1.305; [A2009-1](#) s 17; [A2011-22](#)
amdt 1.295**Liability for cost of removal etc**s 23 hdg sub [A2009-1](#) s 18
s 23 am [A2009-1](#) s 18; [A2011-52](#) amdt 3.135**ACAT review of notice under s 21**s 24 sub [A2008-37](#) amdt 1.306
am [A2009-1](#) s 19
om [A2019-39](#) s 24**Dealing with litter—removal etc by Territory**sdiv 4.3.2 hdg ins [A2009-1](#) s 20**Removal etc of litter—by Territory**s 24A ins [A2009-1](#) s 20
am [A2011-22](#) amdt 1.295**Recovery of costs associated with removal etc of litter**s 24B ins [A2009-1](#) s 20
am [A2011-22](#) amdt 1.295; [A2011-52](#) amdt 3.136

Endnotes

4 Amendment history

Shopping trolleys

pt 4A hdg ins [A2010-34](#) s 4

Definitions—pt 4A

s 24C ins [A2010-34](#) s 4
def **collection area** ins [A2010-34](#) s 4
def **collection day** ins [A2010-34](#) s 4
def **collection day notice** ins [A2010-34](#) s 4
def **removal notice** ins [A2010-34](#) s 4
def **removal notice location** ins [A2010-34](#) s 4
def **retailer** ins [A2010-34](#) s 4
def **retailer collection notice** ins [A2010-34](#) s 4
def **retailer's shopping centre precinct** ins [A2010-34](#) s 4
def **retention area** ins [A2010-34](#) s 4
om [A2019-39](#) s 26
def **shopping centre** ins [A2010-34](#) s 4
def **shopping centre precinct** ins [A2010-34](#) s 4
def **shopping trolley** ins [A2010-34](#) s 4

Direction to return shopping trolley

s 24D ins [A2010-34](#) s 4

Notice about taking etc shopping trolley outside of shopping centre precinct

s 24E ins [A2010-34](#) s 4

Identification of ownership of shopping trolleys

s 24F ins [A2010-34](#) s 4

Retailer must keep shopping trolleys within shopping centre precinct

s 24G ins [A2010-34](#) s 4
am [A2011-22](#) amdt 1.295

Notice of shopping trolley collection days

s 24H ins [A2010-34](#) s 4
am [A2011-22](#) amdt 1.292, amdt 1.295

Notice to remove individual shopping trolley

s 24I ins [A2010-34](#) s 4

Removal of shopping trolley to retention area

s 24J ins [A2010-34](#) s 4
am [A2011-22](#) amdt 1.295

Retention of shopping trolleys

s 24K ins [A2010-34](#) s 4
am [A2011-22](#) amdt 1.295

Disposal of retained shopping trolleys

s 24L ins [A2010-34](#) s 4
am [A2011-22](#) amdt 1.295

Recovery of cost of disposal etc of shopping trolleys 24M ins [A2010-34](#) s 4**Removing, defacing or interfering with removal notices**s 24N ins [A2010-34](#) s 4**Abandoned vehicles**pt 4B hdg ins [A2019-39](#) s 27**Power to enter abandoned vehicle**s 24O ins [A2019-39](#) s 27**Direction to remove vehicles from public places**s 24P ins [A2019-39](#) s 27**Offence—fail to comply with removal direction**s 24Q ins [A2019-39](#) s 27**Removal of vehicles at public places by Territory**s 24R ins [A2019-39](#) s 27**Disposal of vehicles by Territory**s 24S ins [A2019-39](#) s 27**Damage etc to be minimised**s 24T ins [A2019-39](#) s 27**Compensation for exercise of enforcement powers**s 24U ins [A2019-39](#) s 27**Protection from liability**s 24V ins [A2019-39](#) s 27**Review and appeals**pt 4C hdg ins [A2019-39](#) s 27**Meaning of *reviewable decision*—pt 4C**s 24W ins [A2019-39](#) s 27**Reviewable decision notices**s 24X ins [A2019-39](#) s 27**Applications for review**s 24Y ins [A2019-39](#) s 27**Codes of practice**s 24ZA ins [A2019-39](#) s 29**Determination of fees**s 25 am [A2012-21](#) amdt 3.117**Approved forms**s 26 am [A2011-22](#) amdt 1.295

Endnotes

4 Amendment history

Regulation-making power

s 27 sub [A2019-39](#) s 30

Repeals and consequential amendments

pt 6 hdg om LA s 89 (3)

Legislation repealed

s 28 om LA s 89 (3)

Legislation amended

s 29 om LA s 89 (3)

Reviewable decisions

sch 1 om LA s 89 (3)
ins [A2019-39](#) s 31

Dictionary

dict am [A2008-37](#) amdt 1.307; [A2009-49](#) amdt 3.112; [A2011-22](#)
amdt 1.293, amdt 1.294; [A2019-39](#) s 33
def **collection area** ins [A2010-34](#) s 5
def **collection day** ins [A2010-34](#) s 5
def **collection day notice** ins [A2010-34](#) s 5
def **escape** ins [A2009-1](#) s 21
sub [A2019-39](#) s 35
def **level** ins [A2019-39](#) s 36
def **litter** ins [A2012-21](#) amdt 3.118
def **open private place** ins [A2019-39](#) s 36
def **public place** am [A2007-16](#) amdt 3.116
def **removal direction** ins [A2019-39](#) s 36
def **removal notice** ins [A2010-34](#) s 5
def **removal notice location** ins [A2010-34](#) s 5
def **responsible person** ins [A2019-39](#) s 36
def **retailer** ins [A2010-34](#) s 5
def **retailer collection notice** ins [A2010-34](#) s 5
def **retailer's shopping centre precinct** ins [A2010-34](#) s 5
def **retention area** ins [A2010-34](#) s 5
sub [A2019-39](#) s 37
def **reviewable decision** ins [A2019-39](#) s 36
def **shopping centre** ins [A2010-34](#) s 5
def **shopping centre precinct** ins [A2010-34](#) s 5
def **shopping trolley** ins [A2010-34](#) s 5
def **vehicle** ins [A2019-39](#) s 36
def **waste** ins [A2019-39](#) s 36
def **waste collection service** ins [A2019-39](#) s 36
def **waste facility** ins [A2019-39](#) s 36

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|---------------------------|-------------------------------|--------------------------|---|
| R1 30 Sept 2004 | 30 Sept 2004– 27 Sept 2005 | not amended | new Act |
| R2 28 Sept 2005 | 28 Sept 2005– 10 July 2007 | A2005-50 | amendments by A2005-50 |
| R3 11 July 2007 | 11 July 2007– 1 Feb 2009 | A2007-16 | amendments by A2007-16 |
| R4 2 Feb 2009 | 2 Feb 2009– 16 Aug 2009 | A2008-37 | amendments by A2008-37 |
| R5 17 Aug 2009 | 17 Aug 2009– 16 Dec 2009 | A2009-1 | amendments by A2009-1 |
| R6 17 Dec 2009 | 17 Dec 2009– 1 Mar 2011 | A2009-49 | amendments by A2009-49 |
| R7 2 Mar 2011 | 2 Mar 2011– 30 June 2011 | A2010-34 | amendments by A2010-34 |
| R8 1 July 2011 | 1 July 2011– 11 Dec 2011 | A2011-22 | amendments by A2011-22 |
| R9 12 Dec 2011 | 12 Dec 2011– 4 June 2012 | A2011-52 | amendments by A2011-52 |
| R10 5 June 2012 | 5 June 2012– 14 Aug 2017 | A2012-21 | amendments by A2012-21 |
| R11 15 Aug 2017 | 15 Aug 2017– 31 Oct 2019 | A2017-21 | amendments by A2017-21 |

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