

Australian Capital Territory

Litter Regulation 2018

Subordinate law SL2018–13

made under the

Litter Act 2004

EXPLANATORY STATEMENT

INTRODUCTION

This explanatory statement relates to the *Litter Regulation 2018* made under the *Litter Act 2004*.

It has been prepared in order to assist the reader of the Regulation.

OVERVIEW

Section 9A and 9B of the *Litter Act 2004* (the Act) makes it an offence for a person to intentionally dump, or dump, litter at a public place with a volume, weight or size greater than that prescribed by regulation.

Sections 9A and 9B were introduced in 2008 under the Dangerous Substances and Litter (Dumping) Legislation Amendment Bill 2008 (Dumping Bill) with a view to decreasing incidents of illegal dumping.

Sections 9A and 9B are intended to be a more serious offence for dumping of waste rather than the depositing of litter. For example, the abandonment of quantities of soil or builder's rubble, bag/s of rubbish or disused whitegoods, electrical appliances or household items, rather than small items such as wrappers or cigarette butts.

Previously, there has been no regulation under the Act.

This regulation sets a threshold of greater than 10 Litres for sections 9A and 9B. This covers items from standard whitegoods and electrical items to larger quantities of dumping.

The Regulation is made under the *Litter Act 2004*.

OUTLINE OF PROVISIONS

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Litter Regulation 2018*.

Clause 2 Commencement

This clause provides that the regulation commences on the day after its notification day.

Clause 3 Prescribed volume of litter – Act, s 9A (1)(b)(i) and (2)(b)(i)

This clause provides that the prescribed volume of litter for Sections 9A (1)(b)(i) and (2)(b)(i) is 10 Litres. This means that it is an offence to intentionally dump litter where that litter has a volume greater than 10 Litres.

Clause 4 Prescribed volume of litter – strict liability – Act, s 9B (1)(b)(i) and (2)(b)(i)

This clause provides that the prescribed volume of litter for Sections 9B (1)(b)(i) and (2)(b)(i) is 10 Litres. This means that it is a strict liability offence to dump litter where that litter has a volume greater than 10 Litres.