

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 11 July 1989.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 October 1989.

**[Clauses 126 to 130 of this Bill were formerly clauses 126
to 130 of the Law Reform (Miscellaneous Provisions) Bill:
122-2]**

Hon. W. P. Jeffries

LITTER AMENDMENT

ANALYSIS

Title	
1. Short Title	
126. Litter Control Officer	129. Territorial authority may require occupier of private land to clear litter
127. Other Litter Control Officers	130. Territorial authorities may adopt infringement notice provisions
128. Powers and duties of Officers	

A BILL INTITULED

An Act to amend the Litter Act 1979

BE IT ENACTED by the Parliament of New Zealand as follows:

5 **1. Short Title**—This Act may be cited as the Litter
Amendment Act 1989, and shall be read together with and
deemed part of the Litter Act 1979 (hereinafter referred to as
the principal Act).

10 **126. Litter Control Officer**—(1) Section 5 of the principal
Act is hereby amended by repealing subsection (3), and
substituting the following subsection:

“(3) The authority shall supply to every Officer appointed by
it a written warrant evidencing the appointment, and the
production of that warrant shall be sufficient proof of the
appointment.”

No. 122—3ZA

Price
incl. GST \$2.20

(2) Section 5 (4) of the principal Act is hereby amended by omitting the words “and any insignia of office that may have been issued to him”.

(3) Every Officer appointed under section 5 of the principal Act who, at the commencement of this section, has in his or her possession an insignia of office issued under the principal Act shall surrender it on demand to the employing authority. 5

127. Other Litter Control Officers—Section 6 (1) (g) of the principal Act is hereby amended by omitting the words “section 79 of the Fisheries Act 1908”, and substituting the words “section 76 or section 77 of the Fisheries Act 1983”. 10

128. Powers and duties of Officers—(1) Section 7 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every Officer appointed by a public authority who is for the time being in possession of his or her warrant of appointment, and every other Officer who is in possession of a warrant or other evidence of that Officer’s authority to act as such, is authorised to enforce the provisions of this Act and may, without further authority than this section, summarily intervene to prevent any of the following: 15 20

“(a) The deposit or attempted deposit of litter in any public place in which the Officer is authorised to act:

“(b) The deposit or attempted deposit of litter from any such public place onto private land, if the Officer has good reason to believe the deposit or attempted deposit has been or is being made without the consent of the occupier of that private land: 25

“(c) The wilful damage or attempted wilful damage of any litter receptacle in any such public place.”

(2) Section 7 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection: 30

“(5) If any such Officer—

“(a) Finds a person committing an offence against—

“(i) Section 15 or section 16 of this Act; or 35

“(ii) Section 11 of the Summary Offences Act 1981, if the offence relates to any litter receptacle in any such public place; or

“(b) Has good cause to believe that a person has committed such an offence,— 40

the Officer may require that person to state his or her name and address.”

129. Territorial authority may require occupier of private land to clear litter—(1) Section 10 (1) of the principal Act is hereby amended by omitting the words “such time”, and substituting the words “14 days or such further time”.

5 (2) Section 10 (3) of the principal Act is hereby amended by omitting the expression “1 month”, and substituting the expression “14 days”.

(3) Section 10 of the principal Act is hereby amended by repealing subsection (11), and substituting the following
10 subsection:

“(11) Every person who commits an offence against subsection (10) of this section is liable,—

“(a) In the case of a natural person, to a fine not exceeding \$50 for each day on which the failure or neglect
15 continues; or

“(b) In the case of a corporation, to a fine not exceeding \$200 for each day on which the failure or neglect continues.”

130. Territorial authorities may adopt infringement notice provisions—Section 13 (4) of the principal Act is hereby amended by omitting the expression “\$20”, and substituting the expression “\$100”.
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