

# Shire of Cocos (Keeling) Islands

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*Shire Of Cocos (Keeling) Islands*

*Sale of single use plastic water bottles Local Law  
July 2023*

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## 1. Citation

This local law may be cited as the Shire of Cocos (Keeling) Islands sale of single use plastic water bottles Local Law

## 2. Commencement

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire Of Cocos Keeling Islands on **[insert date]** to make the following local law. The local law must be registered as a notifiable instrument and comes into operation once it has been registered as a notifiable instrument. Notifiable instruments are published in the Federal Register

## 3. Application

This local law applies throughout the district of the Shire Of Cocos Keeling Islands.

## 4. Definitions

In this local law unless the context otherwise requires –

**Act** means the Local Government Act (WA) (CKI) 1995;

**CEO** means the Chief Executive Officer of the Shire of Cocos Keeling Islands and includes the Acting Chief Executive Officer;

**district** means the district of the local government;

**local government** means the Shire of Cocos Keeling Islands;

**modified penalty** means the amount prescribed by the Shire of Cocos Keeling Islands as a modified penalty pursuant to Schedule 1 or unless otherwise specifically prescribed in this local law;

**Regulations** means the Local Government (Functions and General) Regulations (WA) (CI) 1996;

**Retailer** means a person selling any retail goods;

**Single use plastic water bottles (SUPWB)** means any plastic bottle containing water that is designed to be used once then discarded with a volume less than 5 litres.

## 5. Retailer not to provide SUPWB

- (1) A retailer shall not provide a SUPWB to be purchased, from the retailer.
- (2) It is a defence to a charge under subclause (1) if the retailer proves that he or she believed on reasonable grounds that the bottle is not a SUPWB
- (3) The prohibition contained in subclause (1) applies whether or not a fee is charged to the customer for provision of a SUPWB
- (4) Subclause (1) shall not prevent a retailer from providing an alternative to a SUPWB

## **6. Person must not represent that a supplied SUPWB is not a SUPWB**

- (1) A person who is in the business of selling or providing SUPWB, supply or provide a SUPWB if prior to, or in the course of, selling, supplying or providing a SUPWB, the person represents to the retailer that the SUPWB is not a SUPWB
- (2) Notwithstanding subclause (1) above and in accordance with section 3.5(2) of the Local Government Act (WA) (CKI) 1995 whereby this local law will not generally apply outside of the district, a person or retailer must ensure that the supplier providing SUPWB is to comply with the conditions prescribed in this local law relating to the provision of a SUPWB.

## **7. Offences and general penalty**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$2,500, and if the offence is of a continuing nature, to an additional penalty not exceeding \$250 for each day or part of a day during which the offence has continued.

## **8. Prescribed offences**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section
  1. 9.16 (1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in
  2. Schedule 1.
- (3) Before giving an infringement notice to a person in respect of the commission of a prescribed offence, an
  3. authorised person should be satisfied that -
    - a. commission of the prescribed offence is a relatively minor matter; and
    - b. only straightforward issues of law and fact are involved in determining whether the prescribed offence
  4. was committed, and the facts in issue are readily ascertainable
- (4) This local law expresses a modified penalty as the amount prescribed in Schedule 1 of this local law.

**9. Form of notices**

(5) For the purposes of this local law -

- a. the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- b. the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1—Prescribed Offences**

<u>Clause</u>	<u>Description</u>	<u>Modified Penalty</u>
5(1)	Provision of a single use plastic bottle containing water with a volume less than 5 liters	\$250.00
6	Representing to a retailer that supplied single use plastic bottle containing water with a volume less than 5 liters	\$250.00