

LITTER BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Litter Act 1968.

The main amendments provide for—

- (a) Certain territorial authorities to adopt the infringement notice provisions set out in the Bill. The territorial authority may prescribe certain infringement offences and the fee (not to exceed \$20) payable in respect of each such offence:
- (b) The widening of the definition of the term “public place”:
- (c) Litter Control Officers to have power to prevent the deposit of litter from a public place onto private property if it appears the occupier (a defined term) of the private property has not agreed to the litter being deposited:
- (d) The introduction of Litter Wardens:
- (e) An extension of the offence provisions to include the depositing of litter on, or the wilful breaking of glass on, private property:
- (f) An increase in fines payable:
- (g) The removal of the distinction between dangerous litter and other litter, except in relation to the maximum penalties that may be imposed for the offence of depositing litter:
- (h) The Crown to be bound.

The derivation of certain clauses is indicated by a footnote to that clause. Unless mentioned in this Explanatory Note, the main effect of a clause has not been altered even though it may have been redrafted.

Clause 1 relates to the Short Title.

Clause 2 is the interpretation clause. Significant definitions include “Litter Control Council”, “public authority”, “public place”, and “territorial authority”. The exceptions listed in section 3 of the Litter Act 1968 have not been carried forward into this Bill. These exceptions were the Government Railways, national parks, certain restricted waters, wildlife sanctuaries, and land vested in the New Zealand Historic Places Trust.

Clause 3 provides for the Crown to be bound by the provisions of the Bill.

Clause 4 is new and provides for the Litter Control Council to be the body primarily responsible for promoting litter control in New Zealand.

No. 26—1

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Litter Control Officers

Clause 5 relates to the appointment of Litter Control Officers by public authorities. The provisions in *subclause (1)* relating to joint appointments are new.

Clause 6 extends the categories of persons who, by virtue of holding a particular office, are deemed to be Officers for the purposes of the Bill.

Clause 7 sets out the general powers and duties of an Officer. The provisions throughout the clause relating to private property are new.

Clause 8 is new, and makes provision for the appointment of Litter Wardens. A Warden may have more restricted powers than an Officer, and can only exercise his authority within such places as may be specified in his warrant of appointment.

Powers and Duties of Public Authorities and Others

Clause 9 relates to the provision of rubbish tins in public places. *Subclauses (2) to (4)* are new, and require the occupier of places from which litter may escape onto any public place to take steps to prevent that litter escaping, or to provide rubbish tins on that public place.

Clause 10 is new. If a territorial authority is of the opinion that litter on private land tends to defile or grossly deface the area where the land is situated it may serve a notice on the occupier requiring him to clear the land of the litter, to clean the litter up, or to screen it from view. The clause provides for a comprehensive objection procedure.

Clause 11 authorises local and public authorities to make grants or spend money for the abatement or prevention of litter.

Clause 12 allows public authorities to make bylaws to give effect to the provisions of the Bill. This clause is new.

Infringement Notices

Clauses 13 and 14 are new, and set out the infringement notice provisions.

Clause 13 sets out how the infringement notice provisions may be adopted by a territorial authority in respect of the commission of any infringement offence (defined in *clause 2*). Any person issued with an infringement notice that is not either amended or withdrawn (see *clause 14 (5)*) may pay an infringement fee not exceeding \$20 or elect to be proceeded against summarily for the infringement offence.

Clause 14 sets out the contents of, and the procedures to be followed, in dealing with infringement notices. The form of notice is set out in the *Schedule* to the Bill.

Offences and Penalties

Clauses 15 to 19 relate to offences and penalties. The fines have been increased. The clauses have been amended to encompass offences committed on private land, and the distinction between dangerous litter and other litter which was drawn in the 1968 Act has been retained in *clause 15* for the purposes of specifying maximum penalties.

Special Powers of Convicting Court

Clauses 20 and 21 extend the existing provisions relating to a Court's powers. The extension allows a Court to order the payment to the occupier of any private land where an offence was committed of such sum as the Court considers reasonable to cover the costs of removal of any litter.

Miscellaneous Provisions

Clause 22 relates to repeals, revocations, and a consequential amendment.

Hon. Mr Highet

LITTER

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A BILL INTITULED

An Act to make better provision for the abatement and control of litter

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title—This Act may be cited as the Litter Act 1979.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Depositing”, in relation to litter, includes— 5

(a) Casting, placing, throwing, or dropping litter; and

(b) Allowing litter to be cast, thrown, dropped or, without reasonable excuse, to escape, from any motor vehicle or trailer: 10

“Infringement offence” means any offence specified under section 15 (1) of this Act:

“Litter” means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature: 15

“Litter Control Council” means the New Zealand Litter Control Council Incorporated:

“Litter Control Officer” or “Officer” means any person appointed or deemed to have been appointed as such under section 5 or section 6 of this Act: 20

“Litter Warden” or “Warden” means any person appointed as such under section 8 of this Act:

“Occupier”, in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier: 25

“Public authority” means—

(a) A territorial authority, the National Roads Board, the Auckland Regional Authority, the Wellington Regional Water Board, the Auckland Harbour Bridge Authority, a harbour board, an airport authority within the meaning of section 2 of the Airport Authorities Act 1966, a Board constituted under section 15 of the National Parks Act 1952, and an administering body within the meaning of section 2 of the Reserves Act 1977: 30 35

(b) In relation to any cemetery, any persons for the time being holding office as trustees of that cemetery under the Burial and Cremation Act 1964: 40

(c) All other bodies or classes of bodies which by any Act, or by the Governor-General in Council, are from time to time declared to be public authorities for the purposes of this Act:

5 “Public place” includes—

(a) Every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare:

10 (b) Any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve:

15 (c) Any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee:

20 (d) Any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee:

(e) Any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes:

25 (f) Every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access:

(g) Any State forest land within the meaning of the Forests Act 1949:

30 (h) Any airport within the meaning of section 2 of the Airport Authorities Act 1966:

(i) Any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964:

35 (j) Any land vested in or controlled by any local authority (within the meaning of section 2 of the Local Authorities Loans Act 1956) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person:

(k) Any National Park constituted under the National Parks Act 1952:

40 (l) Any other place whether public or private in the open air, including any walkway within the meaning of section 2 of the New Zealand Walkways Act 1975, to which the public has access, whether with or without payment of any fee,—

but does not include any site for the disposal of litter, or any receptacle installed in any such public place pursuant to this Act or any other Act:

“Territorial authority” means a city council, a borough council, a county council, a district council, or a town council: 5

“Traffic officer” means a traffic officer within the meaning of section 2 of the Transport Act 1962.

(2) Any appointment made by the Governor-General in Council pursuant to paragraph (c) of the definition of the term “public authority” in subsection (1) of this section may, in like manner, be varied or revoked at any time. 10

Cf. 1968, No. 134, s. 2

3. Act to bind the Crown—This Act shall bind the Crown.

4. Litter Control Council to be responsible for promoting litter control—The New Zealand Litter Control Council Incorporated shall be the body primarily responsible for the promotion of litter control in New Zealand. 15

Litter Control Officers

5. Litter Control Officers—(1) Every public authority may from time to time, either alone or jointly with another public authority or other public authorities, appoint any suitable person or persons (whether already employed by an authority or not) to be a Litter Control Officer to exercise the powers and duties conferred on the Officer by this Act. 20 25

(2) Every such appointment shall be on such terms concerning remuneration and other conditions of employment as the appointing authority or authorities may determine.

(3) The authority shall supply to every Officer appointed by it a written warrant evidencing the appointment and shall also supply a clearly identifiable insignia of office to be worn by the Officer while on duty as such, and the production of that warrant and the wearing of the insignia shall be sufficient proof of the appointment. 30

(4) Every Officer shall, on the termination of his appointment, whether by removal from office or by resignation, surrender to the authority employing him his warrant of appointment and any insignia of office that may have been
5 issued to him.

Cf. 1968, No. 134, s. 4; 1970, No. 80, s. 2

- 6. Other Litter Control Officers—**(1) The following persons shall by virtue of their office be deemed to have been appointed as Litter Control Officers:
- 10 (a) Every member of the Police:
(b) Every traffic officer while he is acting in the exercise of his powers or the discharge of his duties in any place where he is authorised to exercise his jurisdiction as a traffic officer:
- 15 (c) Every forest officer appointed for the purposes of the Forests Act 1949, and any other person under the control of the Director-General of Forests, while he is acting in the exercise of his powers or the discharge of his duties on any State forest land in
20 respect of which he is for the time being authorised to act:
- (d) Every officer within the meaning of section 93 (5) of the Reserves Act 1977 while he is acting in the exercise of his powers or the discharge of his duties
25 in any public, nature, or scientific reserve (being in each case a reserve to which this Act applies) in respect of which he is for the time being authorised to act:
- (e) Every harbourmaster appointed under section 7 or
30 section 42 of the Harbours Act 1950 or pursuant to the Lake Taupo Regulations 1976 while acting in the exercise of his powers or the discharge of his duties in the harbour in respect of which he was appointed:
- 35 (f) Every ranger within the meaning of the New Zealand Walkways Act 1975 while he is acting in the exercise of his powers and the discharge of his duties on any walkway:

- (g) Any officer appointed pursuant to section 79 of the Fisheries Act 1908, and any ranger appointed pursuant to section 38 of the Wildlife Act 1953:
- (h) Every officer within the meaning of section 52 (4) of the National Parks Act 1952 while he is acting in the exercise of his powers and the discharge of his duties in any National Park in respect of which he is authorised to act: 5
- (j) Every officer or employee of the Department of Lands and Survey while he is acting in the exercise of his powers or the discharge of his duties on any land vested in the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person. 10
- (2) The production by any person of a warrant of appointment or other evidence that he holds an office mentioned in subsection (1) of this section shall be sufficient evidence that he is an Officer for the purposes of this Act. 15
- (3) The Governor-General may, from time to time by Order in Council, appoint other persons, whether in groups or classes, to be Litter Control Officers; and may in like manner revoke or vary any appointment so made. 20

Cf. 1968, No. 134, s. 5; 1975, No. 31, s. 49

7. Powers and duties of Officers—(1) Every Officer appointed by a public authority who is for the time being in possession of his warrant of appointment and wearing his insignia of office 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 interfere to prevent the deposit or attempted deposit of litter in any public place in which he is authorised to act or from any such public place onto private land if he 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 30 35

(2) Where any such Officer finds a person depositing litter (whether inadvertently or otherwise) in a public place in which he is authorised to act or from any such public place onto private land without the consent of the occupier of that private land, or has good cause to believe that a person has 40

deposited litter (whether inadvertently or otherwise) in or onto any such place or land, the Officer may require that person to remove the litter from that place or land and to dispose of it in such a manner as the Officer may direct or
5 as will not contravene the provisions of this Act.

(3) Where any such Officer has reasonable cause to believe litter has been deposited from any motor vehicle or trailer he may require the user or owner of the motor vehicle or trailer, on that motor vehicle or trailer being stationary, to give his
10 name and place of residence and also the name and place of residence of any other person or persons whom the Officer has reason to believe deposited litter from that motor vehicle or trailer, and the user or owner of the motor vehicle or
15 trailer shall on such demand give the information requested.

(4) An Officer may, if permitted or requested to do so by the occupier of any private property, enter that property if so required for the discharge of his duty.

(5) If any such Officer finds a person committing an offence against section 15 or section 16 of this Act, or has good cause
20 to believe that a person has committed such an offence, the Officer may require that person to state his name and place of residence.

Cf. 1968, No. 134, ss. 6, 7

8. Litter Wardens—(1) Every public authority may from
25 time to time, either alone or jointly with another public authority or public authorities, appoint in the same manner as is provided under section 5 of this Act for the appointment of Officers, any suitable person or persons (whether already employed by the authority or not) to be a Litter Warden,
30 and may at any time revoke any such appointment so made.

(2) Every Warden may exercise all the duties of an Officer, except such as may be specified in his warrant of appointment, in such public places under the control or within the district or districts of the authority or authorities which appointed
35 him as may be so specified.

(3) A Warden shall have all the powers and authorities of an Officer in carrying out his duties, but shall have no authority to act as an Officer for the purposes of section 10 of this Act or to issue an infringement notice under section 14 of this
40 Act.

(4) The Governor-General may, from time to time by Order in Council, appoint any persons, whether in groups or classes, to be Wardens; and may in like manner revoke or vary any appointment so made.

Powers and Duties of Public Authorities and Others 5

9. Receptacles to be provided in public places—(1) Every person, public authority, and Department of State shall at all times provide and maintain in every public place under his or its control or management, such number of litter receptacles of suitable construction and design for the temporary deposit of litter as may reasonably be necessary to keep the place free from litter. 10

(2) Where litter generated on or attributable to any particular land or premises is likely to be carried or to otherwise escape from that land or those premises onto a public place, the public authority in control of the public place or within whose district it is situated may require the occupier of the land or premises to take all reasonable steps to prevent such litter being carried or escaping onto the public place. 15

(3) Where it can be shown that excessive litter is attributable to or emanates from any particular land or premises, the public authority in whose district or jurisdiction that land or premises is situated may require the occupier of the land or premises to provide and maintain such number of litter receptacles of suitable construction or design in any public place adjacent to or within the vicinity of the land or premises for the temporary deposit of litter as may reasonably be necessary to ensure that the public place may be kept free of that litter. 20 25

(4) Where any occupier fails to comply with any proper request of a public authority to take reasonable steps to prevent litter being carried or escaping under subsection (2) of this section or to provide suitable litter receptacles in accordance with subsection (3) of this section, the authority itself may take those steps or provide and install those receptacles, and may recover the cost of so doing from the occupier as a debt due to the public authority. 30 35

(5) Every public authority shall also make appropriate provision for the emptying of the contents of litter receptacles situated within public places under its control or in its district and for the removal and disposal of those contents. The work 40

shall be executed promptly, efficiently, and at regular and prescribed intervals to the satisfaction of the Medical Officer of Health appointed for the health district in which the public place is situated.

5 (6) Nothing in this section shall affect the powers conferred on the Board of Health under the Health Act 1956 in respect of any local authority within the meaning of section 2 of that Act.

Cf. 1968, No. 134, s. 8

10 **10. Territorial authority may require occupier of private land to clear litter—**(1) Any territorial authority may serve or cause a Litter Control Officer appointed by it to serve, on its behalf, on the occupier of any private land a notice in writing requiring the occupier, to the satisfaction of an
15 Officer,—

(a) To clear away, or remove, from the land; or

(b) To clean up; or

20 (c) To screen, cover, or otherwise obscure from view—
such litter as may be specified in the notice within such time as may be so specified, being litter which, in the opinion of the territorial authority, tends to grossly deface or to defile the area in which the private land is sited.

(2) If, upon the representations of an occupier served with a notice under subsection (1) of this section, an Officer is
25 satisfied that steps have been taken to comply with the requirements of the notice but the occupier has been prevented by reasonable cause from completing the necessary work within the time specified, the Officer may extend the time specified for such further period as he thinks fit.

30 (3) Every person receiving a notice under subsection (1) of this section may object to the requirements of the notice within 1 month after its receipt on the grounds that those requirements are unreasonable.

35 (4) Every objection shall be made in writing to the territorial authority by which or on behalf of which the notice was issued. The territorial authority shall appoint a time and place for hearing the objection, and shall give reasonable notice of that time and place to the objector who shall be entitled to be present and, if present at that time and place,
40 to be heard.

(5) The territorial authority may, after hearing an objection, confirm, cancel, or vary the requirements of the notice, and shall, within 14 days after the hearing, give to the objector written notice of its decision.

(6) Subject to this section, every territorial authority, in hearing any objection under this section, may regulate its own procedure. 5

(7) Every objector dissatisfied with the decision of a territorial authority under this section may, within 14 days after receiving any notice under subsection (5) of this section, appeal against the decision to a Magistrate's Court by way of originating application under the rules of that Court. 10

(8) The Court, on the hearing of the appeal, may confirm or reverse the decision appealed against or make such other order as the case requires, or may refer the matter back, together with its reasons for doing so, to the territorial authority for reconsideration. 15

(9) To the extent that any requirements of a notice under subsection (1) of this section is the subject of an objection or appeal under this section, the notice shall be suspended until the objection or appeal is determined. 20

(10) Every occupier commits an offence who, having been served with a notice under this section,—

(a) Fails or neglects to comply with that notice (not being a notice that has been suspended under subsection (9) of this section) within the time specified in the notice or within the time as extended under subsection (2) of this section: 25

(b) Fails or neglects to comply with any notice varied or confirmed by a territorial authority or a Magistrate under this section within the time specified by the territorial authority or the Magistrate. 30

(11) Every person who commits an offence against subsection (10) of this section is liable, in the case of an individual, to a fine not exceeding \$500 or, in the case of a body corporate, to a fine not exceeding \$2,000. 35

11. Local or public authority may make grants, etc., for the abatement or prevention of litter—Any local authority within the meaning of section 2 of the Local Authorities Loans Act 1956 or any public authority may, notwithstanding anything to the contrary in the enactment or instrument constituting it, from time to time for the purpose of abating or preventing litter— 40

- (a) Make grants of such amounts as it thinks fit to any organisation (not established for the purpose of making a profit):
- 5 (b) Spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter.

Cf. 1968, No. 134, s. 9

12. **Public authorities may make bylaws**—Every public authority, whether alone or acting jointly for the purposes
10 of this Act with another public authority or public authorities, may from time to time make such bylaws as it thinks fit to give effect to the provisions of this Act.

Infringement Notices

13. **Territorial authorities may adopt infringement notice provisions**—(1) This section and section 14 of this Act shall
15 be in force only within the district of a territorial authority which has adopted them pursuant to subsection (2) of this section.

(2) Any territorial authority which has appointed any
20 Officer (other than a Warden) pursuant to this Act or which has appointed any traffic officers may, by special order, adopt the provisions of this section and section 14 of this Act to apply in respect of any infringement offence committed within its district.

25 (3) Every special order under subsection (2) of this section shall specify the nature of the infringement offence or offences and the fee (in this section and in section 14 of this Act referred to as the infringement fee) payable in respect of any such offence.

30 (4) No infringement fee shall exceed \$20.

(5) Where any person is alleged to have committed an infringement offence, that person may either—

(a) Be proceeded against summarily for the offence; or
35 (b) Be served with an infringement notice as provided in section 14 of this Act.

(6) No infringement notice shall be issued by a Warden nor by any person deemed to be an Officer under section 6
(1) (c), (d), (f), (h), or (j) of this Act.

14. Infringement notices—(1) Where a Litter Control Officer observes a person committing an infringement offence or has reasonable cause to believe such an offence is being or has just been committed by that person, an infringement notice in respect of that offence may be issued to that person by that Officer. 5

(2) An infringement notice may be served—

- (a) By delivering it personally to the person who appears to have committed the infringement offence; or
- (b) By sending it by registered letter addressed to him at his last known place of residence or business. 10

(3) Every infringement notice served by registered letter shall be deemed to have been received when in the ordinary course of post it would be delivered, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted. 15

(4) An infringement notice shall be in or similar to the form prescribed in the Schedule to this Act and shall contain the following particulars:

- (a) Such details of the alleged infringement offence as are sufficient fairly to inform the person to whom it is addressed of the time, place, and nature of the offence; and 20

- (b) The amount of the infringement fee payable to the appropriate territorial authority in respect of the infringement offence; and 25

- (c) The place at which the fee shall be paid and the times during which it may be paid; and

- (d) The words of subsection (5) of this section, or words to like effect; and 30

- (e) A statement that, if the fee is not paid before the date specified in the notice (being a date not less than 14 days and not longer than 21 days after the date of the service of the notice) proceedings for failure to pay may be taken under the Summary Proceedings Act 1957 pursuant to section 14 (7) of the Litter Act 1979, and then the words of that section or words to like effect. 35

(5) Every person on whom an infringement notice is served may, within 14 days after the date of service, object in writing either to the amount of the infringement fee payable or, on grounds specified in the writing, to the issuing of the notice itself, or to both, and the territorial authority shall, within 7 days after receiving the objection, affirm or amend the amount payable or revoke the notice, and, where the notice is not revoked, specify a further date before which payment should be made which date, for the purposes of subsection (4) (e) of this section, shall be deemed to be the date of the notice.

(6) The production of a document purporting to be a copy of an infringement notice (being a notice purporting to have been signed by a Litter Control Officer of the territorial authority) shall, in the absence of proof to the contrary, be sufficient evidence of the contents of the original notice, the signature of the Officer concerned, and the authority of the Officer to sign that notice.

(7) Where a person who has been served with an infringement notice fails either to pay the specified infringement fee to the appropriate territorial authority or to notify the territorial authority in writing that he elects to be proceeded against summarily for the infringement offence (in either case before the date specified in the notice), then, subject to the Summary Proceedings Act 1957, he may be proceeded against for the original offence as if an infringement notice had not been issued.

(8) A territorial authority shall keep a record of every infringement notice issued pursuant to this section and of every payment made in respect of that notice for a period of at least 12 months from the date of issue or, as the case may be, of payment.

(9) For the purposes of this section, a territorial authority may delegate its powers and functions under this section to a committee of the territorial authority or to its principal officer but to no other person.

Offences and Penalties

15. Deposit of litter in public place or on private land—

(1) Subject to subsection (2) of this section, every person commits an offence and is liable, in the case of an individual, to a fine not exceeding \$500 or, in the case of a body corporate, to a fine not exceeding \$2,000, who, without reasonable excuse—

- (a) Deposits any litter in or on any public place or, in the case of any private land, in or on that private land without the consent of its occupier; or
- (b) Having deposited any litter (whether inadvertently or otherwise) in or on any public place, or in or on any private land without the consent of its occupier, leaves the litter there. 5

(2) Where any person commits an offence against subsection (1) of this section, and the litter deposited is of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it (being in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature) that person is liable— 10 15

- (a) In the case of an individual, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding \$750, or to both; or
- (b) In the case of a body corporate, to a fine not exceeding \$5,000. 20

Cf. 1968, No. 134, s. 10

16. Wilful breaking of bottles or glass—Every person commits an offence, and is liable to imprisonment for a term not exceeding 1 month or to a fine not exceeding \$750, or to both, who wilfully breaks any bottle, or any glass, or any article made of glass, in or on any public place without lawful authority or without the express consent of the public authority having the control or management of the public place, or in or on any private land without lawful authority or without the express consent of the occupier of the private land. 25 30

Cf. 1968, No. 134, s. 11

17. Offences in respect of Officers—(1) Every person commits an offence, and is liable to a fine not exceeding \$500, who— 35

- (a) Wilfully obstructs a Litter Control Officer while acting in the execution of any of the powers or duties conferred on him by this Act:

- (b) Without lawful excuse, fails within a reasonable time to comply with the requirement of a Litter Control Officer exercising the power conferred on him by section 6 or section 7 of this Act:
- 5 (c) After being required to disclose his true name and place of residence by a Litter Control Officer acting pursuant to the power conferred on him by section 6 or section 7 of this Act—
- 10 (i) Refuses to disclose his true name or place of residence; or
- (ii) Gives a false name or place of residence; or
- (iii) Gives such a general description of his place of residence as is illusory for the purpose of discovery:
- 15 (d) Personates or falsely pretends to be a Litter Control Officer.
- (2) In this section, the term "Litter Control Officer" includes a Warden.

Cf. 1968, No. 134, s. 12

- 20 18. **Liability of officers of body corporate**—If a body corporate commits an offence against section 15 of this Act, every director, manager, secretary, or other similar officer of the body corporate, and every person purporting to act in any such capacity, shall also be guilty of that offence if the act
- 25 or omission constituting the offence occurred with his knowledge and consent.

Cf. 1968, No. 134, s. 13

19. **Offences punishable on summary conviction**—Subject to section 13 (5) of this Act, every offence against this Act shall
- 30 be punishable on summary conviction.

Cf. 1968, No. 134, s. 14

Special Powers of Convicting Court

20. **Offender may be ordered to clear area**—(1) Without limiting the powers conferred on Litter Control Officers by
- 35 this Act, where any person is convicted of an offence against section 10 or section 15 or section 16 of this Act the Court may, instead of or in addition to imposing a penalty, order

the offender, under the supervision and to the satisfaction of a person nominated by the Court, to clear up and remove the deposited litter within such period and to such place as may be specified in the order; and on the making of any such order the Court shall further order that, if the offender fails to comply with the order, he be liable, in addition to any penalty imposed under the said section 10 or section 15 or section 16, to a fine not exceeding \$500. 5

(2) Where the order is complied with to the satisfaction of the person nominated by the Court that person shall give or send to the offender a statement in writing to that effect. 10

(3) Where an offender fails to comply with any such order, any Magistrate, on the application of the person nominated by the Court to supervise the clearing and removal of the litter, may issue a summons requiring the offender to show cause why the fine imposed by the order should not be enforced. 15

(4) On the hearing of the summons to show cause, the Court may make such order as it thinks fit.

Cf. 1968, No. 134, s. 15

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21. Cost of removing litter—Where a Court convicts a person of an offence against section 15 or section 16 of this Act, it may, if it thinks fit, in addition to imposing a penalty, order the offender to pay by way of compensation to the public authority having the control or management of the public place or, as the case may be, the occupier of the private land where the offence was committed such sum as it considers reasonable to cover the cost of the removal of the litter; and the amount so awarded shall be deemed to be a judgment debt due to the authority or occupier from the offender and may be enforced in any manner in which a judgment or order of the Court for the payment of a civil debt may be enforced. 25 30

Cf. 1968, No. 134, s. 16

Miscellaneous Provisions

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22. Repeals, revocations, and amendment—(1) The following enactments are hereby repealed:

(a) The Litter Act 1968:

(b) The Litter Amendment Act 1970:

(c) Section 49 of the New Zealand Walkways Act 1975.

(2) The Litter Order 1969 and the Litter Order 1973 are hereby revoked.

5 (3) Section 94 (1) (j) of the Reserves Act 1977 is hereby consequentially amended by omitting the reference to the Litter Act 1968, and substituting a reference to this Act.

SCHEDULE

Section 14 (4)

FORM OF INFRINGEMENT NOTICE

LITTER INFRINGEMENT NOTICE

(Issued under section 14 of the Litter Act 1979)

The following are the details of the litter infringement alleged to have been committed by [Name of person] of [Place of residence.]

Nature of infringement:

Location:

Date: Approximate time:

THE FEE FOR THIS INFRINGEMENT IS \$..... and is payable on or before the day of 19.....

It may be paid on any weekday between the hours of a.m. and p.m.

To: [Name of territorial authority]

At: [Address of territorial authority office]

You may, within 14 days after the date of service of this notice, object in writing to the amount of the infringement fee payable or, on specific grounds, to the issuing of the notice itself.

If you do not object and if the fee is not paid before the date specified in this notice (being a date not less than 14 days and no longer than 21 days after the date of the service of the notice) proceedings for failure to pay may be taken under the Summary Proceedings Act 1957 pursuant to section 14 (7) of the Litter Act 1979, which reads—

“Where a person who has been served with an infringement notice fails either to pay the specified infringement fee to the appropriate territorial authority or to notify the territorial authority in writing that he elects to be proceeded against summarily for the infringement offence (in either case before the date specified in the notice), then, subject to the Summary Proceedings Act 1957, he may be proceeded against for the original offence as if an infringement notice had not been issued.”

If proceedings are taken, then, without restricting any other defence you may consider you have, you are entitled to defend the charge on the grounds that no litter infringement was committed.

Signed

Litter Control Officer.