

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**LITTER ACT 1977
LITTER REGULATIONS**

EXPLANATORY MEMORANDUM

Circulated by Authority of the Minister for Urban Services

Terry Connolly MLA

LITTER REGULATIONS

EXPLANATORY MEMORANDUM

The *Litter Act 1977* ('the Act') establishes various littering offences and also provides a method for enforcing the Act.

The Litter Regulations complement the amendments to the Act made by the *Litter (Amendment) Act 1993*. The *Litter (Amendment) Act 1993* amended the Act so that all offences, other than offences relating to the provision of information to inspectors or a police officer, may be dealt with by way of a litter notice. The decision in any case to proceed with a litter notice or to commence a prosecution for an offence will depend on the particular circumstances. Where the decision is made to proceed with a litter notice then the Act provides for the payment of a prescribed penalty.

Prior to the *Litter (Amendment) Act 1993* only section 3 (depositing litter in or on a public place) and section 4 (transporting refuse etc and failing to take reasonable steps to prevent the refuse from falling or being blown from the vehicle) offences could be dealt with by way of a litter notice. The prescribed penalty for these two litter offences under the Act prior to the *Litter (Amendment) Act 1993* was fixed by section 10 of the Act at \$25.

These Regulations are made under section 12 of the Act and set the prescribed penalty for offences under the Act.

Details of the Regulations are as follows.

Regulations 1, 2 and 3 are formal regulations dealing with the method of citation, commencement and interpretation.

Regulation 4 provides that the prescribed penalties for the purposes of those sections in the Act that deal with litter notices are as set out in the Schedule. The following table relates the previous prescribed penalty to the new prescribed penalty (where applicable) and gives a brief description of each offence.

Section	Description of the offence	Prescribed Penalty	
		(Old)	(New)
3	Depositing litter in or on a public place		
	(a) that is likely to cause injury to persons or damage to property;	\$25	\$200
	(b) in any other case	\$25	\$150
3A	Depositing commercial waste in or on a public place		\$500
4	Transporting refuse or waste etc and failing to arrange, contain, fasten or cover it so as to prevent any part of the load from falling or being blown from the vehicle.	\$25	\$200
5	Occupier of commercial etc premises failing to take reasonable steps to prevent litter from the premises being deposited in or on a public place.		\$500
7A(1)	Depositing or abandoning a dangerous container in a public place or public tip.		\$500