

Litter Bill

EXPLANATORY MEMORANDUM

The Bill repeals the *Litter Act* 1964 replacing it with a comprehensively re-written version.

Clause 1 states the purpose of the Act which is to prohibit and regulate the deposit of litter and to provide for the enforcement of the provisions of the Act.

Clause 2 provides for the Act to come into operation on a day to be proclaimed.

Clause 3 defines the words 'authorised officer', 'Council', 'deposit', 'highway', 'land', 'litter', 'vehicle' and 'waters'.

Clause 4 sets out the places or receptacles where litter may be deposited. Litter may be deposited in places or receptacles reserved or placed for the deposit of litter provided that the litter is of a size, shape, nature or volume that it is appropriate for it to be deposited in such places or receptacles.

Clause 5 makes it an offence to deposit litter in or on any land or into any waters or into, onto, inside or from any vehicle unless the person depositing the litter has express consent of the person or body which controls or manages the land, water or vehicle.

Clause 6 provides that where a court is satisfied that an offender deposited litter intentionally and that it was made of glass, metal, earthenware or crockery or that it was dangerous to persons, animals, land, water or vehicles or that it was deposited in, on, from or towards any vehicle then the court may impose the additional penalties of 20 penalty units or imprisonment for 1 month or both.

Clause 7 provides that both the owner and the driver of a vehicle commit an offence if litter is deposited from it on a highway.

However, the owner of a stolen vehicle is not guilty of the offence.

There are the usual protection measures for the owner in this type of legislation.

The measure does not cover littering from trains, buses, trams, or taxis, so their owners are not affected.

Clause 8 sets out the court's powers when it convicts a litterer. In addition to or instead of any of the penalties mentioned above the court may order a litterer to clean up that person's own litter or other litter or pay compensation for its removal.

Clause 9 allows authorised officers to issue litter infringement notices to persons they find littering or committing any of the offences set out in the Schedule.

Clause 10 states that it is an offence to refuse to give a name and address or to give a false name and address to an authorised officer or a member of the police force if that officer or member believes that a person has committed an offence.

Clause 11 states that proceedings for offences under the Act may be taken by the police, authorised officers or persons or bodies who have control or management of land or waters where the offence took place.

Clause 12 provides that public authorities and municipal councils and persons or bodies owning or managing certain vehicles may appoint officers to act over land and waters which those bodies control or manage.

Clause 13 provides for the destination of penalty monies. Monies recovered by the police will be paid into consolidated revenue. Other monies will be paid into the funds of the authority or council which proceeded against the offender.

Clause 14 states that any person who sees another committing an offence may report the offence to the relevant municipal council or the Environment Protection Authority and those bodies may take proceedings against the offender.

Clause 15 provides that R.T.A. or equivalent interstate or Territory certificates are admissible as evidence of ownership of vehicles when proceedings are taken under the Act. Similarly certificates given by persons or bodies referred to in clause 12 are admissible as evidence. All courts and persons acting judicially are to take judicial notice of the signature or seal of any person or body affixed to any such certificate.

Clause 16 states that the Governor in Council may make regulations with respect to matters to give effect to the Act.

Clause 17 repeals the *Litter Act* 1964 and provisions of other Acts which amended that Act.

SCHEDULE

The Schedule lists 6 infringements and the penalties for them.