



Australian Capital Territory

Litter Act 2004

A2004-47

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Australian Capital Territory

Litter Act 2004

A2004-47

An Act relating to litter, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Litter Act 2004*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

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

The objects of this Act are—

- (a) to enhance the natural and built environment by regulating the depositing of litter, or other material that may become litter; and
- (b) to facilitate 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, for example—

- (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
- (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.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 3 Offences

8 Littering

- (1) A person must not deposit litter at a public place.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—

- (a) the person deposits litter anywhere; and
- (b) it escapes, or is likely to escape, into or onto a public place.

Maximum penalty: 10 penalty units.

Note **Escape** is defined in subsection (6).

- (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.

- (4) 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 garbage collection service; or
- (b) the depositing of litter in accordance with an invitation from a public servant in the exercise of his or her functions; or
- (c) the depositing of litter at a place with the consent of the occupier of the place; or
- (d) the depositing of litter at a public landfill or waste transfer station.

- (5) Subsections (1), (2) and (3) do not apply if the depositing of the litter is accidental and the person takes all reasonable steps to retrieve the litter.
- (6) For subsection (2), *escape* into or onto a public place includes fall, descend and percolate, and be blown or washed, into or onto the place.
- (7) An offence against this section is a strict liability offence.

9 Aggravated littering

A person commits the offence of aggravated littering if the person intentionally deposits at a public place litter that, by its nature or the way it is deposited, is likely to cause injury to a person or animal, or to damage property.

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

10 Commercial waste

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

Maximum penalty: 50 penalty units, imprisonment for 6 months 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: 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, or be dislodged, from the vehicle.

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

- (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, or be dislodged, from the vehicle.

Maximum penalty: 50 penalty units.

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

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 etc

- (1) A person commits an offence if the person places any unsolicited leaflet in or on a motor vehicle at a public place.

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply if the leaflet—

- (a) is placed in or on a motor vehicle in accordance with a Territory law; or
- (b) 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.

- (3) A person commits an offence if the person distributes, or commissions, authorises or arranges for the distribution of, any unsolicited leaflet for placement in or on a motor vehicle at a public place.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply if the leaflet is placed in or on a motor vehicle 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.

Part 4 **Enforcement**

Division 4.1 **Authorised persons**

14 **Appointment of authorised persons**

- (1) The chief executive 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 for authorised persons**

- (1) The chief executive must give an authorised person an identity card that states the person's appointment and shows—
- (a) a recent photograph of the person; and
 - (b) the name or identifying particulars of the person; and
 - (c) the date of issue of the card; and
 - (d) an expiry date for the card; and
 - (e) anything else prescribed under the regulations.
- (2) A person who ceases to be an authorised person must return his or her identity card to the chief executive as soon as practicable (but within 21 days) after the day the person ceases to be an authorised person.

Maximum penalty: 1 penalty unit.

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

Division 4.2 Powers of authorised persons

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.

17 Authorised person may require name and address etc

- (1) An authorised person may require the occupier of premises to state the person's name and home address.

Note For offences in relation to giving false or misleading information to a person exercising a function under a Territory law, see the Criminal Code, pt 3.4 (False or misleading statements, information and documents).

- (2) A person commits an offence if the person fails to comply with a requirement under subsection (1).

Maximum penalty: 5 penalty units.

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

home address means the address of the place where the person usually lives.

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 Removal of litter

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: 10 penalty units.

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

21 Notice 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) 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.
- (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 in accordance with the requirement—
 - (a) an authorised person may authorise someone else to remove or dispose of the litter; and
 - (b) the reasonable cost of that removal or disposal is a debt to the Territory by the person who is required to comply with the requirement.
- (5) Also the notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (6) 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: 10 penalty units.
- (7) An offence against this section is a strict liability offence.

22 Authority to remove 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 chief executive may arrange for a person to remove or dispose of the litter to which the direction relates.

- (3) However, the chief executive 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 administrative appeals tribunal for the review of the decision to give the direction to which the notice relates; or
 - (b) if an application is made to the administrative appeals tribunal 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 litter) must pay to the Territory the reasonable cost of any removal or disposal carried out under section 22.

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

24 AAT review of notice under section 21

Application may be made to the AAT for review of a decision under section 21 (Notice to remove litter).

Part 5 Miscellaneous

25 Determination of fees

- (1) The Minister may, in writing, 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 chief executive may approve forms for this Act.
- (2) If the chief executive 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.

Note Regulations must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (2) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Part 6 Repeals and consequential amendments

28 Legislation repealed

- (1) The *Litter Act 1977* A1977-27 is repealed.
- (2) The *Litter Regulations 1993* SL1993-42 are repealed.

29 Legislation amended

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Consequential amendments—Magistrates Court Act 1930

(see s 29)

[1.1] Section 117, new definitions

insert

another jurisdiction means a jurisdiction other than the ACT.

driver, of a vehicle, means the person who is driving the vehicle.

home address, of a person, means the address of the place where the person usually lives.

illegal user declaration—see section 131D.

known offender declaration—see section 131E.

registered, for a vehicle, means registered under the *Road Transport (Vehicle Registration) Act 1999*.

registered operator—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

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

sold vehicle declaration—see section 131F.

trader's plate—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

unknown offender declaration—see section 131G.

vehicle—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

vehicle-related offence means an infringement notice offence that—

- (a) involves a vehicle; and
- (b) is declared under the regulations to be an offence to which division 8.2A applies.

[1.2] Section 120

substitute

120 Service of infringement notices

- (1) If an authorised person believes, on reasonable grounds, that a person has committed an infringement notice offence, the authorised person may serve a notice (an *infringement notice*) on the person for the offence.
- (2) To remove any doubt, an authorised person may not serve an infringement notice on a person under this section for an offence after the end of the time within which a prosecution may be brought for the offence.
- (3) This section does not prevent an infringement notice for a vehicle-related offence being served on a person under section 131B (Service of infringement notice on responsible person for vehicle).

[1.3] New division 8.2A

insert

Division 8.2A Additional provisions for vehicle-related offences

131A Meaning of *infringement notice*

In this division:

infringement notice means an infringement notice for a vehicle-related offence.

131B Service of infringement notice on responsible person for vehicles

- (1) This section applies if an authorised person believes, on reasonable grounds, that a vehicle-related offence has been committed.
- (2) The authorised person may serve an infringement notice for the offence on—
 - (a) the responsible person for the vehicle at the time of the offence; or
 - (b) if there is more than 1 responsible person for the vehicle at that time—each or any of them.

Note 1 For how documents may be served, see Legislation Act, pt 19.5

Note 2 Subsections (3) and (4) provide additional ways for serving infringement notices (see Legislation Act, s 251 (1)).

- (3) If the infringement notice is to be served on a person under this section by post and the vehicle is registered under a law of another jurisdiction corresponding to the *Road Transport (Vehicle Registration) Act 1999*, the notice may be served by sending it by prepaid post, addressed to the person, to the latest address of the person in the registration records kept under that law.
- (4) An infringement notice for a vehicle-related offence may be served by securely placing or attaching the notice, addressed to the responsible person (without further description), on or to the vehicle in a conspicuous position.
- (5) If an infringement notice is served in the way mentioned in subsection (4), it is taken to have been served, on the day that it is placed on or attached to the vehicle, on—
 - (a) the responsible person for the vehicle; or
 - (b) if there is more than 1 responsible person for the vehicle at that time—each of them.

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- (6) A person must not remove, deface or interfere with an infringement notice placed on, or attached to, a vehicle unless the person is the driver of the vehicle or the responsible person (or a responsible person) for the vehicle.

Maximum penalty: 20 penalty units.

- (7) The regulations may provide that an infringement notice for a vehicle-related offence may only be served on a person under this section within the prescribed period after the day the offence was committed.
- (8) This section does not prevent an infringement notice for a vehicle-related offence being served on a person under section 120 (Service of infringement notices).

131C Liability for vehicle-related offences

- (1) If an infringement notice for a vehicle-related offence is served on a person under section 131B, the person is liable for the offence, and may be convicted of and punished for the offence, even though the person who actually committed the offence (the *actual offender*) may have been someone else.
- (2) If the actual offender is not the responsible person (or a responsible person) for the vehicle at the time of the offence, subsection (1) does not affect the liability of the actual offender, but—
- (a) an additional penalty for the offence may not be recovered from or imposed on the actual offender if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the responsible person (or a responsible person) for the vehicle at that time; and
- (b) an additional penalty for the offence may not be recovered from or imposed on the responsible person (or a responsible person) for the vehicle at that time if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the actual offender.

- (3) However, in a prosecution against a responsible person for a vehicle-related offence, it is a defence if the responsible person establishes—
- (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
 - (b) that the person made and gave to the administering authority a known offender declaration in accordance with section 131E (Known offender declaration) for the offence; or
 - (c) that the vehicle (or all of the person's interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
 - (d) that the person—
 - (i) was not the driver of the vehicle at the time of the offence; and
 - (ii) does not know, and could not with reasonable diligence have found out, the name and address of the driver of the vehicle at that time.

131D Illegal user declarations

- (1) This section applies if—
- (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and
 - (b) the person makes a statutory declaration (an *illegal user declaration*) stating that the vehicle was stolen, or illegally taken or used, at the time of the offence and providing all relevant facts supporting that statement, including details of where and when the matter was reported to the police; and

- (c) the person gives the illegal user declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the person (if any) stated in the illegal user declaration as the person (the *named offender*) who was illegally in charge of the vehicle at the time of the offence.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the illegal user declaration.
- (4) Sections 131C (Liability for vehicle-related offences) and 131E (Known offender declarations) apply as if the named offender were the responsible person for the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 131B.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the illegal user declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the illegal user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

131E Known offender declarations

- (1) This section applies if—
 - (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and
 - (b) the person makes a statutory declaration (a *known offender declaration*) stating—
 - (i) if the person is an individual—
 - (A) that the person was not the driver of the vehicle at the time of the offence and did not commit the offence; and
 - (B) the name and home or business address of the person (the *named offender*) who was the driver of the vehicle at that time; and
 - (C) all relevant facts supporting those statements; or
 - (ii) if the person is a corporation—the name and home or business address of the person (also the *named offender*) who was the driver of the vehicle at the time of the offence and all relevant facts supporting that statement; or
 - (iii) for a vehicle-related offence under an Act declared under the regulations to be an Act to which this subparagraph applies—the person saw another named person (also the *named offender*) do the act the subject of the offence and stating—
 - (A) the address of the named offender; and
 - (B) if the person does not know the other person's address—the reasons why the person does not know the address; and

- (c) the person gives the known offender declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the named offender.
- (3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the known offender declaration.
- (4) Section 131C (Liability for vehicle-related offences), this section and section 131F apply as if the named offender were the responsible person for the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 131B.
- (5) However, a proceeding for the offence may be brought in a court against the named offender only if a copy of the known offender declaration has been served on the named offender by an authorised person.
- (6) In a proceeding against the named offender for the offence, the known offender declaration is evidence that the named offender was the offender at the time of the offence.

131F Sold vehicle declarations

- (1) This section applies if—
- (a) an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles); and

- (b) the person makes a statutory declaration (a ***sold vehicle declaration***) stating that the vehicle (or all of the person's interest in the vehicle) had been sold or otherwise disposed of by the person before the time of the offence and providing all relevant facts supporting that statement, including—
 - (i) the name and home or business address of the person (the ***buyer***) to whom the vehicle (or the person's interest in the vehicle) was sold or disposed of by the person; and
 - (ii) the date and, if relevant to the offence, time of the sale or disposal; and
 - (iii) if an agent made the sale or disposal for the person—the name and home or business address of the agent; and
 - (iv) whether the person had any interest in the vehicle at the time of the offence; and
 - (c) the person gives the sold vehicle declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).
- (2) An infringement notice for the offence may be served under section 120 (Service of infringement notices) on the buyer.
 - (3) If a document (including an infringement notice or reminder notice) is to be served on the buyer under this part by post in relation to the offence, the document may be addressed to the buyer at his or her home or business address stated in the sold vehicle declaration.
 - (4) Sections 131C (Liability for vehicle-related offences), 131E and this section apply as if the buyer were a responsible person for the vehicle at the time of the offence and the infringement notice had been served on the buyer under section 131B.

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- (5) However, a proceeding for the offence may be brought in a court against the buyer only if a copy of the sold vehicle declaration has been served on the buyer by an authorised person.
- (6) In a proceeding against the buyer for the offence, the sold vehicle declaration is evidence that the buyer was the responsible person for the vehicle at the time of the offence.

131G Unknown offender declarations

If an infringement notice for a vehicle-related offence is served on a person under section 131B (Service of infringement notice on responsible person for vehicles), the person may—

- (a) make a statutory declaration (an *unknown offender declaration*) stating—
- (i) that—
 - (A) if the person is an individual—the person was not the driver of the vehicle at the time of the offence and did not commit the offence; or
 - (B) if the person is a corporation—the vehicle was not being used for the corporation’s purposes at the time of the offence; and
 - (ii) that the person has made inquiries to find out who was—
 - (A) the driver of the vehicle at that time; or
 - (B) for a vehicle-related offence under an Act declared under the regulations to be an Act to which this subparagraph applies—the offender was at that time; and
 - (iii) that the person does not know, and has not been able to find out, who was the driver of the vehicle, or the offender, at that time; and

Schedule 1 Consequential amendments—Magistrates Court Act 1930

Amendment [1.3]

- (iv) the nature and extent of the inquiries made by the person;
and
- (b) give the unknown offender declaration to the administering authority within 28 days after the day when the infringement notice, or a reminder notice for the offence, is served on the person (or any additional time allowed by the administering authority).

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:

- chief executive (see s 163)
- contravene
- Executive
- fail
- function
- public servant
- the Territory.

authorised person means an authorised person appointed under section 14.

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.

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

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

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

public place means—

- (a) a road, road related area or any other unleased Territory land;
and

- (b) a place to which the public, or a section of the public, has access, whether by payment or not.

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.

unleased Territory land includes a waterway.

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 Presentation speech

Presentation speech made in the Legislative Assembly on 11 December 2003.

2 Notification

Notified under the Legislation Act on 16 August 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Litter Bill 2004, which originated in the Legislative Assembly as the Litter Bill 2003 and was passed by the Assembly on 3 August 2004.

Clerk of the Legislative Assembly