

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

LITTER (AMENDMENT) ORDINANCE 1985

NO. 45 OF 1985

Some forms of large containers are capable of being fastened in such a manner as to present a potentially fatal hazard to children who may become trapped in the container whilst playing. The Litter (Amendment) Ordinance 1985 amends the Litter Ordinance 1977 ("the principal Ordinance") to make it an offence to deposit a dangerous container in or on a public place.

Explanational Sections:

Sections 1 and 2 deal with interpretation.

Section 3 inserts into section 2 of the principal Ordinance a definition of dangerous container. The definition provides that a "dangerous container" is a container (except for a vehicle or garbage receptacle) having a compartment which has:

- (a) a capacity of at least 40 litres;
- (b) an opening of at least 120 millimetres in both height and width; and
- (c) a door or lid capable of being fastened to close that opening.

Section 4 makes a consequential amendment to section 7 of the principal Ordinance so that new section 7A shall apply to all public places in the Territory including public tips.

Section 5 inserts into the principal Ordinance a new section, section 7A, which makes it an offence to deposit a dangerous container in a public place or public tip. A defence is provided to a prosecution under this section where the defendant adduces evidence that he took reasonable steps to prevent children from gaining access to the relevant compartment and that evidence is not rebutted. A maximum penalty of \$2,000 has been provided for the offence.

Ord 13/85