

CLAUSE NOTES

Litter Amendment Bill 2018

Clause 1 **Short title**

Clause 2 **Commencement**

This Act will commence on a day to be proclaimed.

Clause 3 **Principal Act**

In this Act, the *Litter Act 2007* is referred to as the Principal Act.

Clause 4 **Section 9 (Littering offences) of the Principal Act amended**

Section 9(1) – 9(5) as described below have each been expanded to include 3 further categories of littering offence. The offences and court penalties for these 3 categories are:

- Littering with a volume of 55 litres (~one large bag) to 2 cubic metres (~1 large trailer load) - 50 PENALTY UNITS.
- Littering with a volume of between 2 and 10 cubic metres (~one large truckload) - 100 PENALTY UNITS FOR AN INDIVIDUAL, 200 PENALTY UNITS FOR A BODY CORPORATE.
- Littering with a volume greater than 10 cubic metres - 200 PENALTY UNITS FOR AN INDIVIDUAL, 500 PENALTY UNITS FOR A BODY CORPORATE.

Section 9(1) – depositing litter in any public place except in a designated litter receptacle.

Section 9(2) – depositing litter in any litter receptacle in a public place if the receptacle is unsuitable, full, has insufficient space, is sealed or is undergoing maintenance.

Section 9(3) – depositing household or commercial waste in any litter receptacle set aside for non-household/commercial litter.

Section 9(4) – depositing litter in any open private place without being the owner or having consent of owner.

Section 9(5) – depositing litter in any open private place so that it escapes.

Clause 5 Sections 9A and 9B inserted

9A. Offence relating to surveillance device

Destroying, damaging, removing or interfering with a relevant recording camera that has been set up by an officer authorised under the Act for a purpose related to the detection and investigation of unauthorised or unlawful depositing of litter - 50 PENALTY UNITS FOR AN INDIVIDUAL, 100 PENALTY UNITS FOR A BODY CORPORATE

9B. Additional penalties for certain offences under section 9

If a person is found guilty of an offence under sections 9(1) – 9(5) for depositing of litter >2 cubic metres in volume, the court, in addition to or in substitution for any other penalty, may do one or both of the following:

- Order the forfeiture of any vehicle, vessel and trailer used in the offence;
- Order the defendant to pay a special penalty of an amount equal to any monetary benefit obtained.

Clause 6 Section 35 amended (Litter abatement notices)

Body corporate penalty of 100 penalty units added to Section 35(4) for consistency with the new provisions included at Section 9.

Clause 7 Section 51 amended (Evidentiary provision) amended to include the following section:

(2) If in any proceeding for an offence against this Act an authorised officer gives his or her assessment of a quantity of litter deposited in a place or receptacle, that assessment, in the absence of evidence to the contrary, is taken to be evidence of the quantity of litter deposited.

Clause 8 Repeal of Act

Act to be repealed one year after it commences.