

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Ms Kerrie Tucker)

## Litter Amendment Bill 2002

### Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Act amended	2
4 Definitions for Act Section 2, new definitions	2
5 New sections 2A and 2B	3
6 New sections 7C to 7F	4



2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Ms Kerrie Tucker)

## **Litter Amendment Bill 2002**

---

### **A Bill for**

An Act to amend the *Litter Act 1977*

---

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

1 **1 Name of Act**

2 This Act is the *Litter Amendment Act 2002*.

3 **2 Commencement**

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

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

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

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

14 **3 Act amended**

15 This Act amends the *Litter Act 1977*.

16 **4 Definitions for Act**  
17 **Section 2, new definitions**

18 *insert*

19 *advertising material* means any paper product (with or without  
20 plastic covering), or anything else, advertising or promoting goods  
21 or services, and includes, for example, a leaflet, brochure, magazine,  
22 catalogue, letter, card or newspaper containing advertising or  
23 promotional matter.

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

27 *premises* includes the land around the premises.

28 *unsolicited advertising material*, in relation to premises—see  
29 section 2B.

---

1 **5 New sections 2A and 2B**

2 *insert*

3 **2A Application of Criminal Code**

4 The Criminal Code, chapter 2 applies to offences against this Act  
5 under the following provisions:

- 6 (a) section 7C (Depositing unsolicited advertising material other  
7 than in receptacle etc);
- 8 (b) section 7D (Depositing advertising material in receptacle etc  
9 contrary to sign);
- 10 (c) section 7E (Removing etc signs about unsolicited advertising  
11 material);
- 12 (d) section 7F (Obligations relating to commissioning or  
13 distributing unsolicited advertising material).

14 *Note 1* The Criminal Code, ch 2 sets out the general principles of criminal  
15 responsibility.

16 *Note* The Criminal Code, s 23 deals with strict liability.

17 **2B Meaning of *unsolicited advertising material***

18 For this Act, advertising material is *unsolicited advertising*  
19 *material*, in relation to premises if the material is not addressed by  
20 name to a person who owns or lives at the premises (or previously  
21 owned or lived at the premises).

1 **6 New sections 7C to 7F**

2 *insert*

3 **7C Depositing unsolicited advertising material other than in**  
4 **receptacle etc**

5 (1) A person commits an offence if the person deposits unsolicited  
6 advertising material at any premises, other than in a receptacle or  
7 place used for the deposit of mail or newspapers at the premises.

8 Maximum penalty: 5 penalty units.

9 (2) An offence against subsection (1) is an offence of strict liability.

10 (3) Subsection (1) does not apply to—

11 (a) anything of a size, shape or volume that does not make it  
12 possible or appropriate for it to be deposited in accordance  
13 with subsection (1); or

14 (b) anything deposited by a person who is acting with the consent  
15 of an owner or occupier of the premises; or

16 (c) anything else prescribed under the regulations that is deposited  
17 by a person in accordance with the regulations.

18 **7D Depositing unsolicited advertising material in receptacle**  
19 **etc contrary to sign**

20 (1) A person commits an offence if—

21 (a) at any premises, there is a receptacle or place used for the  
22 deposit of mail or newspapers; and

23 (b) on or near the receptacle or place, there is a sign that can be  
24 readily read to the effect that unsolicited advertising material is  
25 not to be deposited in the receptacle or at the place; and

1 (c) the person deposits unsolicited advertising material in the  
2 receptacle or at the place.

3 Maximum penalty: 10 penalty units.

4 **Examples for par (b) of signs to the effect that unsolicited advertising**  
5 **material is not to be deposited**

- 6 1 no junk mail  
7 2 no unsolicited material  
8 3 no advertising material  
9 4 no unaddressed mail  
10 5 Australia Post mail only.

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

14 (2) An offence against subsection (1) is an offence of strict liability.

15 (3) Subsection (1) does not apply to the deposit in the receptacle or  
16 place of the following:

- 17 (a) a public notice issued by the Territory, a Territory authority or  
18 Territory instrumentality;
- 19 (b) a document deposited under the authority of a Commonwealth  
20 or Territory law;
- 21 (c) a document from a charitable organisation or incorporated  
22 community association;
- 23 (d) matter that is *electoral matter* under the *Commonwealth*  
24 *Electoral Act 1918* (Cwlth), section 4, or the *Electoral Act*  
25 *1992*, section 4;
- 26 (e) a document from a member of the Commonwealth Parliament  
27 or the Legislative Assembly;

1 (g) anything else prescribed under the regulations.

2 **Examples for par (a)**

3 1 notices about the holding of public consultations

4 2 police notices

5 3 notices about disruptions to public services.

6 (4) In this section:

7 *charitable organisation* means an entity carried on for a religious,  
8 educational, benevolent or charitable purpose, but does not include  
9 an entity carried on for the purpose of securing financial benefits to  
10 its members.

11 *Note* *Legislative Assembly, Territory authority and Territory instrumentality*  
12 are defined in the Legislation Act, dict, pt 1.

13 **7E Removing etc signs about unsolicited advertising**  
14 **material**

15 (1) A person commits an offence if—

16 (a) at any premises, there is, on or near a receptacle or place used  
17 for the deposit of mail or newspapers, a sign to the effect that  
18 unsolicited advertising material is not to be deposited in the  
19 receptacle or at the place; and

20 (b) the person removes, changes or interferes with the sign.

21 Maximum penalty: 5 penalty units.

22 (2) An offence against subsection (1) is an offence of strict liability.

23 (3) Subsection (1) does not apply to anything done with the consent of  
24 an owner or occupier of the relevant premises.



- 1 **7F Obligations relating to commissioning or distributing**  
2 **unsolicited advertising material**
- 3 (1) A person commits an offence if—
- 4 (a) the person is concerned with the distribution of advertising  
5 material; and
- 6 (b) the material is deposited at premises in contravention of  
7 section 7C (Depositing unsolicited advertising material other  
8 than in receptacle etc) or section 7D (Depositing advertising  
9 material in receptacle etc contrary to sign).
- 10 Maximum penalty: 10 penalty units.
- 11 (2) An offence against subsection (1) is an offence of strict liability.
- 12 (3) For this section, a person is *concerned with* the distribution of  
13 advertising material if the person commissions, authorises, arranges  
14 for or distributes the material.
- 15 (4) It is a defence to a prosecution for an offence against subsection (1)  
16 if the defendant establishes that the defendant took all reasonable  
17 steps to prevent the contravention of sections 7C and 7D in relation  
18 to the relevant advertising material.

---

## Endnotes

### Republications of amended laws

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

### Penalty units

- 2 The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.