

21 February 2023

Our Ref: TB:KC

Via email: [env@parliament.wa.gov.au](mailto:env@parliament.wa.gov.au)

Hon Peter Foster MLC  
Chair  
Standing Committee on Environment and Public Affairs  
Legislative Council Committee Office  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Hon. Peter Foster,

**Petition No 073 – Removal and abandonment of shopping trolleys**

The Western Australian Local Government Association (WALGA) appreciates the opportunity to provide comment to the Standing Committee in regard to Petition No.073 'Removal and abandonment of shopping trolleys'.

By way of background, WALGA has previously advocated for alleviation of issues caused by abandoned shopping trolleys. In 2005, a WALGA Discussion Paper led to a number of proposed strategies that were subsequently implemented via a Working Group that included Local Government and retailer representatives. Proposals included:

- measures to be instituted by retailers such as coin returns and magnetic locking mechanisms effective within shopping precincts;
- improved abandoned trolley identification and collection system ('Trolley Tracker');
- patrolling hot spots to recover trolleys from areas where commonly abandoned;
- legislative amendment permitting Local Governments to dispose of abandoned trolleys more efficiently - s. 3.47 and Local Government (Functions and General) Regulation 29B
- Retailers to mark trolleys for easier identification.

Additionally, WALGA's template Activities on Thoroughfares Local Law was reviewed as part of the Working Group proposals and has since included penalty provisions relating to abandoned shopping trolleys.

It is WALGA's understanding that the current Local Law provisions mark the extent of Local Government's statutory powers to deal with matters on private land, with the Joint Standing Committee on Delegated Legislation having reported on limits set out in Schedule 3.1 and 3.2 of the *Local Government Act 1995* (Committee Report 7, May 2003).

At the WALGA 2022 Annual General Meeting, the following resolution was passed:

*That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State*

*Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.*

WALGA's State Council Governance and Organisational Services Policy Team has considered this AGM resolution and subsequently recommended an Advocacy Position be developed for WALGA State Council consideration. In draft form it is proposed that WALGA's Advocacy Position may include:

*Advocating for State Government to consult with the Local Government sector and prioritise legislative reforms that require retailers to contain shopping trolleys within shopping centre property boundaries, inclusive of enforcement (i.e. modified penalty) mechanisms that are a realistic economic imperative for retailers to comply with containment requirements.*

WALGA is further investigating the recently enacted [Public Spaces \(Unattended Property\) Act 2021 \(NSW\)](#), as an example of legislation that provides a consistent approach to public safety and amenity issues arising from a broad range of abandoned property including; shopping trolleys, unregistered /abandoned cars, trailers, share bikes, share eRidables and stray animals. This legislation provides:

- stronger regulatory and enforcement powers to deal with property left unattended in public
- higher penalties for offences
- greater ability to recover regulatory costs from those responsible
- greater flexibility to temporarily store or care for unattended items and animals
- reduced costs for compliance and storage
- easier way to work with other authorities across jurisdictional boundaries
- better way to deal with stock animals in emergencies

It is expected that the WALGA State Council will consider and determine an Advocacy Position at its meeting in May 2023.

In terms of the petition, it is foreseeable that the Local Government sector will support the promulgation of state-wide laws to address the issue of abandoned shopping trolleys, on the basis that the sector's own statutory law-making powers are limited.

I hope this information will assist the Standing Committee's inquiries and I welcome the opportunity for further engagement with State Government to develop a suitable legislative solution to the problem. For enquiries, please contact Mr Tony Brown, Executive Director Member Services, on 08 9213 2051 or [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au).

Yours sincerely,



**Cr Karen Chappel JP**  
**WALGA President**