Model Process

Illegal Dumping

2026

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1. Introduction

Illegal dumping (as defined in Table 1) poses significant risks to public health and safety, the environment, community amenity and places a substantial financial burden on Local Governments.

This Model Process has been developed to support Western Australian Local Governments to respond to illegal dumping in a consistent, lawful and effective manner. It provides a structured, step-by-step approach for the prevention, reporting, investigation, enforcement and resolution of illegal dumping incidents within a Local Government district.

The Model Process outlines the relevant legislative framework, clarifies roles and responsibilities, detailing the range of response options available to Local Governments. It also covers situations where illegally dumped material is found on private land or on land managed by State or Australian Government agencies. It is intended to complement existing Local Government strategies, policies and operational procedures and should be implemented as part of a broader, integrated approach to preventing and managing illegal dumping.

While recognising that illegal dumping requires a combination of infrastructure, education, community engagement, incentives and enforcement to be addressed effectively, this Model Process focuses primarily on operational response and regulatory pathways. Local Governments are encouraged to adapt the Model Process to suit their local context, resourcing and community needs.

The benefits of adopting a consistent approach for Local Government include:

- improved customer service
- improved internal and external communication
- increased resource recovery
- increased understanding of the cost of managing/responding to illegal dumping
- implementation of consistent behaviour change approaches
- ability to identify trends in illegal dumping and develop business cases for action.

Table 1: Definitions of illegal dumping and littering (City of Kwinana Litter and Illegal Dumping Plan)

Illegal dumping				
Illegal dumping is the unauthorised discharging or abandonment of waste and is an offence under Section 49A of the *Environmental Protection Act 1986* (EP Act). Illegally dumped waste is generally considered to have the following attributes:				
Amount	**Environmental impact**	**Type of waste**	**Reason for offence**	**Mode of deposition**
>1 cubic metre	Contains items/substances that are potentially noxious or hazardous, potential for environmental harm if material leaks, spreads or degrades.	Commercial or industrial waste; larger-scale household waste.	Premeditated decision; commercial benefit or avoidance of fee; careless, convenient disposal.	Deposited using a vehicle or other mechanical aid such as a wheelbarrow.

Litter				
Litter is defined in the *Litter Act 1979* (Litter Act) as including: • All kinds of rubbish, refuse, junk, scrap, garden waste and weeds. • Any articles or material abandoned or unwanted by the owner or person in possession thereof but does not include dust, smoke or other like products emitted or produced during the normal operations of any mining, extractive, primary or manufacturing industry. Litter is generally considered to have the following attributes:				
Amount	**Environmental impact**	**Type of waste**	**Reason for offence**	**Mode of deposition**
<1 cubic metre	Minor	Personal litter	Unpremeditated, convenient, careless disposal.	Deposited by hand (includes dropping by hand from a vehicle) or allowed to be carried by wind and/or water.

2. Supporting Documents

The approaches suggested in the Model Process focus predominantly on how Local Governments can effectively respond to illegally dumped material on public and privately owned or managed land. Several supporting documents are available, including:

- WALGA's Template Waste Local Law provides Local Government with the ability to issue modified penalties for material left on the verge. An associated Guidance Note explains the rationale used to develop the Template Local Law and assist Local Governments in applying it to their local situation.
- WALGA's *Better Practice Guideline on Illegal Dumping of Shopping Trolleys* identifies several approaches that can be taken to respond to illegally dumped shopping trolleys.
- WALGA's *Better Practice Guideline Charity Bin Management* outlines the better practice approaches to mitigating illegal dumping around charity bins.

The Department of Water and Environmental Regulation (DWER) Environment Watch operates 24 hours a day, seven days a week to report pollution, illegal dumping and other environmental matters.

3. Legislative Framework

Local Governments have two main legislative pathways to address illegal dumping, either via the Litter Act or EP Act. This section provides an overview of the legislation and identifies when each Act is most relevant.

Litter Act 1979 - Littering

The Litter Act provides Local Governments with the ability to issue infringements, or to prosecute persons who deposit, or caused to be deposited, litter onto any land or into any waters in certain circumstances.

Environmental Protection Act 1986 - Illegal dumping of waste

The EP Act creates an offence of discharging or abandoning, or causing to be discharged or abandoned, solid or liquid waste. Local Governments, with the consent of the CEO of DWER, can prosecute this offence. Limited Local Government action has been taken under the EP Act.

Table 2 compares the key elements of the Acts and identifies considerations of the circumstances in which they can be used. Local Government seeking further assistance or guidance in relation to use of the *Litter Act 1979* or the *Environmental Protection Act 1986* can contact the Department of Water and Environmental Regulation

Table 2: Comparison of the Litter Act and EP Act.

Factor	*Litter Act 1979*	*Environmental Protection Act 1986*
When to use?	Generally, the Litter Act is used for less serious offences. As long the material deposited contrary to section 23 satisfies the definition of 'litter', the Local Government can take action under that Act. An example of where a Local Government may choose to issue an infringement or prosecute under the Litter Act is in the case of non-hazardous waste weighing less than one tonne.	Generally, the EP Act is used for more serious offences. As long as the material deposited contrary to section 49A, satisfies the definition of 'waste', the Local Government, with the consent of the DWER CEO, can prosecute. An example of where a Local Government may choose to prosecute under the EP Act is in the case of hazardous materials or materials weighing greater than a tonne.
Who can use?	Authorised officers under section 26 (1) (being members of the Council or employees of the Local Government in whose Local Government area the offence occurred) can issue infringements.	Authorised officers have various powers under the EP Act. Local Government employees must apply to the Director General of the DWER to be appointed as authorised officers under section 87. WALGA, working with DWER, offers Authorised Officer Training.
Process for prosecution	Gather, record and store evidence, ensuring chain of custody in accordance with contemporary investigative practice.	Gather, record and store evidence, ensuring chain of custody in accordance with contemporary investigative practice. The CEO of a Local Government must obtain the consent of the CEO of the DWER to commence a prosecution under section 49A of the EP Act.
Penalties	Infringement • Littering - $200 individual, $500 for corporations. • Littering creating public risk - $500 individual, $2000 for corporations. Prosecution • Various penalties for specific offences, up to $5,000.	Prosecution • Maximum penalty $62,500 for individuals, $125,000 for corporations. • Modified penalty notices to be issued for the offence of dumping waste. • Remediation costs can be imposed by the court for those instances where a Local Government has managed illegally dumped material on its land.

Funds from penalties	If Local Government issues the infringement, or undertakes the prosecution, any monies recovered in the form of fines are returned to the Local Government.	If Local Government undertakes the prosecution, any moneys recovered in the form of fines are returned to the Local Government. If DWER undertakes the prosecution the funds go to consolidated revenue.
Other considerations	If infringements are issued, they must be supported by sufficient evidence to prove each element of the offence. This is to ensure if the infringement is contested, the Local Government can defend the matter in court.	
Resources	*Litter Regulations 1981* Schedule 1 includes a list of types of litter that can create public risk. Schedule 2 includes the format of a Litter Infringement Notice.	DWER can offer Local Governments assistance to undertake prosecutions, such as advising on evidence requirements or, if necessary, undertaking the prosecution.

Waste Local Law

The WALGA Template Waste Local Law provides Local Government with the ability to issue modified penalties for material left on the verge:

2.10 Verge collections

(1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—

(a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and

(b) must otherwise comply with those terms and conditions.

(2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.

(3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.

(4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Other Local Laws

Local Government Act 1995

The *Local Government Act 1995* s3.5 provides the head of power for Local Government functions, such as specific provisions that detail how Local Laws are to be made.

Property Local Law and Public Places Local Law

Local Government Property Local Laws and Public Places Local Laws may provide Local Governments with enforcement powers in respect to materials dumped on Local Government property and in public places. For example, the City of Swan *Consolidated Local Laws 2005* contains specific provisions on rubbish on building sites. This Local Law requires bins to have covers and for building sites and any adjoining verge or public place to be kept free of rubbish or offensive matter at all times.

Activities on Thoroughfares and Public Places and Trading Local Law

Provisions regarding litter, illegal dumping and bulk verge waste; can be used in circumstances where the Waste Local Law is not suitable. For example, for the illegal dumping of shopping trolleys. The Model *Activities in Thoroughfares and Public Places and Trading Local Law* Clause 2.2(1) makes provision for general activities to be allowed with a permit. Clause 2.2(1)(b) of the City of Stirling's Thoroughfares and Public Places Local Law 2009 prohibits anyone from throwing, placing or depositing anything on a verge without a permit.

Local Government Property Local Law

The Model *Local Government Property Local Law* Clause 3.13(1) can be adopted or modified to specify that activities requiring a permit include "deposit or store anything on local government property" (taken from City of Stirling's *Local Government Property Local Law 2009*).

Planning and Development Act 2005

The *Planning and Development Act 2005* (P&D Act) can be used to address non-conforming land uses such as illegal landfills. The storage or dumping of items on private land without a development approval may constitute an offence under s.214 of the P&D Act.

Where the Local Government believes that a contravention of s.214 has occurred, discretion exists to issue a direction (s.124 (3)) to "remove, pull down, take up, or alter the development". In determining whether to issue a direction, the Local Government should be cognisant of the practical difficulties that could arise, the period of time elapsed since the offence occurred and whether a direction is a suitable response. It is advisable to seek legal advice on these matters.

A direction should only be given to a landowner who undertook the unlawful development or to any other person who undertook the same. A direction should not be given to a landowner who acquired ownership after unlawful development was undertaken and who did not themselves undertake the unlawful development.

4. Model Process

This section outlines the key parts of the Model Process:

- roles and responsibilities
- reporting
- property ownership
- data collection
- taping/stickering
- compliance
- removal of material
- education.

4.1 Roles and responsibilities

In responding to illegal dumping, roles and responsibilities must be clearly identified and communicated. Table 3 lists examples of different departments and their responsibilities that Local Governments can align with their structure.

Table 3: Key Responsibilities (City of Kwinana Litter and Illegal Dumping Plan)

Department	Key Responsibility	Details
Customer Services	Enquiries	• Manage enquiries and raise customer requests for the relevant Department for investigation and action.
Environment and Waste Services	Strategic management Data management	• Manage Litter and Illegal Dumping Plan
Building Services	Conditional permits Building permits	• Manage conditional and building permits for worksites.
Waste Compliance/Technical Officer	Investigation and compliance Waste education	• Investigate and issue infringement/prosecute under Waste Local Law, Activities on Thoroughfares and Public Places and Trading Law and Litter Act. • Provide waste education and information.
Rangers	Investigation and compliance	• Investigate and issue infringement/prosecute under Waste Local Law, Activities on Thoroughfares and Public Places and Trading Law and Litter Act.
Environmental Health	Investigation and compliance	• Investigate and issue infringement/prosecute under Waste Local Law, Activities on Thoroughfares and Public Places and Trading Law and Litter Act.
Operations – Administration	Data collection Work allocation	• Collect tonnages and data and create and allocate work orders.
Operations – Infrastructure	Collection – Illegal dumping Installation and maintenance Data collection	• Collect illegal dumping on Local Government managed land. Inform, install and maintain infrastructure (e.g. drainage nets). • Compile and collate illegal dumping data.
Operations – Parks and Natural Areas	Collection – Litter Data collection Contract management	• Collect litter on Local Government managed land. Inform, install and maintain infrastructure (e.g. fencing). • Manage litter collection contracts.
DWER	Investigation Legislation/State strategies Grant provision	• Investigate and prosecute hazardous material and major pollution incidents. • Legislation and strategy development. • Grant funding.

4.2 Reporting

Reporting channels

Illegal dumping reports may be received through multiple internal and external channels. All reports need to be assessed consistently in accordance with Local Government policies and procedures, regardless of how they are submitted. Clear reporting pathways and defined roles support efficient assessment, allocation and response.

Reporting pathways may include:

- online reporting forms or web portals (such as a designated page on the Local Government website)*
- telephone enquiries
- email correspondence (including a dedicated administrative inbox)
- referrals from internal Local Government staff
- reports received via Councillors.

Reporting mechanisms should be designed to capture consistent, high-quality information to support effective investigation, enforcement and cross-departmental coordination. Clearly defined internal reporting processes for Councillors and staff help ensure reports are accurately recorded and appropriately actioned. Where resourcing permits, early contact with the reporting party is recommended to confirm details and manage expectations.

*To avoid duplicate reports, once the address of the dumped material is entered, the system could trigger a prompt such as: *"A job has already been logged for this address."*

Information to be captured

At a minimum, specific information is captured for every report, including:

- location, recorded as either a street address or GPS coordinates
- description of the waste, including the estimated amount and any hazardous materials
- time and date the waste was observed
- photographs or video footage
- reporters contact details
- witness statement.

All reports are logged in the Local Governments compliance or customer relationship management (CRM) system.

Risk assessment

Based on the initial assessment, reports are assigned an appropriate response priority, such as:

- Immediate priority: high-risk incidents involving hazardous materials or critical public safety concerns.
- High priority: large volumes of waste or dumping in sensitive locations.
- Routine priority: lower-risk, non-hazardous waste.

Response timeframes are determined in accordance with Local Government service standards and reflect the assessed level of risk and urgency.

4.3 Property ownership

The action that a Local Government takes to address illegally dumped material is primarily dependent on who owns or manages the property.

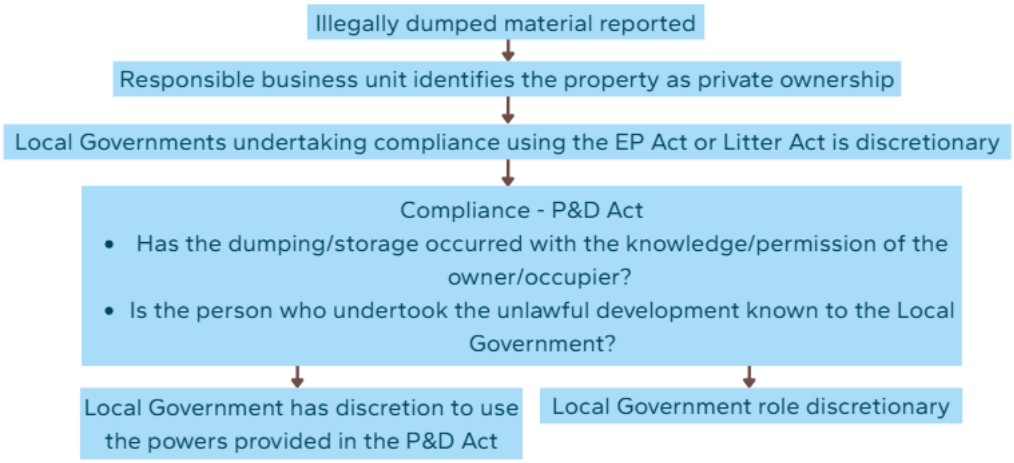
Private property

Material illegally dumped on privately owned or managed land is the responsibility of the landowner (Figure 1). At its discretion, a Local Government may assist a private landowner by investigating an illegal dumping incident and requesting that an identified offender remove the material. However, the landowner remains responsible for arranging and funding the cleanup, and Local Governments should not routinely remove waste from private property.

If the landowner is unwilling to remove the material, where there is insufficient evidence to identify or require an offender to act, or where the amount of waste is small and can be easily removed, a Local Government may choose to remove the waste to prevent further dumping.

There are options available to issue a direction under the P&D Act for unlawful development. Refer to *Section 3.0 - Overview of the Legislative Framework* to ascertain the type of situations where it would be appropriate to use such an approach.

Figure 1: Model Process for illegal dumping on private property



State/Australian Government property

Material that is illegally dumped on property owned or managed by a State/Australian Government agency is the responsibility of the relevant agency. As such, the approach taken to compliance, data collection, community engagement and removal is at the discretion of the affected agency.

A Local Government may, at its discretion, offer assistance to the affected agency with responsibility for responding to the illegal dumping. For example, a Local Government may enter into an arrangement with a state agency to investigate an illegal dumping incident/issue an infringement and request that a suspect removes illegally dumped material. In this instance, the agency would retain responsibility for the removal of remaining material. Alternatively, a Local Government may enter into an agreement with a state agency (e.g. the Department of Housing) to remove illegally dumped material on a fee for service basis.

Local Government property

Material that is illegally dumped on land owned or managed by Local Government is the responsibility of the Local Government. In this instance, it is suggested that a combination of approaches is adopted including data collection, education and compliance (Figure 2).

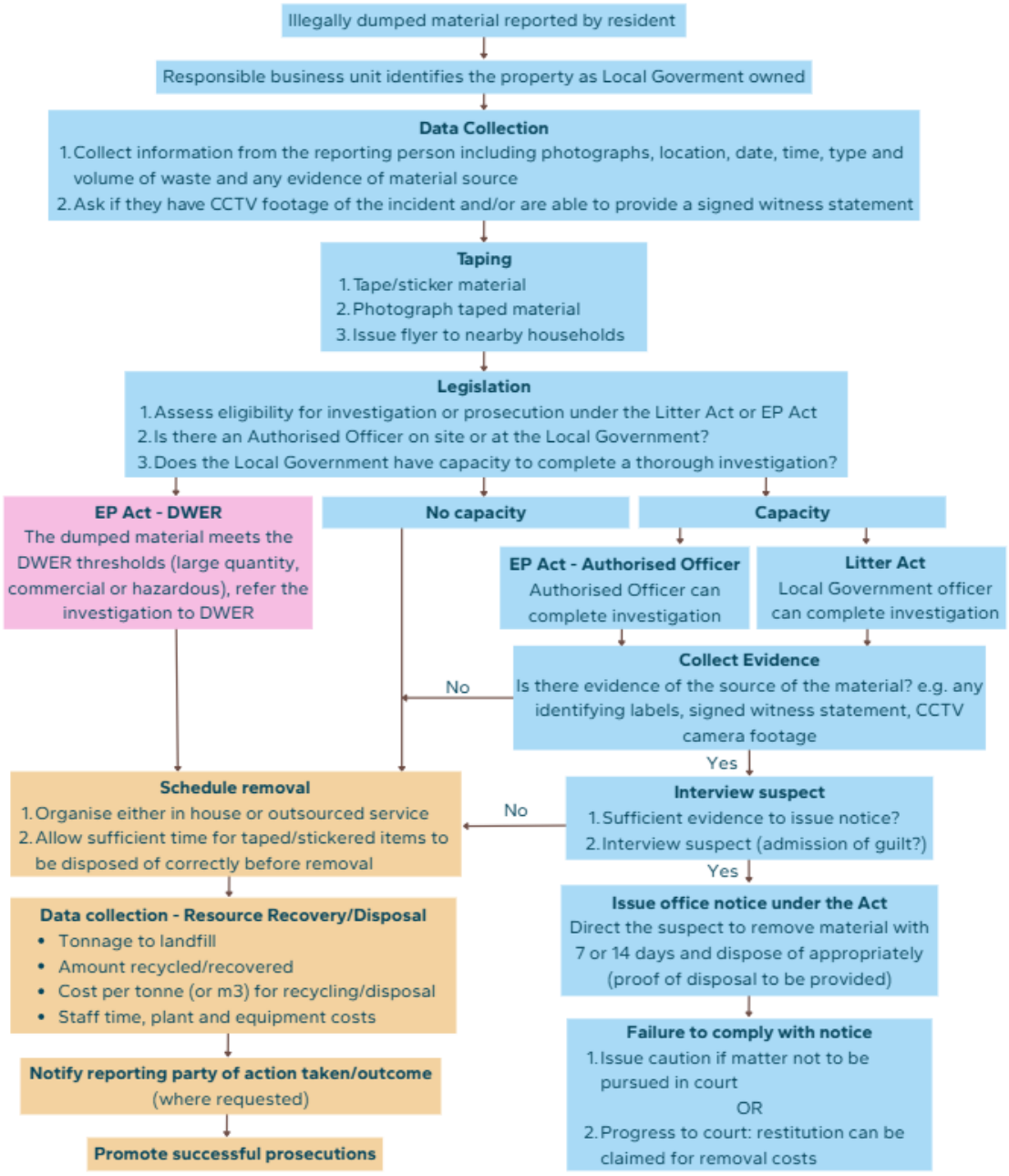
In situations where the person that illegally dumped material cannot be found or refuses to remove and dispose of the material in a lawful manner, a Local Government is responsible for the physical management and/or removal of this material.

If a Local Government does not have the capacity or resources to undertake a thorough investigation that would be defensible in court if an infringement is disputed, then prompt removal of the material should be the priority to prevent further dumping.

Where possible, the material should still be taped or stickered in the interim; however, it should be collected a minimum of five days after taping to allow an opportunity for the responsible party to remove it. Feedback from Local Governments indicate this approach has resulted in approximately 50% of material being cleared before the waste team attends for collection. If there is no capacity to tape, or no means to investigate, the priority becomes removing the material as quickly as possible.

The management of hazardous material on Local Government managed land must be expedited. Hazardous materials are defined those likely to have an adverse impact on human health and/or the environment. Common examples of hazardous materials that are likely to have an adverse impact on human health and/or the environment include chemicals, fuel, oil and asbestos.

Figure 2: Model Process for illegal dumping on Local Government owned land.



4.4 Data collection

Consistent data collection for illegal dumping is essential to support effective monitoring, analysis and response activities. This information enables Local Governments to understand the scale and patterns of illegal dumping, assess current levels within their area and evaluate the effectiveness of interventions such as compliance actions, community engagement and material removal. Collected data can also be used to estimate the cost of illegal dumping to the community and where enforcement action allows, to support cost recovery for investigation and remediation, including staff time, plant and equipment.

Inspection

An officer attends the site to:

- confirm illegal dumping classification
- assess risks and determine interim controls
- identify responsible persons where possible.

Data collection

For each reported or detected incident, the following information should be recorded:

- location of the incident
- date and time of occurrence or discovery
- type of material dumped
- estimated amount or quantity of material
- any evidence indicating the source of the material.

Evidence

Evidence may include:

- photographs (wide-angle and close-up)
- items bearing identifying information
- witness statements
- CCTV or surveillance footage
- officer notes and observations.

All evidence is handled in accordance with evidentiary standards and record-keeping requirements.

4.5 Taping/stickering

Illegally dumped material is taped or stickered (Figure 3) as a means of notifying nearby residents that an investigation is underway.

Material is taped even if evidence identifying a suspect exists, as it encourages the removal of illegally dumped material and helps prevent other people from continuing to add to the dumped pile.

Taping/stickering helps to reduce duplicate reports as residents can see that it is already being actioned.

Figure 3: Example of stickers and tape used on illegally dumped materials (Keep Australia Beautiful and City of Stirling).

Flyers

Alongside taping or stickering, consider distributing educational flyers (Figure 4) to nearby households where illegal dumping has occurred. These flyers should provide information on appropriate disposal options and available services to encourage proper disposal and help reduce future illegal dumping.

Figure 4: Example of material used to notify residents (City of Stirling).

4.6 Compliance

A Local Government must decide on the approach that will be taken to compliance. The Local Government can undertake these activities themselves or partner with DWER.

Partner with DWER

Local Governments can partner with DWER to undertake various activities in responding to illegal dumping, including:

- **Training**: to assist Local Governments to enforce the Litter Act and become Authorised Officers under the EP Act.

- **Assistance on prosecutions:** DWER can provide advice to Local Governments to ensure that the required evidence has been gathered, stored and recorded in accordance with the rules of evidence.
- **Equipment:** DWER has a limited supply of CCTV cameras but can assist Local Governments with the loan of cameras upon request.

CCTV Cameras

If a dumping incident is discovered in the area where cameras have been deployed the onus is upon the Local Government to recover the footage and report the matter to DWER. DWER is the appropriate and authorised agency to undertake Illegal Dumping prosecutions (under the EP Act) and the outcome of prosecutions are uploaded onto the DWER website.

To receive the cameras on loan, the Local Government needs to:

- suggest littering or illegal dumping 'hot spots' for CCTV installations
- commit to at least weekly drive by of the site(s)
- assist DWER with providing information for prosecutions.

For a DWER investigation to proceed the following will be required:

- a statement outlining the deployment of the camera
- the location of the camera (map and GPS)
- what was captured on the camera, day, date time etc
- confirmation of whether the alleged offender had permission to be at the site and a description of the material that was dumped
- Local Government invoice for the removal of the waste to restore it to its former state (note: this must be specific to the dumping reported and not a mass clean up)

DWER prosecution

DWER has dedicated resources available to investigate serious illegal dumping incidents. Thresholds for referring a matter to the DWER include:

- whether the material illegally disposed of appears to be commercial
- the quantity of material illegally disposed of
- how hazardous the material is (to human health or the environment).

Upon successful prosecution DWER can request a court order for reimbursement of the costs associated with the clean-up of the illegal dumping.

For more information about how your Local Government can work with DWER, contact wastecrime@dwer.wa.gov.au.

4.7 Removal of Material

Management of any material that is not removed after taping, door knocking or issuing notices remains the responsibility of the owner or manager of the land. For Local Government, this comes at a substantial cost. There is an opportunity to lower these costs by undertaking resource recovery, where appropriate. It is important that Local Governments undertake an assessment of the viability of resource recovery activities.

Where resource recovery is found to be viable, the WALGA Preferred Supplier Directory for waste services can be used to assist Local Governments in the procurement of resource recovery services. The contractors on these Panels can provide a range of resource recovery services, including e-waste recycling, mattress recycling and disposal of hazardous material. Panels can provide a range of resource recovery services, including e-waste recycling, mattress recycling and disposal of hazardous material.

4.8 Education

Promote Local Government services

Local Governments can help prevent illegal dumping through education-focused preventative measures that encourage lawful behaviour. This includes public education campaigns (Figure 5) that explain the impacts of illegal dumping and promote appropriate disposal options such as verge collections, transfer stations and licensed waste services. Education initiatives should target key audiences including residents, renters, builders and property managers and can be delivered through digital channels, printed materials, community engagement activities and partnerships with local groups. Signage in known dumping areas can further reinforce expectations and provide clear information on lawful disposal and reporting options.

Figure 5: 'Undelivered' campaign to educate residents about on-demand waste collection services. Credit: City of Stirling

Hot spot management

Education efforts can be strengthened through hot spot management informed by data and intelligence. Analysis of report data can be used to identify repeat dumping locations, enabling Local Governments to apply targeted education and deterrence measures. At these sites, tailored messaging and signage, increased patrols or surveillance may be used alongside direct engagement to disrupt dumping behaviour and reinforce community responsibility.

Promotion of successful prosecutions

Promoting successful prosecutions is a valuable education tool that supports broader compliance efforts. Publicising enforcement outcomes helps demonstrate that illegal dumping is taken seriously and that penalties apply. Local Governments can share these outcomes through websites, social media and community newsletters to reinforce deterrence, build confidence in reporting systems and support long-term behaviour change.