

Version No. 021

Litter Act 1987

Act No. 54/1987

Version incorporating amendments as at 7 February 2002

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Version No. 021
Litter Act 1987
Act No. 54/1987

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The Parliament of Victoria enacts as follows:

1. *Purpose of Act*

The purpose of this Act is—

- (a) to prohibit and regulate the deposit of litter in the environment of Victoria; and
- (b) to provide for the enforcement of the Act.

2. *Commencement*

This Act comes into operation on a day to be proclaimed.

3. *Definitions*

(1) In this Act—

"authorised officer" means a person referred to in section 12;

"council" means any municipal council including the city of Melbourne and the city of Geelong;

"deposit", in relation to litter, means the act of parting with the possession of the litter;

S. 3 amended by No. 87/1989 s. 66(a).

S. 3(1) def. of "deposit" substituted by No. 82/1991 s. 3(a).

S. 3(1) def. of "highway" repealed by No. 82/1991 s. 3(b).

* * * * *

"land" means any land, whether publicly or privately owned, and includes buildings and other structures permanently affixed to the land;

"litter" includes—

- (a) any solid or liquid domestic or commercial waste, refuse, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, garden remnants and clippings, soil, sand, concrete or rocks; and

- (b) any other material, substance or thing deposited in a place if its size, shape, nature or volume makes the place where it is deposited disorderly or detrimentally affects the proper use of that place—

* * * * *

but does not include any gases, dust or smoke or any waste matter which is produced or emitted during or as a result of any of the normal operations of the mining, building or manufacturing industry or of any primary industry;

"place" includes a receptacle, a vehicle and any waters;

"public authority" includes—

- (a) any body created by or under an Act;
- (b) any government department;
- (c) any council;

S. 3(1) def. of "litter" amended by No. 82/1991 s. 3(c)(i)(ii).

S. 3(1) def. of "place" inserted by No. 82/1991 s. 3(d).

S. 3(1) def. of "public authority" inserted by No. 82/1991 s. 3(d).

- (d) any body declared by Order of the Governor in Council under section 4 to be a public authority;

S. 3(1) def. of "registered owner" inserted by No. 82/1991 s. 3(d), amended by No. 57/1998 s. 28(3).

"registered owner" means—

- (a) in relation to a registered motor vehicle—the person who is the registered operator of the vehicle under the **Road Safety Act 1986**;
- (b) in relation to a registered motor boat—the person who is registered under the **Marine Act 1988** as the owner of the boat;
- (c) in relation to any other vehicle—the person who owns the vehicle (whether the vehicle is registered in any way or not);

S. 3(1) def. of "vehicle" substituted by No. 82/1991 s. 3(e).

"vehicle" means—

- (a) any thing that is capable of transporting a person, including an aeroplane, boat, bicycle, bus, car, horse, train or tram; or
- (b) any trailer that is attached to any such thing;

"waters" has the same meaning as it has in the **Environment Protection Act 1970**.

S. 3(2) inserted by No. 87/1989 s. 66(b).

- (2) A reference to "waters" includes a reference to the waters of the River Murray in respect of litter which has been deposited into or onto the waters of the River Murray from the Victorian bank of the River Murray.

S. 3(3) inserted by No. 87/1989 s. 66(b).

- (3) This Act extends to and applies to the deposit of litter onto or into the waters of the River Murray from any premises situated in Victoria and extends to and applies in relation to any proceedings brought in relation to the deposit.

4. Governor in Council may declare body to be a public authority

The Governor in Council may, by Order published in the Government Gazette, declare any body to be a public authority.

S. 4 substituted by No. 82/1991 s. 4.

4A. Act does not apply to environment protection offences

- (1) This Act does not apply to the deposit of any litter that constitutes an offence under the **Environment Protection Act 1970**.
- (2) Any person who intends to rely on this section as a defence to a charge must give the person filing the charge written notice of this intention within 21 days of receiving a summons in respect of the charge.
- (3) The notice must specify under which provision of the **Environment Protection Act 1970** the person believes the charge would have been more appropriately brought if the allegations set out in the charge were proved.

S. 4A inserted by No. 82/1991 s. 4.

5. Deposit of litter generally

- (1) A person must not deposit any litter unless—
 - (a) the person deposits the litter in any place—
 - (i) that is provided for the deposit of litter; and
 - (ii) that is appropriate for litter of that size, shape, nature or volume; or
 - (b) the person deposits the litter in or on a place in such a way that it cannot leave the place without human assistance and the person—
 - (i) owns, controls or is in possession of the place; or

S. 5 amended by No. 87/1989 s. 67, substituted by No. 82/1991 s. 4.

- (ii) is acting with the express consent of the person who owns, controls or is in possession of the place; or
 - (c) the person is authorised to deposit the litter by or under an Act or a Commonwealth Act; or
 - (d) the deposit of the litter is an unavoidable consequence of a lawful activity; or
 - (e) the deposit is accidental and the person does everything that is reasonably possible to retrieve the litter.
- (2) For the purposes of sub-section (1)(d), a consequence is unavoidable if there is no reasonably practicable way of avoiding it.

Penalty: 20 penalty units.

6. *Aggravated littering*

A person convicted of an offence under section 5 is guilty of the offence of aggravated littering if the court which convicts the person is satisfied that the offence involved—

- (a) the intentional deposit of litter being glass, metal, earthenware or crockery; or
- (b) the intentional deposit of litter that was a danger to any persons or animals or to any land, waters or vehicle; or
- (c) the intentional deposit of litter in, on, from or towards any vehicle.

Penalty: In addition to or instead of any penalty under section 5, 20 penalty units or imprisonment for 1 month or both.

6A. *Unsolicited leaflets must be put in mailboxes etc.*

S. 6A
inserted by
No. 82/1991
s. 5.

- (1) A person must not deposit any advertising material in any place other than—
- (a) a receptacle or other place which is used for the deposit of mail; or
 - (b) a receptacle which is used for the deposit of newspapers; or
 - (c) under the door of a premises.

Penalty: 5 penalty units.

- (2) This does not apply to—
- (a) any newspaper, or any material folded or inserted into a newspaper; or
 - (b) any document issued under, or for the purposes of, any Act or Commonwealth Act; or
 - (c) anything that is of such a size, shape or volume that it is not possible or appropriate for it to be deposited in accordance with subsection (1).

6B. *Unsolicited leaflets not to be placed on vehicles*

S. 6B
inserted by
No. 82/1991
s. 5.

- (1) A person must not deposit any advertising material in or on any vehicle.

Penalty: 5 penalty units.

- (2) This section does not apply to the deposit of any material by a person exercising a power given to him or her by any law.

6C. *Offence to ask person to commit offence*

S. 6C
inserted by
No. 82/1991
s. 5.

A person must not ask, require or induce, or attempt to ask, require or induce, another person to do anything that is a contravention of section 6A or 6B.

Penalty: 10 penalty units.

S. 6D
inserted by
No. 82/1991
s. 5.

6D. Advertiser must disclose name of distributor

- (1) A person on whose behalf advertising material is printed (the "advertiser") must give an authorised officer the name and address of the person who was responsible for distributing the advertising material in a particular area.
- (2) The advertiser must do this within 7 days of receiving a written request for the information from the authorised officer.

Penalty: 5 penalty units.

S. 6E
inserted by
No. 82/1991
s. 5.

6E. Distributor must disclose name of depositor

- (1) A person who engages another person (whether as an employee or as an agent) to deposit advertising material at premises within an area must give an authorised officer the name and address of that other person.
- (2) The person must do this within 7 days of receiving a written request for the information from the authorised officer.

Penalty: 5 penalty units.

S. 7
amended by
No. 57/1989
s. 3(Sch. item
121.1),
substituted by
No. 82/1991
s. 9.

7. Owners, drivers etc. of vehicles from which litter deposited liable for littering

- (1) If litter is deposited from a vehicle contrary to section 5, the following are deemed to be guilty of an offence against section 5—
 - (a) the driver of the vehicle; and
 - (b) the registered owner of the vehicle; and
 - (c) any person authorised by the registered owner to use the vehicle at the time the offence was committed.
- (2) If a person deposits litter contrary to section 5 and was seen arriving at or leaving the place where he or she deposited the litter in a vehicle, the

registered owner of the vehicle is deemed to be guilty of an offence against section 5.

- (3) However, a court must not find a person guilty under this section unless the court is satisfied that no other person has been found guilty of depositing the litter and that—
 - (a) it is not practicable to discover who deposited the litter; or
 - (b) it is not possible to file a charge against the person who deposited the litter; or
 - (c) it is unlikely that the filing of a charge against the person who deposited the litter would result in a finding of guilt.
- (4) Also, a court must not find the registered owner or authorised user of a vehicle guilty under subsection (1) unless it is satisfied that it is not possible to file a charge against the driver of the vehicle.

7A. Other exceptions to section 7

- (1) Section 7(1) does not apply if—
 - (a) the vehicle is a train, tram, bus, ferry, passenger ship, passenger plane or other public transport vehicle; and
 - (b) the litter was deposited by a passenger of that vehicle; and
 - (c) the vehicle was being used for a public purpose at the time the offence was committed.
- (2) Section 7(1) does not apply if the vehicle is a taxi and the litter was deposited by a passenger.
- (3) Sections 7(1)(b) and (c) and (2) do not apply if the vehicle was a stolen vehicle at the time of the offence.

S. 7A
inserted by
No. 82/1991
s. 9.

- (4) Sections 7(1) and (2) do not apply if the person who is deemed to be guilty gives a statutory declaration that complies with section 7B within 14 days after receiving a notice under section 7C to the person named in the notice.

S. 7B
inserted by
No. 82/1991
s. 9.

7B. Form of statutory declaration

- (1) The statutory declaration must—
- (a) declare that the person saw another named person deposit the litter and declare—
 - (i) the address of that person; or
 - (ii) that the person does not know the address of that person and the reasons why the person does not know the address; or
 - (b) declare—
 - (i) that the person did not deposit the litter; and
 - (ii) that the person did not see who deposited the litter; and
 - (iii) the name and address (if known) of any person who was in or near the vehicle at the time the litter was deposited.
- (2) If a person who is deemed to be guilty is not a natural person, the person may comply with section 7A(4) by giving the authorised officer a statutory declaration made by the person who was driving the vehicle at the time of the offence.
- (3) A statutory declaration that complies with this section is admissible in any proceedings as evidence of the matters stated in it.

7C. Notice to accompany charges using section 7

S. 7C
inserted by
No. 82/1991
s. 9.

- (1) A person who issues an infringement notice, or files a charge, against a person who is deemed guilty under section 7(1) must ensure that the infringement notice, or the charge, is accompanied by a notice under this section.
- (2) The notice must—
 - (a) contain a copy of sections 5, 7, 7A and 7B;
 - (b) name the person giving the notice;
 - (c) contain that person's business address.

8. Court's powers on conviction

- (1) If a court convicts a person of an offence under this Act, the court may—
 - (a) instead of or in addition to any other penalty, order the person to—
 - (i) clear away and remove the litter deposited by the person; or
 - (ii) clear away and remove any other litter in or on any land or into any waters—
within a specified time and under the supervision of a person nominated by the court; or
 - (b) in addition to any other penalty, order the person to pay a sum of compensation for removal of the litter to the person who or body which has the control or management of the land or waters where the offence occurred.

- (2) The following provisions apply to an order under sub-section (1)(a)—
- (a) the court which makes the order may also order that if the person contravenes the order, that person must pay a fine of not more than 20 penalty units;
 - (b) if the person complies with the order, the person nominated by the court to supervise must send to the person a statement to that effect;
 - (c) if the person contravenes the order, a court may, on application by the person nominated to supervise, issue a summons requiring the person to show cause why the fine referred to in paragraph (a) should not be imposed;
 - (d) on hearing the summons, the court may make any order under this Act which it thinks fit in respect of the person who contravened the order.
- (3) The following provisions apply to an order under sub-section (1)(b)—
- (a) the compensation specified in the order to be paid to the person or body is to be treated as a judgment debt due to that person or body;
 - (b) the payment of the compensation may be enforced in the same way as a judgment or order of the court for payment of a civil debt may be enforced.

S. 8A
inserted by
No. 82/1991
s. 10.

8A. *E.P.A. may direct person to remove litter*

- (1) If, in the opinion of the Environment Protection Authority, any litter is, or is likely to become—
- (a) detrimental to the health, safety or welfare of members of the public; or

(b) unduly offensive to the senses of human beings; or

(c) a hazard to the environment—

the Authority may issue a direction under subsection (2) or (4).

(2) The Authority may, by written notice, direct any person who deposited the litter to do one or more of the following—

(a) to remove or dispose of the litter;

(b) to restore any place affected by the litter to a state as close as practicable to the state it was in immediately before the litter was deposited;

(c) to take any other action in relation to the litter that is specified in the notice—

within the time specified in the notice.

(3) A person who receives such a direction must comply with it.

Penalty: 20 penalty units.

(4) If the person who deposited the litter cannot be found, the Authority may, by written notice, direct the occupier of any premises on which the litter was deposited to remove or dispose of the litter within the time specified in the notice.

(5) An occupier who receives such a direction must comply with it, unless he or she or it has reasonable cause not to do so.

Penalty: 20 penalty units.

8B. *Cost of removing litter may be recovered from person responsible*

(1) An occupier of premises may recover the reasonable costs of complying with a direction from any person proved to have deposited the

S. 8B
inserted by
No. 82/1991
s. 10.

litter in any court of competent jurisdiction as a debt due to the occupier.

- (2) The cost of complying with a direction includes any reasonable costs incurred in taking action under sub-section (1).

S. 8C
inserted by
No. 82/1991
s. 10.

8C. *Litter abatement notice*

- (1) If—
 - (a) a person carries out any activity which has caused, or is likely to cause, the deposit of litter contrary to section 5; or
 - (b) a person is the occupier of premises from which litter has, or is likely to, escape—an authorised officer may serve a litter abatement notice on the person.
- (2) A litter abatement notice may require the person to do one or more of the following—
 - (a) to not deposit litter contrary to section 5;
 - (b) to ensure that no litter escapes from any premises occupied by the person;
 - (c) to do, or not do, specified things to ensure that the person does not breach this Act.
- (3) A person who has been served with a litter abatement notice must comply with the notice.
Penalty: 10 penalty units.
- (4) A litter abatement notice may specify a period of time within which any requirement it imposes must be complied with.

S. 8D
inserted by
No. 82/1991
s. 10.

8D. *Period for which notice remains in force*

- (1) A litter abatement notice remains in force for the period specified in the notice.
- (2) A period of up to 3 years may be specified in the notice.

8E. Form of notice

A litter abatement notice must—

- (a) contain a copy of sections 8C, 8D, 8F, 8G and 8H; and
- (b) specify the period for which it remains in force; and
- (c) be signed by the person giving the notice.

S. 8E
inserted by
No. 82/1991
s. 10.

8F. Amendment or revocation of notice

An authorised officer may amend or revoke a litter abatement notice at any time by serving a written notice of amendment on the person to whom the litter abatement notice applies.

S. 8F
inserted by
No. 82/1991
s. 10.

8G. Appeal against notice

- (1) A person may apply to the Victorian Civil and Administrative Tribunal for a review of any provision of a litter abatement notice that the person believes is oppressive, unjust or unreasonable.
- (2) The person must lodge the application within 28 days of receiving notice of the provision.
- (3) If a person lodges an application, the person need not comply with the notice until the application is withdrawn or the notice is confirmed or varied by the Tribunal.

S. 8G
inserted by
No. 82/1991
s. 10.

S. 8G(1)
amended by
No. 52/1998
s. 311(Sch. 1
item 52.1(a)).

S. 8G(3)
amended by
No. 52/1998
s. 311(Sch. 1
item 52.1(b)).

* * * * *

S. 8H
inserted by
No. 82/1991
s. 10,
repealed by
No. 52/1998
s. 311(Sch. 1
item 52.2).

9. Litter infringement notices

S. 9(1)
amended by
No. 82/1991
s. 11(1)(a)(i)(ii).

- (1) An authorised officer may serve a litter infringement notice in a form approved by the Environment Protection Authority on a person whom the officer believes has committed an offence referred to in the Schedule requiring the person to pay the penalty for that offence specified in the Schedule.
- (2) The authorised officer may withdraw the litter infringement notice within 28 days after serving it by sending a notice in a form approved by the Environment Protection Authority to the person on whom the litter infringement notice was served.
- (3) If the person pays the penalty before the litter infringement notice is withdrawn, the person is entitled to a refund of the penalty.

S. 9(4)
amended by
No. 82/1991
s. 11(1)(b).

- (4) If the person pays the penalty within the time specified in the notice or, if the authorised officer allows, before a summons is served on the person in respect of the offence, the following provisions apply—

S. 9(4)(b)
amended by
No. 82/1991
s. 11(1)(b).

- (a) further proceedings are not to be taken against the person;
- (b) there is to be no conviction recorded against that person for the offence.

S. 9(5)
amended by
Nos 57/1989
s. 3(Sch. item
121.2(a)(b)),
82/1991
s. 11(1)(b).

- (5) A penalty paid under this section must be applied as if the person who paid it was convicted of the offence in the Magistrates' Court on a charge filed by the authorised officer.

(6) If—

- (a) a person served with a litter infringement notice has not paid the penalty within the time specified in the notice; or
- (b) a litter infringement notice is withdrawn—
proceedings may still be taken or continued for the offence.

S. 9(6)
amended by
No. 82/1991
s. 11(1)(b).

(7) If the court hearing the proceedings—

- (a) is satisfied that an infringement notice was served and not withdrawn; and
- (b) the court finds the person guilty of the offence—

S. 9(7)(b)
amended by
No. 82/1991
s. 11(1)(b).

that finding is not to be treated as a conviction for any purpose whatsoever except the making of the finding itself and any later proceedings in respect of that finding, including any proceedings by way of appeal or order to review.

10. Powers of members of police and authorised officers

(1) If—

- (a) an authorised officer finds a person whom that officer believes is committing an offence under this Act; and
- (b) the person does not state his or her name and address when required by the officer or states a false name or address—

S. 10
amended by
No. 82/1991
s. 12(a).

S. 10(1)(a)
substituted by
No. 82/1991
s. 13(a)(i).

S. 10(1)(b)
amended by
No. 82/1991
s. 13(a)(ii).

the person is guilty of an offence.

Penalty: 5 penalty units.

S. 10(2)
inserted by
No. 82/1991
s. 12(b).

(2) If—

- (a) an authorised officer reasonably suspects that an offence against section 5, 6, 8A(3), 8A(5) or 8C(3) is being, or is likely to be, committed on a premises; and
- (b) the authorised officer reasonably believes that the part of the premises where the offence is occurring, or is likely to occur, is not used for residential purposes—

the authorised officer may enter that part of the premises at any reasonable time for the purpose of enforcing this Act.

S. 11
amended by
No. 82/1991
s. 13(b)(i).

11. *Proceedings under this Act*

Proceedings for an offence under this Act may be taken—

* * * * *

S. 11(a)
repealed by
No. 82/1991
s. 13(b)(ii).

- (b) by an authorised officer; or
- (c) by the person who or body which has the control or management of the land or waters where the offence or infringement occurred.

12. *Authorised officers*

(1) The following are authorised officers for the purposes of this Act—

- (a) in relation to any land or waters in a Council's municipal district, an officer of the Council appointed by the Council as an authorised officer;

(b) in relation to—

- (i) land or waters under the control or management of a public authority; or

S. 12(1)(b)
substituted by
No. 82/1991
s. 14.

(ii) any offence that may result in litter appearing on any such land or waters (regardless of where the offence occurs)—

an officer of the public authority appointed by it as an authorised officer;

(c) a member of the police force;

S. 12(1)(c)
amended by
No. 82/1991
s. 13(c).

(d) an officer of the Environment Protection Authority appointed by the Authority as an authorised officer for the purposes of the **Environment Protection Act 1970**;

S. 12(1)(d)
amended by
No. 20/1988
s. 29(a).

(e) in relation to any bus, tram, watercraft, rail vehicle or aircraft that is being used for a public purpose, a person appointed as an authorised officer by the public authority that owns or manages that vehicle.

S. 12(1)(e)
substituted by
No. 82/1991
s. 15.

(2) While exercising a power under this Act, an authorised officer must produce on demand proof of his or her identity or official status.

S. 12(2)
substituted by
No. 82/1991
s. 13(d).

13. *Penalties*

All penalties for an offence under this Act must be paid—

S. 13
amended by
No. 82/1991
s. 11(2).

(a) if recovered in proceedings taken by or on behalf of a Council—into that Council's municipal fund; or

(b) if recovered in proceedings taken by or on behalf of any public authority—into the public authority's fund, or if the public authority does not have a fund, but

administers or uses money paid to or collected by it, to the public authority as part of that money; or

- (c) if recovered in proceedings taken by a member of the police force or any other person or a body without a fund and which does not administer or use money, into the Consolidated Fund.

14. Reports of offences

S. 14(1)
repealed by
No. 82/1991
s. 16(a).

* * * * *

S. 14(2)
amended by
No. 82/1991
s. 11(3).

- (2) A person who sees another person committing an offence under this Act may inform the Environment Protection Authority or the relevant Council of the offence by sending it a signed written report containing—

S. 14(2)(a)
amended by
No. 82/1991
ss 11(3), 16(b).

- (a) the date, approximate time and place of the offence; and

- (b) the nature of the litter; and

S. 14(2)(c)
amended by
No. 82/1991
s. 11(3).

- (c) any evidence of the identity of the person who committed the offence.

S. 14(3)
amended by
No. 82/1991
s. 11(3),
repealed by
No. 82/1991
s. 16(a).

* * * * *

S. 14(4)
repealed by
No. 82/1991
s. 16(a).

* * * * *

- (5) On receiving a report under sub-section (2), the Environment Protection Authority or Council may take proceedings through its authorized officers against the person seen committing the offence.

S. 14(5)
 amended by
 Nos 20/1988
 s. 29(b),
 82/1991
 s. 11(3).

15. *Certain certificates are admissible in evidence*

- (1) In proceedings against the registered owner of a vehicle, a certificate from the Roads Corporation or the Director of Marine Safety or from a corresponding person or body in another State or in a Territory of the Commonwealth stating that a certain person was the owner of a vehicle at a certain date is admissible in evidence and, in the absence of evidence to the contrary, is proof that he or she was the registered owner of the vehicle at that date.

S. 15(1)
 amended by
 Nos 44/1989
 s. 41(Sch. 2
 item 24),
 82/1991
 s. 17(a)–(c),
 77/2001
 s. 32(1)(a)(b).

- (2) In proceedings under this Act, a certificate given by a person or body referred to in section 12(1) stating—
- (a) that a specified person is an authorised officer for the purposes of this Act and is an officer or person referred to in paragraph (a), (b), (c) or (d) of section 12(1); or
 - (b) in relation to a certificate given by a Council, that any land was or any waters were in the Council's municipal district; or
 - (c) in relation to a certificate given by a public authority, that any land was or any waters were under the control or management of the public authority—

is admissible in evidence and, in the absence of evidence to the contrary, is proof of those statements.

- (3) All courts and persons acting judicially—
 - (a) shall take judicial notice of the signature or seal of any person or body affixed to a certificate under sub-section (2); and
 - (b) shall, until the contrary is proved, presume that the signature or seal was properly affixed.

S. 16
substituted by
No. 82/1991
s. 18.

16. *Authorised officer may require certain people to give information*

- (1) This section only applies to a person who an authorised officer believes on reasonable grounds had possession of particular litter at some time in the past.
- (2) An authorised officer may require the person to give the officer within 14 days, or any longer time that the officer specifies, information concerning the litter.
- (3) A reference to litter in this section includes a reference to any substance that constitutes the litter, regardless of whether that substance was litter at the time it was in the person's possession.
- (4) A requirement must be set out in a written notice.
- (5) The notice must—
 - (a) set out the information the authorised officer seeks from the person;
 - (b) specify the date by when the information is required;
 - (c) contain a copy of this section and section 17;
 - (d) be signed by the authorised officer;
 - (e) contain the officer's business address.

- (6) The information an authorised officer may require from a person may include—
- (a) how, when and where the litter left the person's possession;
 - (b) the name and address of anyone who had possession of the litter after the litter left the person's possession.
- (7) If required to do so by a notice, a person must give the authorised officer who signed the notice within the time specified in the notice all the information sought in the notice that is within the person's knowledge or in the person's possession.
- Penalty: 5 penalty units.
- (8) However, any information given by a person in response to a notice under this section is not admissible in any prosecution against the person if, before giving the information, the person objected to giving the information on the ground that it might tend to incriminate him or her.
- (9) This doesn't apply if the information was false or misleading.

17. *Authorised officer may require information to be in writing*

- (1) If asked to do so by the authorised officer, a person required to give the officer information under section 16 must give the information to the officer in writing.
- (2) If information sought by a notice under section 16 is not within a person's knowledge or in the person's possession, the person must state this fact in writing if asked to do so by the authorised officer.
- (3) A failure by a person to comply with sub-section (1) or (2) is a failure to comply with section 16(7).

S. 17
inserted by
No. 82/1991
s. 18.

- (4) A person must not include any false or misleading information in a written statement made under this section.

Penalty: 5 penalty units.

- (5) Subject to section 16(8), a statement made under this section is admissible in evidence in any proceedings.

S. 18
inserted by
No. 82/1991
s. 18.

18. *Service of notices*

Section 61 of the **Environment Protection Act 1970** applies to this Act as if a reference in that section to "this Act" was a reference to this Act.

S. 19
inserted by
No. 82/1991
s. 18.

19. *Miscellaneous offences*

- (1) A person must remove any litter deposited by that person if asked to do so by an authorised officer.
- (2) A person must not deface a receptacle for litter provided by a public authority.
- (3) A person must not set fire to a receptacle for litter provided by a public authority.
- (4) A person must not require another person to move a vehicle carrying a load unless he or she supplies the other person with sufficient means to secure the load in such a way that litter cannot leave the vehicle without human assistance.
- (5) A person who is in control of a moving vehicle must ensure that it is loaded in such a way that litter cannot leave the vehicle without human assistance.
- (6) It is a defence to a charge under sub-section (5) if the person was required to move the vehicle by a person who was in breach of sub-section (4).

Penalty: 5 penalty units.

SCHEDULE

SECTION 9

OFFENCES FOR WHICH INFRINGEMENT NOTICES MAY BE
ISSUEDSch.
substituted by
No. 82/1991
s. 19,
amended by
No. 56/1998
s. 5(1).

<i>Offence</i>	<i>Penalty</i>
1. An offence under section 5 involving litter that is burning when it is deposited (including a cigarette butt)	1 penalty unit
2. An offence under section 5 involving an extinguished cigarette butt, a ring pull or any other small item	$\frac{1}{5}$ penalty unit
3. Any other offence under section 5	1 penalty unit
4. An offence under section 6A	1 penalty unit
5. An offence under section 6B	1 penalty unit
6. An offence under section 6C	5 penalty units
7. An offence under section 6D	1 penalty unit
8. An offence under section 6E	1 penalty unit
9. An offence under section 8A(3)	6 penalty units
10. An offence under section 8C(3)	4 penalty units
11. An offence under section 16(7)	1 penalty unit
12. An offence under section 19(1)	1 penalty unit
13. An offence under section 19(2)	1 penalty unit
14. An offence under section 19(3)	1 penalty unit
15. An offence under section 19(4)	1 penalty unit
16. An offence under section 19(5)	1 penalty unit

ENDNOTES

1. General Information

Second reading dates

Dates of the Minister's second reading speech on the **Litter Act 1987** were:

Legislative Assembly: 28 April 1987

Legislative Council: 19 August 1987

Long title

The long title for the Bill for this Act was "A Bill to make provision with respect to litter, to repeal the **Litter Act 1964** and for other purposes."

Assent and operational dates

The **Litter Act 1987** was assented to on 20 October 1987 and came into operation on 19 November 1987 (Government Gazette 18 November 1987 page 3084).

2. Table of Amendments

This Version incorporates amendments made to the **Litter Act 1987** by Acts and subordinate instruments.

Environment Protection (Amendment) Act 1988, No. 20/1988

Assent Date: 17.5.88
Commencement Date: 17.5.88
Current State: All of Act in operation

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 41(Sch. 2 item 24) on 1.7.89: s. 2(1)
Current State: This information relates only to the provision/s amending the **Litter Act 1987**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Environment Protection (General Amendment) Act 1989, No. 87/1989

Assent Date: 5.12.89
Commencement Date: Ss 66, 67 on 5.12.89: s. 2(1)
Current State: This information relates only to the provision/s amending the **Litter Act 1987**

Litter (Amendment) Act 1991, No. 82/1991

Assent Date: 3.12.91
Commencement Date: All of Act (*except* ss 6–8, 11(1)(a)(iii)) on 1.2.92; ss 6–8 on 1.6.92: Government Gazette 22.1.92 pp 115, 116; s. 11(1)(a)(iii) repealed and never proclaimed
Current State: All of Act in operation

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 52) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Litter Act 1987**

Printers and Newspapers (Repeal) Act 1998, No. 56/1998

Assent Date: 13.10.98
Commencement Date: S. 5(1) on 19.11.98: Government Gazette 19.11.98 p. 2792
Current State: This information relates only to the provision/s amending the **Litter Act 1987**

Litter Act 1987
Act No. 54/1987

Endnotes

Road Safety (Amendment) Act 1998, No. 57/1998

Assent Date: 13.10.98

Commencement Date: S. 28(3) on 1.5.99: Government Gazette 18.3.99
p. 665

Current State: This information relates only to the provision/s
amending the **Litter Act 1987**

Marine (Further Amendment) Act 2001, No. 77/2001

Assent Date: 27.11.01

Commencement Date: S. 32(1) on 7.2.02: s. 2(2)

Current State: This information relates only to the provision/s
amending the **Litter Act 1987**

3. Explanatory Details

No entries at date of publication