

## SECOND READING SPEECH

### **LITTER AMENDMENT BILL 2010**

Mr Speaker, I move that the Bill be now read a second time.

The purpose of this Bill is to make a number of relatively minor amendments to the Litter Act 2007. The amendments will improve the way the Act operates and remove legal doubt about some clauses.

The Act fully commenced in January 2008, and the Litter Reporting System also came into operation at that time. The Litter Reporting System enables members of the public to report littering incidents on-line or by phone. The System has functioned well, with a total of 2123 reports received and 971 infringement notices issued up to the 1<sup>st</sup> of October this year.

Operational experience and legal advice has identified the need for various amendments to the Litter Act. Urgent amendments were made last year to remove doubt about the validity of infringement notices issued under the Act, but other matters need to be attended to.

The Keep Australia Beautiful Council's National Litter Index report for 2009/10, released in September, showed that littering remains a problem in Tasmania. The report showed there was a substantial increase in the count of litter items in Tasmania from 2008/09 to 2009/10. Tasmania had the largest percentage increase of all

States and Territories. During the past two years both the item count and volume count in Tasmania have increased considerably in relation to the average national counts. Tasmania is now well above the national averages, whereas it used to be below.

The EPA Division of the Department of Primary Industries, Parks, Water and Environment is investigating this matter and looking at ways to further discourage littering. Ensuring the Litter Act is an up-to-date and sound piece of legislation will be of considerable help.

Mr Speaker, I will describe the main changes to the Act that are proposed.

Responsibility for implementing the Act will be transferred from the Secretary of the agency to the Director of the EPA. Littering is an environmental issue, and the transfer of responsibility will enhance coordination with the implementation of the Environmental Management and Pollution Control Act by the EPA. The EPA regulates the management of waste, and litter is a part of the waste stream.

The owners of motor vessels will be made liable for littering into the water from their vessels, in the same way as for motor vehicle owners.

Under the Act, the registered operators of motor vehicles are already liable for littering from their vehicles. This greatly assists the enforcement of the Act in regard to vehicles. Members of the

public can report the registration number of a vehicle and an infringement notice may be issued to the registered operator, or court action taken. There is a defence available if another person committed the offence, and the Act has provision for the registered operator to make a statutory declaration to that effect.

The changes proposed to the Act will introduce a similar system for motor vessels. Littering from vessels is already an offence under the Act, but the changes will enable action to be taken when members of the public report a vessel's number or name. Reporting and enforcement action will be through the Litter Reporting System, as for motor vehicles.

Another amendment will enable the registered operator of a taxi or bus or the registered owner of a commercial passenger vessel to provide a statutory declaration that a passenger was responsible for an alleged littering offence. An exemption from the Act already applies where a vehicle is being used commercially for public transport, but the mechanism to use the exemption needs to be clearer.

Under another amendment, Police Officers will be able to give an instruction to the driver of a vehicle or the operator of a vessel. For example, this may be an instruction to park a vehicle and retrieve litter that has been dropped onto the road. Police may presently give an instruction to the person who actually committed the offence, but not the driver unless it is the same person.

Provision for special exemptions will be placed in the Act. The Director of the EPA will be able to exempt a person or class of persons from the Act where appropriate. Some general exemptions are already provided in the Act. For example, it is not an offence to deposit litter where there is lawful authority under other legislation. However there may be cases where there is no lawful authority, but a special exemption is warranted. An example could be for Police Officers to place *Lock It or Lose It* brochures on cars. There are restrictions on the Director's power to grant exemptions and I anticipate that it would be used sparingly.

The Act will be amended to increase the period after an offence during which an infringement notice may be issued or court action initiated, from six months to 12 months. Six months has proven to be insufficient time to allow proper investigation of all littering offences.

Various other minor amendments will be made to correct drafting flaws, close apparent loopholes and update minor clauses.

In conclusion, this Bill will assist with more effective litter control in Tasmania. It will make a contribution towards the protection of Tasmania's lifestyle, environmental quality and the attractiveness of our communities and tourism destinations.

Mr Speaker, I commend the Bill to the House.