

# **Litter Amendment Bill**

## Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Local Government Law Reform Bill. This bill was reported from the Local Government and Environment Committee with unanimous and majority amendments, but the majority amendments were not agreed to by the House. The committee of the whole House has further amended the bill and divided it as follows:

- The Dog Control Amendment Bill, comprising Part 1, and Schedule 1AA
- This bill, comprising Part 2
- The Local Electoral Amendment Bill, comprising Part 3
- The Local Government Act 2002 Amendment Bill, comprising Part 4
- The Local Government Act 1974 Amendment Bill, comprising Part 5
- The Local Government (Rating) Amendment Bill, comprising Part 6, and Schedule 1
- The Rates Rebate Amendment Bill, comprising Part 7
- The Land Transport Amendment Bill (No 2), comprising Part 8.

## Key to symbols used in reprinted bill

### As reported from a select committee

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

### As reported from the committee of the whole House

#### New

Subject to this Act,

Text inserted

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*Hon Mark Burton*

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Government Bill

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### **The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Litter Amendment Act **2006**.
  
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5
  
- 14 Principal Act amended**  
This **Part** amends the Litter Act 1979.

**15 Interpretation**

Paragraph (b) of the definition of **depositing** in section 2(1) is amended by omitting “dropped or, without reasonable excuse,” and substituting “dropped, or”.

**16 Territorial authority may require occupier of private land to clear litter** 5

(1) Section 10(10)(a) and (b) (*is*) are amended by omitting “or neglects” (*in each case*).

(2) Section 10(11) is amended by—

- (a) omitting from paragraph (a) “\$50” and substituting “\$500”; and 10
- (b) omitting from paragraph (a) “or neglect”; and
- (c) omitting from paragraph (b) “\$200” and substituting “\$2,000”; and
- (d) omitting from paragraph (b) “or neglect”. 15

**17 Territorial authorities may adopt infringement notice provisions**

Section 13(4) is amended by omitting “\$100” and substituting “\$400”.

**New****17A New section 14A inserted** 20

The following section is inserted after section 14:

**“14A Entitlement to infringement fees**

A territorial authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by a Litter Control Officer appointed by the territorial authority.” 25

**18 Deposit of litter in public place or on private land**

(1) Section 15 is amended by repealing subsection (1) and substituting the following subsections:

- “(1) Every person commits an offence and is liable, in the case of an individual, to a fine not exceeding \$5,000 or, in the case of a body corporate, to a fine not exceeding \$20,000, who deposits any litter or, having deposited any litter, leaves it— 30
  - “(a) in or on a public place; or

- “(b) in or on private land without the consent of its occupier.  
“(1A) **Subsection (1)** is subject to subsection (2).”
- (2) Section 15(2) is amended by—
- (a) omitting from paragraph (a) “\$750” and substituting “\$7,500”; and 5
  - (b) omitting from paragraph (b) “\$5,000” and substituting “\$30,000”.
- 19 Wilful breaking of bottles or glass**  
Section 16 is amended by omitting “\$750” and substituting “\$7,500”. 10
- 20 Offences in respect of Officers**
- (1) Section 17(1) is amended by omitting “\$500” and substituting “\$1,500”.
- (2) Section 17(1)(b) is amended by omitting “Without lawful excuse,”. 15
- 21 New sections 19A and 19B inserted**  
The following sections are inserted after section 19:
- “19A Strict liability for certain offences**
- “(1) In prosecuting an offence against a provision of this Act (other than an offence against section 16 or (*section*) 17(1)(a)), the prosecution does not need to prove that the defendant intentionally committed the offence. 20
- “(2) This section is for the avoidance of doubt.
- “19B Defences to strict liability offences**
- “(1) It is a defence in any prosecution referred to in **section 19A** if the defendant proves— 25
- “(a) that the act or omission of the defendant was due to an event—
    - “(i) beyond the defendant’s control (including natural disaster, mechanical failure, and sabotage); and 30
    - “(ii) that could not reasonably have been foreseen or provided against by the defendant; or  - “(b) that—
    - “(i) the act or omission of the defendant was taken or occurred in an emergency and was reasonably necessary for— 35

- “(A) protecting the safety and welfare of a person; or
- “(B) preventing serious damage to property; and
- “(ii) after the emergency, the defendant took all reasonable steps to remove the litter or, as the case may be, comply with any notice or requirement in relation to the litter. 5
- “(2) The defences set out in this section are the only defences available to a defendant.” 10

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### Legislative history

21 June 2006

Divided from Local Government Law Reform Bill  
(Bill 32-3) as Bill 32-4B

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