



# Better Practice Guideline

## Charity Bin Management

August 2017

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## Introduction

This Better Practice Guideline on Charity Bin Management has been developed by the WA Local Government Association, with input from Local Governments and Charitable recyclers. The aim of this project is to assist Local Governments in managing charity bins within Local Government areas, in order to:

- Reduce litter and illegal dumping
- Simplify Local Government operations
- Encourage the diversion of reusable materials through charity collections.

The term Better Practice rather than Best Practice has been used to recognise that the Guideline and indeed the whole of waste management practice changes over time. There is no static Best Practice; rather there is ongoing improvement through developing better practice.

A range of research and engagement activities have informed the development of the Guideline, including case studies from WA Local Governments, in particular the City of Stirling's charity bin management practices. To inform the Guideline, engagement with charitable recyclers and national research was also undertaken.

Section one provides a brief overview of the factors which have led to the development of this Guideline, existing and potential complementary mechanisms, and some of the legal considerations that are relevant to charity bin management.

Section two of this Guideline outlines how Local Governments can explore better practice approaches to improve charity bin management within their Local Government area.

### 1.1 What are charity bins?

Charity bins (Figure 1) provide the community with a convenient means of donating unwanted clothing and household items which can then be on-sold by charitable recyclers. Charity bins encourage reuse of materials through charity collections, which results in less pressure on waste disposal services. These collections and sales provide substantial community benefits, including funding for community services, low cost clothing and household goods for households, and employment opportunities for community members, including those with disabilities.



Figure 1: Charity bins

Charity bins are a critical component of charitable recyclers operations. The National Association of Charitable Recycling Organisations (NACRO), the peak body representing charitable recycling organisations throughout Australia, advocates that prominently located collection bins are currently the most cost effective method of collecting post-consumer reusable domestic materials<sup>1</sup>. For example, two major charitable recyclers, Good Samaritan Industries and Spine & Limb Foundation, reported collecting and reusing (Figure 2) or recycling a total of 7.2 million kilograms of materials in WA in 2015/16 Financial Year.

Charity bins can be a source of community concern when illegal dumping of goods, graffiti or vandalism occurs. Some Local Governments in WA have removed charity bins from public land within their Local Government Areas due to illegal dumping (Figure 3) around the bins.

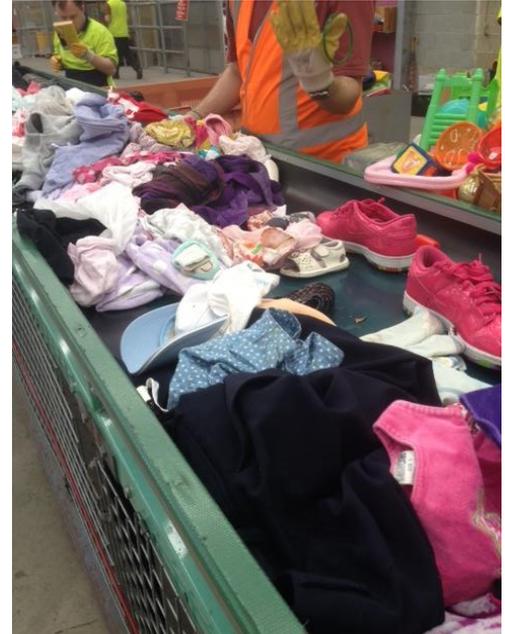


Figure 2: Sorting at a charity

## 1.2 How should Local Government use the Guideline?

The Guideline provides an overview of the requirements that apply to place charity bins on Local Government controlled land, facilitating a consistent and equitable approach to the placement of charity bins throughout residential areas. The Guideline also outlines options available to Local Governments to respond to charity bin issues on private property, for example shopping precincts.

The Guideline acknowledges the valuable community service provided by charity bins and aim to ensure that bins on Local Government controlled land are sited and maintained in accordance with reasonable community standards.

It is intended that any Local Government should be able to use the Guideline to assist with simplifying management of charity bins. The Guideline has been developed with the view that the establishment of a formal relationship between Local Governments and Charitable recyclers is the cornerstone of effective charity bin management.

NOTE: The Charity Collection Bin Guideline has been prepared by WALGA to assist Local Governments in Western Australia. The information contained in the Guideline is true and correct at the date of the publication. WALGA does not warrant or represent that the information is exhaustive or complete. WALGA will not be liable for any loss or damage suffered or incurred by any person arising from the use or reliance on the information contained in the Guideline. Local Governments are advised to obtain their own legal advice on matters raised in this Guideline.

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<sup>1</sup> NACRO Code of Practice for the operation of clothing donation bins, 2013, available online at <http://www.nacro.org.au/policy/>



Figure 3: severe illegal dumping at charity bins

### 1.3 Supporting Mechanisms

The approaches suggested in the Guideline focus predominantly on how Local Governments can actively work with relevant stakeholders to effectively manage charity bins on public or other land. A number of supporting programs and information are available, including:

[Waste Authority Charitable Recyclers Rebate](#) legitimate charitable recyclers organisations with a rebate for the disposal of waste material that is illegally dumped at their premises (at charity bins or shopfronts).

[Waste Authority Better Practice Guidelines for Charitable Recyclers](#) (Better Practice Guidelines) are being developed in consultation with charitable recyclers. These will provide guidance on proven measures that can be implemented to prevent and manage illegal dumping and the donation of unwanted goods at collection sites.

[Waste Authority Charitable Recycler Dumping Reduction Program](#) (Dumping Reduction Program), will provide funds to charitable recyclers to pilot, evaluate and implement measures (including improved lighting, fencing, signage, acceptance standards, opening hours and educational material) that reduce illegal dumping at their bins and stores. This program is under development.

WALGA's [Better Practice Optical Surveillance Devices \(aka CCTV\)](#) focuses on how Optical Surveillance Devices can be used and the specific legal and practical issues relevant to their use as a means of combating littering and illegal dumping. The Guideline also includes case studies and opportunities available to Local Government to work with State Government on this issue.

## 1.4 Applicable legislation

### *Charitable Collections Act 1946*

Any organisation collecting money or goods from the public for charitable purposes, needs to be licensed under Section 6 of the *Charitable Collections Act 1946*. This is relevant to Local Government assessing organisations that wish to place charity bins on Local Government land.

Section 6: Restriction on certain collections states:

(1) No person shall -

1. collect or attempt to collect any money or goods for any charitable purpose; or
2. obtain or attempt to obtain money by the sale of any disc, badge, token, flower or other device for any charitable purpose; or
3. conduct any entertainment or function to which any charge for admission is made, or sell or attempt to sell any ticket for admission to any entertainment or function in any case where it is held out that any part of the proceeds of the entertainment or function are to be devoted (either wholly or partly) for any charitable purpose; or
4. advertise, whether by way of poster, streamer, handbill, notice in any newspaper or any other means or hold out or represent in any manner that the whole or any part of the proceeds of any sports, races, fete, bazaar or other function will be paid into or applied for any charitable purpose, unless he is:
  - a. the holder of a license under this Act; or
  - b. a member of the committee or other governing body, of a society, body, or association which is the holder of a license under this Act and who is authorized by such licensee; or
  - c. authorized to do so by a person, society, body or association which holds a license under this Act and except in accordance with such license and authority.

A list of licenced Charitable recyclers is available on the Department of Mines, Industry Regulation and Safety website: <https://www.commerce.wa.gov.au/consumer-protection/charities>

Some of the largest charitable recyclers operating charity bins in Western Australia include:

- Good Samaritan Industries
- Spine & Limb Foundation
- St Vincent de Paul Society
- Anglicare WA

See [giv.org.au](http://giv.org.au) for more information on charitable recyclers working in partnership to reduce waste.

### *Environmental Protection Act 1986 and Litter Act 1979*

Illegal dumping is a prosecutable offence under the *Environmental Protection Act 1986* and minor instances of illegal dumping can attract infringement notices under the *Litter Act 1979*. Littering is an offence under the *Litter Act 1979*.

### *Local Government Act and Local Laws*

A Local Government is within its rights to require the removal of any structure from land under the Local Government's care, control and management. The head of power is provided in the *Local Government Act 1995* under Part 3, Subdivision 4: *Impounding abandoned vehicle wrecks and goods involved in certain contraventions*.

The *Local Government Act 1995* s3.5 also provides the head of power for Local Government functions, such as specific provisions that detail how Local Laws are to be made. The WALGA Governance website provides two [Model Local Laws](#) that can be modified to include provisions that require organisations to obtain a permit prior to placing charity bins on Local Government land. The Model Local Laws can be adopted by a Local Law made under the *Local Government Act* by gazettal reference, with or without modifications. Similarly, the decision on whether or not to charge for a permit or occupancy of public land is a determination that can be made locally.

The Model *Activities in Thoroughfares and Public Places Local Law* Clause 2.2(1) makes provision for general activities to be allowed with a permit. The Model *Local Government Property Local Law* Clause 3.13(1) can be 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*).

## 2.0 Better Practice Approaches

### 2.1 Charitable Recyclers vs For-Profit

**Aim: Registered Charitable recyclers, which provide a range of community benefits, are the only organisations authorised to place collection bins on Local Government property.**

#### *Approach*

Identify eligible charitable organisations using the following criteria\*:

- Licenced under the [Western Australian Charitable Collections Act 1946](#)
- Have Deductible Gift Recipient status from the [Australia Taxation Office](#)
- Directly collects or receives goods at public drop-off or donation points, such as charity bins or shopfronts, in accordance with a community service or activity that benefits the community. For example, organisations that provide relief for the sick, infirm, poor, destitute, or unemployed and their dependents.
- Collection activities undertaken by the organisation must be voluntary or not-for-profit and with no commercial interest (i.e. undertaken exclusively to support the charitable purpose of the charitable recycler)
- The organisation must not sell or allow their brand to be used by commercial operators to solicit donated goods.

\*These criteria are taken from the Waste Authority Charitable Recyclers Rebate, which offers a rebate on the Landfill Levy paid by charitable recyclers on unusable material left at their facilities in the Perth metropolitan area.

#### *Rationale*

Charitable recyclers operate on a not-for-profit basis providing essential community services to Western Australians in need. Private businesses collecting clothing and household items do so for commercial purposes. Similarly, some charitable recyclers sell they name to private businesses to facilitate clothing collection for commercial purposes. If Local Governments are considering allowing private businesses to place their bins on Local Government property, they could charge these businesses a fee to do so.

As noted in the criteria, charitable organisations that sell or allow their brand to be used by commercial operators to solicit donated goods are also excluded. The charity bins and donations, including their processing, must be under the direct ownership and control of the charity.

## 2.2 Policy and Application Process

**Aim: Local Governments have a consistent and documented process for charitable recyclers to apply to place collection bins on public land.**

### *Approach*

Document a short, dedicated Council Policy on the management of charity bins on Local Government controlled land, including considerations such as the eligibility requirements and the need to complete an application.

### *Rationale*

Having a Council Policy on the management of charity bins on Local Government controlled land is the first step in addressing ongoing problems with charity bins. The policy can support Local Government operational practices, including:

- The development of lists of approved sites
- Restrict access to Local Government controlled land to only registered Charitable recyclers
- State a maximum number of bins per site
- State a maximum number of bins per Charitable Recycler
- Establish an evaluation process to determine the impact of charity bins at sites.

Although it is the responsibility of charitable recyclers to maintain their bins sites, Local Governments will often be the first point of call for community feedback about illegal dumping or other undesirable activities. An example of a Council Policy is provided in Appendix A (adapted from City of Stirling).

### *Approach*

The application process is structured so that charitable recyclers must submit a signed application form that will become the basis of a written agreement (Memorandum of Understanding) between the Local Government and the Charitable Recycler. The application form can request that charitable recyclers provide details including:

- Evidence of their charity status and ATO status.
- An overview of the charity's bin management system to ensure the charity has a system in place to regularly empty and monitor bins. Bins will usually need to be emptied once a week and Charitable recyclers can empty high traffic area bins twice a week.
- Proposed collection bin locations with images/photos. Charitable recyclers should work with the Local Government to choose appropriate sites.
- Insurance details.

### *Rationale*

This approach will allow Local Governments to make an informed decision on the organisations applying for and the location of charity bins on Local Government controlled land. An application template can be used to assess organisations and provide a written

agreement (that can be adapted into a Memorandum of Understanding). An example application template is provided in Appendix B. This can simplify charity bin management by:

- Reducing the number of different charitable recyclers operating within the Local Government: limiting the number of charitable recyclers means there are fewer relationships that the Local Government needs to manage or maintain. It also reduces confusion on the ownership of bins and responsibility for maintenance of the surrounding area.
- Ensuring locations of bins strategic and known: choosing strategic locations to site bins, based on the information and images charitable recyclers provide in their application. Once maps and images are provided by the charity applicant, the Local Government can use mapping systems (such as their own Intramaps system) to confirm suggested sites are on Local Government controlled land.
- Facilitating an active, ongoing relationship with application: If Local Government is in regular contact with the applicant this will assist in ensuring that issues can be promptly dealt with and ensure reviews will occur.
- Having charity representative contact details on record: This means that any community feedback can be passed onto the right contact immediately. Local Government officers should be able to immediately flag issues with a nominated representative from the charity who can act to rectify issues.

Charitable recyclers that were consulted in the development of this Guideline support the suggestion that Local Governments should implement clear, detailed policies on charity bin operation.

## 2.3 Siting

**Aim: Charity bins are sited in such a way that they do not detract from community amenity and safety.**

### *Approach*

Charity bins can be designed and placed where they do not detract from the amenity and appearance of the landscape. This may include a site specific assessment. In designing and placing the bins, considerations include that bins:

- Are not to be placed in thoroughfares or pedestrian pathways
- Are adequately fixed to a concrete pad or in a manner that it does not pose a risk of moving or being moved and causing injury or damage to property
- Are not to be placed in a manner that facilitates illegal/ unauthorised entry into property
- Do not impede line of sight, causing safety hazards
- Do not present a threat to surrounding people or infrastructure in the event there is a fire in the bins
- Are placed in appropriate areas to ensure collection truck access without disturbing traffic flow
- Are clearly visible in well-lit areas to deter illegal dumping
- Are placed near convenient parking areas to ensure off-road parking and access to the bin, as well as allowing collection trucks to access the bins without blocking thoroughfares
- Are clearly marked with the name and contact details of the organisation responsible for servicing and maintaining the bins, including a 24 hour emergency number.

- Are clearly marked with information on what materials can be deposited and that littering or illegal dumping is an offence under the *Environment Protection Act 1986* and the *Litter Act 1979*

#### *Rationale*

While charity bins should not obstruct pathways or create hazards by limiting line of sight, bins should be located in prominent areas with a high level of community activity.

The direct or indirect presence of other people discourages criminal behaviour, such as illegal dumping and property vandalism. A combination of people in an area and others who are able to see the area, such as people in adjoining buildings or spaces, is thought to produce 'passive surveillance': a casual surveillance by members of the community as they go about their daily activity.

#### *Approach*

Local Government should give consideration to the number of charity bins and different charitable recyclers at each specific site to deal with demand. Charitable recyclers that take responsibility for site maintenance can be given priority when charity bin space is allocated.



Figure 4: charity sorting facility

#### *Rationale*

Research by Sustainability Victoria<sup>2</sup> suggests that large groups of multiple bins with multiple owners can increase litter and illegal dumping, as ownership and responsibility of bins and the surrounding areas may be unclear. Limiting the number of bins may not always be necessary as some sites can easily accommodate more due to high volumes of donations.

#### **Case Study**

Some Charitable recyclers in WA already work together to monitor and keep clean shared sites. For example Good Samaritan Industries (GSI) and Spine and Limb Foundation

<sup>2</sup> Best practice guide for managing litter and illegal dumping at clothing bins, pg. 6. Available online at <http://www.sustainability.vic.gov.au/services-and-advice/community/clothing-bins-illegal-dumping-and-litter>

(S&L) have an arrangement to monitor and maintain shared collection bin sites, with GSI covering sites south of the Swan River and S&L managing all sites north of the river. Each charitable recycler will clear illegal dumping at their allocated sites and report to the other if any further action is needed (such as replacing cut locks on bins).

## 2.4 Education

**Aim: Local Government supports the positive benefits of charitable donations through charity bins as one key mechanism to collect material.**

### *Approach*

Provide Local Government Officers and Elected Members with the opportunity to view charity operations. Local Governments can request a site tour of charity operational facilities as part of its agreement to allow collection bins on Local Government land.

### *Rationale*

WALGA recommends Local Government view organisations' collecting and sorting facilities before entering into contracts. A site tour allows Local Government to ascertain if the charity is running a legitimate operation and provides Elected Members and Officers with an opportunity to raise any concerns directly with the charity.

### **Case Study**

Charitable recyclers provide tours of sort facilities (Figure 4) to Local Governments. This has been an effective means of highlighting the community services they provide.

### *Approach*

Record instances of community feedback and note if the same resident provides feedback on multiple occasions. Provide charitable recyclers with the opportunity to directly engage with the resident, hear their concerns and explain what their organisation does and the benefits it provides to the community.

### *Rationale*

Community engagement and outreach are a normal part of charity operations. Charitable recyclers have the capacity and expertise to provide information to residents to address concerns. An example of the information Good Samaritan Industries provides to communities is shown in Figure 5. Less complaints is a good indication that the system is running smoothly and means less work for the Local Government.



***Good Samaritan Industries is a registered Western Australian charity that has existed for over 55 years to provide meaningful paid employment for people with disabilities***

***Our vision is for Western Australians living with a disability to enjoy equal opportunities to build their independence in the community.***

***Each Good Sammy charity bin will help to provide paid employment for up to 5 people living with a disability***

***Annually we award \$1,000 scholarships to students with a disability from Year 10 to final year students (in WA schools and colleges) to assist with their training and future career goals. There were 35 scholarships awarded in December 2016.***

***We contribute to protecting the environment by offering a recycling option for donations. In the last financial year alone we collected, processed and recycled close to 5.5 million kilograms of unwanted items thereby helping to protect the environment and reduce landfill***

***In addition to this, we offer a FREE home collection service in the metro area for larger household item, such as furniture.***

***Your support is invaluable as it helps us to achieve all of the above.***

***We thank you for getting on board in this rewarding and worthwhile endeavour.***

***Please call 1300 855 130 to organise a collection pick up or to drop off a local charity bin.***

Figure 5: Good Samaritan Industries Information

### **Case Study**

The City of Stirling is always receptive to resident feedback but will not disrupt their charity bin management system based on a single complaint. If the same resident makes another complaint, the City provides the charity with the opportunity to speak directly to the resident and provide information on the charitable recyclers operations and community services.

## **2.5 Staffing**

**Aim: Simplify Local Government operations by allocating responsibilities and streamlining procedures.**

### *Approach*

Allocate responsibility for logging community feedback and liaising with charitable recyclers to a designated department/ team within the Local Government.

### *Rationale*

By allocating the task of monitoring charity bins to Officers that drive regular routes, both the Local Government and Charitable recyclers will be monitoring bins to ensure there is no illegal dumping or other issues.

For example, all external feedback given to Customer Service Staff, Rangers and Elected Members should be directed to a delegated team that can respond to the issue and confirm with the resident that action has been taken. The team can manage a log of feedback in a single directory, along with contact details for the charity responsible for the affected site, the action taken by the charity and the contact details of the person who provided the feedback.

Charity bin management should be embedded in Local Government operations. Some Local Governments have developed ongoing relationships with charitable recyclers based on the support and drive of a single individual. Local Governments should design their charity bin management policy and practices to last in the event that the Officer leaves the organisation.

Communication between Local Government departments is essential to ensure all staff are aware of the internal procedure for handling charity bin issues or complaints. While charity bin management may be the responsibility of a specific department manager and their team, Rangers, customer service officers and Elected Members all need to be aware who in the Local Government is responsible for charity bins and the Local Government's policy in dealing with them.

### Case Study

The City of Stirling has a large number of waste management staff that service the needs of the City. Each staff member is responsible for monitoring a number of charity bins on a weekly or fortnightly basis, as part of their regular driving routes. Since adopting this approach, the City reports that the number of complaints received on charity bins has dropped. No more than 30-60 minutes per week is now required to contact charitable recyclers and other stakeholders and update the report log. The City now has an accurate record of issues associated with each bin site and allows an evidence based approach to be taken.

## 2.6 Evaluation

**Aim: Ensure systems are in place to monitor and review Local Government charity bin management practices.**

### *Approach*

An annual visual review of all the charity bins and evaluation of the written agreements with charitable recyclers can assist Local Governments to monitor the overall impact of the charity bins and make any necessary changes to ensure compliance with the Local Government's policy.

The annual review can include:

- Photographing each bin and surrounds to ensure they are clean, without graffiti or damage, clear of litter and illegal dumping, and located where they were approved to be
- Reviewing the log of reported incidences and complaints and informing Charitable recyclers of changes that need to be made, such as relocating bins where illegal dumping has been an ongoing problem
- Reviewing and updating service agreements to reflect bin user behaviour. Hot spots for illegal dumping or overfull bins can be addressed in partnership with charitable recyclers.

Local Governments can also ask Charitable recyclers for details on the amount of donations received at collection bins. This information can be used to inform Council and the community on the amount of waste being diverted in the Local Government area through community support of charity operations.

### *Rationale*

An annual review of charity bins on Local Government land can be used to demonstrate broader trends in charity bin operations. This includes identifying problem sites and any decreases in the number and types of incidences/complaints. Annual review also provides an opportunity to look at the Local Government's ongoing working relationships with charitable recyclers and ensure that these are effective.

A review helps to identify if Local Government resources are allocated appropriately. For example, the review could look at whether activities are carried out in accordance with Local Government Policy, and if practices/assumptions need to be amended in any way. Similarly it allows the Local Government to assess the time and effort put in to manage charity bins versus the outcome.

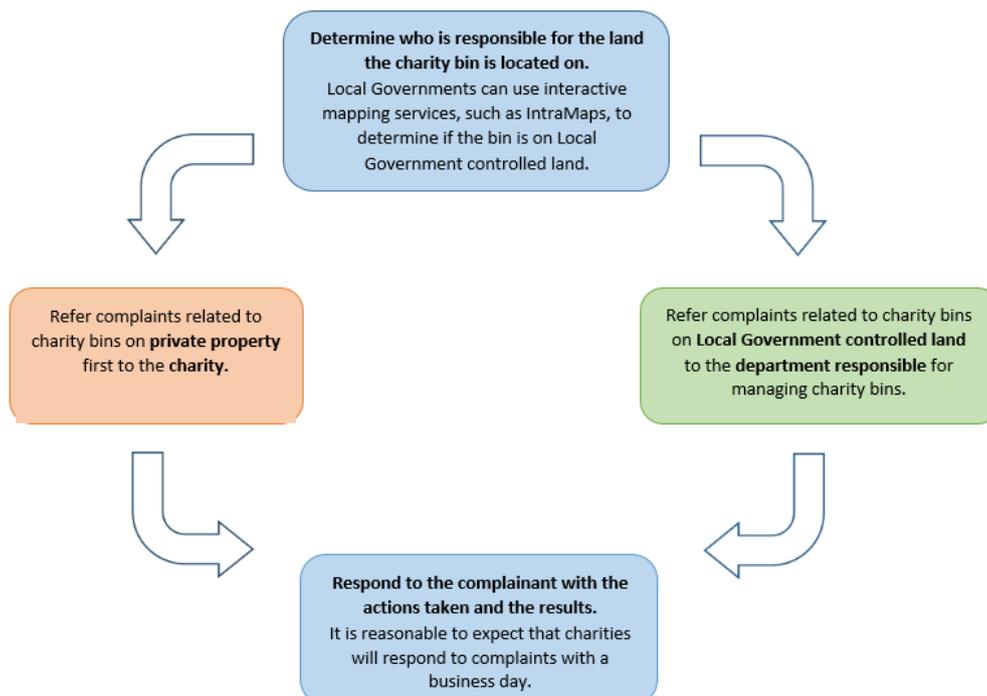
Evaluation can also provide an opportunity to identify and highlight diversion from landfill and promote good outcomes to the local community.

## 2.7 Illegal dumping: Short term response

**Aim: Illegal dumping is addressed in a streamlined, prompt manner.**

### *Approach*

When residents or Local Government staff report illegal dumping or other issues to the Local Government department managing charity bin operations, the team members can take steps to address the issue by:



### *Rationale*

Illegal dumping is a persistent, costly problem that is experienced in a range of situations. Even when bins are regularly emptied and monitored, illegal dumping can occur. Residents may contact Local Government instead of charitable recyclers directly to report illegal dumping. By establishing a clear operational protocol for responding and forwarding complaints, there will be minimal disruptions to other Local Government activities and it will allow charitable recyclers to respond to any issues in a timely manner.

### *Approach*

If severe issues occur at a charity bin site, such as excessive illegal dumping, fire or injury, then immediately remove the bins. Reoccurring complaints also indicate that a site is unsuitable and that the bins should be relocated. Information on relocating bins is provided in section 2.8.

### *Rationale*

Severe issues (Figure 6) need immediate action to address the problem. A single complaint of illegal dumping should not necessarily mean that bins are automatically removed from a site. Consider impact rather than number of instances of illegal dumping when determining whether to remove bins from sites. Criteria to remove charity bins from sites should be clearly documented as part of the Local Government policy.

### *Approach*

Local Governments can carry out site inspections as part of regular ranger and officer patrols so that charitable recyclers can be quickly alerted to any issues.

### *Rationale*

Charitable recyclers are often under-resourced and rely on good partnerships to ease the burden of monitoring bins in order to quickly respond to issues, such as illegal dumping.



Figure 6: severe illegal dumping and vandalism

### **Case Study**

Local Government can work with Charitable recyclers to install CCTV in illegal dumping hotspots. WALGA has developed [Better Practice Guidelines on the use of Optical Surveillance Devices \(aka CCTV\)](#) which focuses on how Optical Surveillance Devices (OSD) can be used and the specific legal and practical issues relevant to its use as a means of combating littering and illegal dumping.

There are also opportunities for Local Governments to partner with the Department of Water and Environment Regulation (WDER) to use OSD to identify those responsible for littering or illegally dumping. Local Governments and Charitable recyclers can identify illegal dumping 'hot spots' for OSD installation and work together to drive by sites and take photos and notify DWER if illegal dumping occurs at the sites. DWER can loan OSDs, check surveillance imagery, undertake the prosecutions (under the EP Act) and publicise any successful prosecutions.

## 2.8 Illegal dumping: Long term response

**Aim: Bins should be removed from unsuitable locations and efforts made to find an alternative site within the Local Government.**

### *Approach*

If one complaint of severe illegal dumping per month has been received on a charity bin site in a 12 month period, the Local Government should advise the charity that the bin must be removed and relocated to a more appropriate site. In comparison, three relatively minor incidents of illegal dumping may not justify removal.

While it is occasionally necessary to relocate bins, it is advisable that the timing for relocations falls outside of the busy Christmas and Easter seasons. Local Governments can also include in their policy that charitable recyclers are responsible for clearing illegal dumping from ex-bin sites for one month or so after relocation.

Where there are reoccurring issues on private land, Local Governments can request that charitable recyclers remove and relocate problematic bins. Local Governments are more likely to be able to influence charity operations on private land if they maintain positive, supportive relationships with charitable recyclers.

### *Rationale*

Sometimes sites are not appropriate for charity bins, with the bins either never used or susceptible to regular illegal dumping or vandalism.

Charitable recyclers in WA take a dynamic approach to siting their bins and tracking how much material each bin collects. Similarly, the Local Government department responsible for managing charity bins can keep a simple record of complaints against each bin. One complaint per month of severe illegal dumping within 12 months is a good indication that the bin should be relocated to an alternative site.

Some sites located on private land may be unsuitable for bins and be susceptible to litter, illegal dumping and negatively impact on visual amenity. While Local Governments cannot require charitable recyclers to remove bins from private land, they can ask for problematic bins to be relocated. Similarly, in support of charitable organisations, Local Governments can ask for for-profit collection bins to be removed from private lands.

### *Approach*

Local Governments assisting charitable recyclers to rehome a bin can check [giv.org.au](http://giv.org.au) to ensure that the new location is not already serviced by charity bins.

### *Rationale*

Bins that need to be removed to a new location should be situated in a location that maximises the number of residents who can conveniently access it.

## 2.9 Private Property

**Aim: To maintain good relationships with residents and property owners affected by charity bins on private land.**

### *Approach*

Local Governments may receive complaints about charity bins located on non-Local Government controlled land. In these circumstances Local Government can offer to follow up with the charity or land owner directly on behalf of the resident.

### *Rationale*

Problems on private property, especially areas where ownership is unclear, will often be referred to Local Government by residents. Offering to follow up with the charity or land owner on the resident's behalf is considerate and can assist in maintaining positive relations with residents. Local Governments can also provide the resident with contact details for the charity if there are further issues.

### *Approach*

Log complaints or other reported issues resulting from bins located on private property. Multiple instances can be raised with the charity or landowner to support a Local Government's request for the bin to be relocated.

### *Rationale*

Charity bins placed on private property (Figure 7) do not come under the jurisdiction of Local Government, however Local Governments can work with charitable recyclers throughout their area to ensure bins are placed in appropriate locations.

### *Approach*

Newly placed charity bins on private property (such as car parks) can be noted and if there are problems with the bins, the Local Governments can contact the landowner.

### *Rationale*

Private landowners may not always be aware of activity on their sites. Land owners must be informed when charity bins located on their land have become a target of property damage and illegal dumping.



Figure 7: Charity bins within private property line

## 2.10 Reuse Shops and Transfer stations

**Aim: Locate charity bins at transfer stations and landfills as a convenient means for residents to access multiple waste material drop off services in one location.**

### *Approach*

Prominently displayed charity bins located at Local Government managed reuse shops, transfer stations and landfills.

### *Rationale*

Secured sites are ideal locations for charity bins and provide a convenient drop off location for residents disposing of a variety of household materials. Locating charity bins at these sites makes use of existing infrastructure (such as security measures). A supervised drop off location will also help to reduce the potential for illegal dumping.

## Appendix A

### Example Charity Clothing Bins on Local Government Controlled Land Policy

Responsible Directorate	Infrastructure
Responsible Business Unit/s	Waste Services
Responsible Officer	Manager Waste and Fleet Services
Affected Business Unit/s	All

#### Objective

The policy aims to control and regulate the placement and management of charity bins on Local Government controlled land so to obviate nuisance, minimise the environmental impact and effectively manage safety and public risk.

#### Scope

This policy relates to a Charity registered with the Australian Taxation Office under the provisions of the *Charitable Collections Act 1946* that directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Local Government controlled land.

The provisions of this policy excludes all private business.

The exclusion of a private business also prohibits the application and place of charity bins by any charity which has licenced the use of the Charity name to a private business for the purpose of clothing collections and where the charity bins and processing of donations is not under direct ownerships and control of the Charity.

Charity bins being placed on Private Land must contact the Local Government's Approvals Business Unit to ascertain any statutory requirements applicable.

#### Policy

##### Statement

The following reasons explain why charity bins are beneficial for the community of [Local Government].

- Charity bins assist residents to dispose unwanted clothing and household items.
- Charitable institutions or organisations depend upon charity bins as an economical and convenient means of obtaining clothing donations from the public to support their services.
- Charity bins divert a substantial amount of reusable material from landfill, resulting in less pressure being placed on waste disposal services as well as supporting the protection of the environment.

##### Application for Approval

- A written application for placing a charity bin/s must be submitted by the bin owner together with:
  - a) Site plan to a suitable scale showing the location of the bin on the property, vehicle arrangements and any adjoining buildings

- b) Plans showing the elevation of each bin including colour and wording details
  - c) Proposed schedule of contents, removal and site clean-up including days and times
  - d) The bin owners' written indemnity to indemnify Local Government against any suit or action arising from or incidental to the placement and/or serving of the bin
  - e) Written evidence of Public Liability Insurance providing the bin owner a limit of indemnity not less than ten million (\$10,000,000)
  - f) The bin owner's written acceptance of responsibility for any damage done to any public road, kerb, footway or landscaping from the placement, use and servicing of the bin.
- The granting of any approval will be subject to any necessary [Local Government] planning requirements in the form of a permit.
  - The approval for the placement of a charity bin will be for a period of up to two (2) years or lesser term.
  - A nominal fee may be set by [Local Government] from time to time.

#### Site Requirements

- Banking of bins is preferable and the placement of these bins will require the approval of the [Local Government]. The number of charity bins permitted on each site will be limited to a maximum of two (2) by any single Charity.

Where practicable, a collective limit of six (6) bins to a specific site may be granted and determined on a site specific basis.

Where the sites are not fully occupied, a repeat Charity may be permitted to occupy an additional site, assessed on a merit basis.

In the event the approved site is fully occupied, approval to place a bin/s on other Local Government controlled land may be granted.

The [Manager Waste and Fleet] has sole discretion in these instances.

- The bin/s must be emptied on a regular basis and the area around the charity bin must be maintained in a neat and tidy condition at all times. This requirement will continue to apply for a period of up to three (3) months following removal of a bin/s from a location, subject to the site remaining vacant.
- The placement of the bin/s must not obstruct an access way or parking place or detract from the amenity of the area.
- Bin/s must be clean, neatly painted, maintained to a satisfactory standard and clearly displaying the registration and contact details of the Charity. Structural damage, graffiti, or the like, must be rectified or removed within two (2) working days unless the bin/s present an immediate hazard to the public, in which case the matter must be attended immediately either by removal of the bin/s or other remedial action being undertaken to rectify the problem.

### Unauthorised Bins and/or Failure to Comply with Order

Bins placed without approval, or not removed immediately following failure to comply with this Policy, will be impounded and a redemption fee, as specified in [Local Government]'s Annual Fees and Charges, shall be paid to release, to offset the Local Government's costs.

A bin shall be impounded for a period not longer than six (6) weeks. If payment is not received for its release within that time, the bin will become the property of the Local Government to be disposed of at the Local Government's discretion.

### Renewal

The bin owner may seek the renewal of the permit in writing, provided the application is received no later than three (3) months prior to the expiry date. The decision to renew or terminate the permit will take into account the satisfactory performance of the Charity to meet its compliance obligations.

### Register of Charity Bins on Local Government Controlled Land Permit

A register of all charity bins on Local Government controlled land will contain:

- Approved locations
- Copy of each approved application
- Copy of each site monitoring assessment
- Schedule of fees and charges (if applicable).

### **Definitions**

*Bin Owner* means Registered Charity established and run to advance or promote a charitable purpose, registered with the Australian Taxation Office under the provisions of the *Charitable Collections Act 1946* and is licensed under the provisions of that Act.

*Charity Bin* is defined as:

- Bins or containers that are so constructed as a closed container, with a weatherproof title chute at the top and on the front permitting clothing to be deposited, a locked door permitting the Charity which owns the bin to empty it; and
- Must not exceed the following dimensions:  
Width 1.2 metres  
Depth 1.3 metres

### **Relevant Policies/ Management Practices/ Documents**

Nil.

### **Legislations/ Local Law Requirements**

*Local Government Act 1995*

*Charitable Collections Act 1946*

*Environmental Protection Act 1986*

*Litter Act 1979*

*Planning and Development Act 2005*

Local Government Property Local Law

Thoroughfares and Public Places Local Law

## Appendix B

### Example Application - Charity Clothing Bins on Local Government Controlled Land

<b>Applicant</b>	
Date:	
Name of Charity/ Organisation:	
Address of Charity/ Organisation:	
Registration Details (where applicable):	
Applicants Name:	
Postal Address:	
Phone:	Daytime contact No.:
Mobile:	Fax
Email:	
(Person nominated must have authority to locate and service clothing bins)	
<b>Collector Details</b>	
Collected by: If not the same as above, an operator may be nominated only if property in clothing bin passes to above listed charity	
Collection frequency:	
Contact Person:	
Postal Address:	
Phone:	Daytime contact No.:
Mobile:	Fax
Email:	
<b>Details of Organisation</b>	
Is the Organisation a Registered Charitable Organisation: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the Organisation agree to comply with the Australia Taxation Organisation – Charitable Purposes Act 1946: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Location</b>	
(sketch plan & photographs to be provided with application)	
Street:	
Suburb:	
Sketch Plan of the area	

<b>Insurance Details</b>
Permit agreements will not be issued unless you have Public Liability insurance for the approved area. Please complete this form, giving details of your Public Liability Insurance. Please note that it is required to arrange for [Local Government] to be named on your policy as a joint insured for the respective rights and interests of your not for profit group and the Local Government in respect of your clothing bin on Local Government controlled land. The Local Government requires Public Liability Insurance of a minimum \$10 million for subject Permit.
<b>Details of Public Liability Insurance</b>
I hereby declare that I, on behalf of the above named organisation, as the occupier of the above noted location, are insured for legal liability to the public in respect of personal injury and property damage for a limit of indemnity of not less than \$10 million and all of the particulars and information supplied in connection with this application are true and correct. I acknowledge that I am aware of my obligations under the Disability Discrimination Act.
Name of Insurance Company:
Public Liability Policy Number:
Period of Insurance from:
Limit of indemnity:
I understand that this insurance shall not be cancelled or lapse without the agreement of [Local Government] and the Policy Document shall be endorsed to this effect. This insurance includes the cross liability clause.
Signature:
Date:
<b>Indemnity</b>
This indemnity form must be completed and signed before licence agreement can be issued.
Name of Applicant:
(referred to hereafter as the Permit Holder) holds [Local Government] (referred to hereafter as the Local Government) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which the Local Government, its servants, agents or employees may be held liable in respect of any loss damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of the Local Government, its servants, agents or employees either solely or in contribution thereto.
Signature:
Date:

