

SHOPPING TROLLEYS LOCAL LAW 2025

DRAFT

Local Government Act 1995

City of Stirling

Shopping Trolleys Local Law 2025

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Local Government Act 1995

City of Stirling

Shopping Trolleys Local Law 2024

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Stirling resolved on [insert date] to make the following local law.

Part 1 - Preliminary

1.1 Citation

- (1) This local law is the *City of Stirling Shopping Trolleys Local Law 2025*.
- (2) This local law is referred to as “the” or “this” “Local Law.”

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Amendments

This local law amends the following local law:

- (1) The *City of Stirling Throughfares and Public Places Local Law 2009* published in the *Government Gazette* on 9 April 2009 and as amended and published in the *Government Gazette* on 15 April 2011 and 23 August 2013. The amendments are as follows:
 - (a) Part 4 - Division 2 – Shopping Trolleys is deleted.
 - (b) The words ‘or shopping trolleys’ are deleted from the heading of Part 4.
 - (c) Clauses 4.6 and 4.7(2) are deleted from Schedule 1.

1.4 Application and intent

- (1) This Local Law applies to all land in the local government.
- (2) This Local Law intends to:
 - (a) regulate the removal of shopping trolleys from shopping precincts;
 - (b) require retailers providing shopping trolleys to ensure their prompt collection and return;

- (c) provide the local government with powers to impound shopping trolleys that are left in contravention of this local law; and
- (d) create offences and penalties for breaches of this Local Law.

1.5 Interpretation

(1) In this Local Law, unless the context requires otherwise, all words and phrases have the same meaning as defined in the *Local Government Act 1995* or any regulations adopted under the *Local Government Act 1995*.

(2) In this Local Law, unless the context requires otherwise –

“Area Set Aside for the Storage of Shopping Trolleys” means any area that is clearly marked and used for the storage of shopping trolleys with the prior consent of the owner and occupier of the land on which it is located.

“City Property” means any land that is:

- (a) under the exclusive possession of the local government;
- (b) owned by the local government; or
- (c) is under the care, control or management of the local government.

“Contravention That May Lead to Impounding” has the meaning given in clause 1.13.

“Local Government” means the City of Stirling;

“private property” means any land that is not a public place;

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

“shopping precinct”:

- (a) means the entire area of land comprising one or more contiguous parcels of land on which one or more retailers who use shopping trolleys are located; and
- (b) includes any common property within the meaning of the *Strata Titles Act*; but
- (c) does not include any City property, unless the City has granted prior written approval for the City property to form part of the shopping precinct.

“trolley” or **“shopping trolley”** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

Part 2 – Local Law

1.6 Shopping trolley to be marked

A retailer must clearly mark its name or trading name on any shopping trolley made available for the use of customers.

1.7 Shopping trolleys must be kept in shopping precincts

- (1) A retailer must implement reasonable practices to keep shopping trolleys within the shopping precinct within which the retailer is located.
- (2) A retailer must not permit a shopping trolley to leave the shopping precinct within which the retailer is located.

1.8 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place or on City property other than in an area set aside for the storage of shopping trolleys.

1.9 Person not to leave trolley on private property

A person must not leave a shopping trolley on:

- (1) private property, without the prior consent of the owner or occupier of the private property; or
- (2) common property within the meaning of the *Strata Titles Act*, without the prior written consent of the strata company.

1.10 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found on private property, in a public place or on City property, in contravention of clause 1.7(2), clause 1.8 or clause 1.9, the City may advise a retailer, verbally or in writing, whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).

1.11 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

1.12 Impounding shopping trolleys

An authorised person may impound a shopping trolley that is involved in a Contravention That May Lead To Impounding.

1.13 Contravention That May Lead To Impounding

A shopping trolley is involved in a Contravention That May Lead To Impounding if it is left:

- (1) in a public place or on City property and is not marked in accordance with clause 1.6;
- (2) in a public place, or on City property, and is causing an obstruction or hazard;
- (3) outside the shopping precinct within which the retailer is located;
- (4) on City property, without the prior written consent of the City;
- (5) on private property, in a public place or on City property after advice has been given under clause 1.10 and the period of time given under clause 1.10 has expired;
- (6) on private property, without the prior written consent of the owner or occupier of that private property;
- (7) on common property as defined in the *Strata Titles Act*, without the prior written consent of the strata company; or
- (8) in or on:
 - (a) a waterway, lake, river or pond;
 - (b) a natural area;
 - (c) a beach or ocean;
 - (d) a vehicle or boat; or
 - (e) a structure, other than an area set aside for the storage of shopping trolleys.

Part 3 – Enforcement

1.14 Offences

A person who breaches a provision of this Local Law commits an offence.

1.15 Penalties

- (1) A person who commits an offence is liable to a modified penalty that is the maximum modified penalty allowed under the *Local Government Act 1995*.
- (2) A person who commits an offence is liable to a penalty that is the maximum penalty allowed under the *Local Government Act 1995*.
- (3) A person who commits an offence is liable to a daily penalty that is the maximum daily penalty allowed under the *Local Government Act 1995*.

Dated [insert]

The Common Seal of the City of Stirling)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
MARK IRWIN
MAYOR

.....
STEVAN RODIC
CHIEF EXECUTIVE OFFICER

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