

# **SHIRE OF QUAIRADING**

## **DISCUSSION PAPER**

**ON**

**BY-LAWS RELATING TO  
DEPOSITING AND REMOVAL OF  
REFUSE, RUBBISH, LITTER AND DISUSED  
MATERIALS.**

## **1. INTRODUCTION**

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

## **2. STATUTORY REVIEW OF LOCAL LAWS**

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

## **3. BY-LAWS RELATING TO DEPOSITING AND REMOVAL OF REFUSE, RUBBISH, LITTER AND DISUSED MATERIALS**

This by-law was adopted on 3 October 1967 with the primary objective of regulating the disposal of glass, metal, refuse and litter on Council controlled land and private land so that it did not adversely affect the value of adjoining property or the health, comfort or convenience of the residents.

Sections 23 and 24 of the Litter Act provide similar measures of regulation in relation to littering and the dumping of refuse. The Council has the ability to appoint authorised officers under this Act, by gazettal, which allows them to enforce the provisions under the Act. It is also noted that the penalties under the Litter Act are more substantial (\$1,000) than those under the by-law (\$100).

In addition to the above, section 3.25 and Schedule 3.1 of the Local Government Act 1995 provide for the Council to:

*‘serve a notice on the owner, and unless Schedule 3.1 indicates otherwise, to the occupier of land requiring the person to do anything specified in the notice that is prescribed in Schedule 3.1, Division 1’.*

This includes:

(a) Land that is unsightly is enclosed, to the satisfaction of the local government.

*“unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.*

(b) overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

*“disused material” includes disused motor vehicles, old motor vehicle bodies, and old machinery.*

It is proposed that this by-law be repealed.

## **4. SUBMISSIONS**

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6<sup>th</sup> January 2010 to:

Chief Executive Officer  
Shire of Quairading  
PO Box 38  
QUAIRADING WA 6383

**SHIRE OF QUAIRADING**

**BY-LAWS RELATING TO  
DEPOSITING AND REMOVAL OF REFUSE, RUBBISH,  
LITTER AND DISUSED MATERIALS.**

**GAZETTAL DATE – 3<sup>rd</sup> OCTOBER 1967**

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Quairading.

By-laws Relating to Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 13th day of July, 1967, to make and submit for confirmation by the Governor the following by-laws:

1. In these by-laws  
"Council" means the Quairading Shire Council.  
"District" means the Shire of Quairading.
2. A person shall not
  - (a) break any glass, metal, earthenware, or utensil; or
  - (b) deposit or leave, except in a receptacle provided for that purpose, refuse or litter, of any kind, or cause any of those things to be done, in any street, public place or public reserve, vested in or under the control of the Council, or on any property of the Council.
3. If there is
  - (a) on any vacant land within the district any trees, scrub, undergrowth or rubbish; or
  - (b) on any land within the District any refuse, rubbish or disused material whether of the same kind, or a different kind from that here specified, which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof;the Council may cause a notice under the hand of the Shire Clerk to be served on the owner or occupier of such land requiring him, within the time specified in such notice to clear land of such trees, scrub, undergrowth, or remove such refuse, rubbish or disused material from such land.
4. Every owner or occupier of land upon whom a notice is served under By-law 3 of these by-laws, shall comply with such notice within the time therein specified and any owner or occupier of land who fails to comply with the terms of the notice so served shall be guilty of an offence.
5. Where the owner or occupier does not clear the land of such trees, scrub, undergrowth, or remove the refuse, rubbish or disused material as required by the notice given by the Council, the Council is authorised without payment of any compensation in respect thereof to remove it and dispose of it at the expense of and recover in a Court of competent jurisdiction, the amount of the expenses from the owner or occupier to whom the notice was given.
6. Any person who shall commit a breach of any of these By-laws shall be liable to
  - (a) a maximum penalty of one hundred dollars (\$100); and
  - (b) a maximum daily penalty during the Breach of Ten dollars (\$10) per day.

Dated this 14th day of July, 1967.

The Common Seal of the Shire of Quairading  
was hereunto affixed in the presence of-

A. C. KELLY, President.

C. J. SPRAGG, Shire Clerk.

Recommended

L. A. LOGAN, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 13th day of September, 1967

W. S. LONNIE, Clerk of the Council,