

LITTER AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by Mr W.R. Marmion (**Minister for Environment**), and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR W.R. MARMION (**Nedlands — Minister for Environment**) [12.33 pm]: I move —

That the bill be now read a second time.

The ACTING SPEAKER (Ms L.L. Baker): Members, the minister has quite a quiet voice. I am having difficulty hearing him. Those of you standing right next to him talking might not have a problem hearing him, but can you please keep the noise down.

Mr W.R. MARMION: Littering has a serious impact on the health, environment and amenity of Western Australia. The amount of litter on our beaches, parks and waterways is unacceptable. Through the Litter Amendment Bill 2011, the Liberal–National government is sending a strong message to clean up Perth and to be proud of our city. Unfortunately, Western Australians are among the country’s worst litterbugs. Since the Keep Australia Beautiful Council started the National Litter Index in 2005, WA has shown an overall trend of increasing litter in both volume and number of items. The clean-up cost for this litter is estimated at more than \$20 million each year, which creates a huge burden for local government, state government agencies and community groups. Despite this growing problem, our state’s maximum penalties for littering are generally lower than those in other states and territories. Penalties in the Litter Act 1979 are outdated and do not provide an adequate deterrent. In line with the aims of the “Litter Prevention Strategy 2009–2014”, this government proposes to address the problem of litter by introducing the Litter Amendment Bill 2011. This bill is about putting a premium on a clean environment and cleaning up Perth. This bill ensures that real deterrents to littering are in place through substantial increases in fines and the improvement of enforcement powers. This bill also complements the passage of amendments to the Environmental Protection Act 1986 in November 2010 that created the offence of unlawfully dumping waste. The bill increases penalties for most types of littering offences. For offences of general littering; breaking glass, metal or earthenware; and billposting in a public place or on a vehicle in a public place, the maximum penalty will be increased from \$1 000 to \$5 000 for an individual, and from \$1 000 to \$10 000 for a body corporate. The offence of counselling or procuring billposting already has a maximum penalty of \$10 000, which I believe is sufficient. Under the Litter Act 1979 infringement notices issued for litter offences are limited to a maximum penalty of \$200. The bill provides for this to be increased to \$2 000, which will enable higher infringement penalties to be set in the regulations for more serious types of littering offences. Through amendments to the regulations, this government also intends to introduce higher penalties for serious littering offences that pose a safety risk to people, property or animals. This could include the littering of lit cigarettes, syringes or broken glass. These offences will incur on-the-spot fines of up to \$500 for individuals and \$2 000 for corporations. Under proposed changes to the regulations, penalties for discarding cigarette butts will also rise to \$200 compared with the current level of \$75.

This bill also addresses the issue of responsibility for litter offences committed from a vehicle. The Litter Act provides that if an authorised officer cannot establish who committed an offence, the driver or person in charge of the vehicle is taken to be responsible and may be prosecuted accordingly. However, the practical difficulties in identifying the driver of a vehicle have meant that vehicle litterers frequently avoid having to face the consequences of their actions because if the driver cannot be identified, there is no way to hold the litterer to account. This bill addresses this problem by making the owner of the vehicle liable for the offence if the litterer or driver cannot be identified. A vehicle owner who receives an infringement notice under this provision will have the opportunity to provide a statement verifying that some other person committed the offence, in the same manner as a vehicle owner receives a speeding infringement. Once a statement has been given, action may then be taken against the actual litterer. This deeming provision will ensure that action can be taken against the majority of litterers and that they cannot escape the consequences of their behaviour.

The bill also allows the Chief Executive Officer of the Department of Environment and Conservation to appoint authorised officers for the purposes of the Litter Act. Authorised officers have specified powers and responsibilities for enforcement of the act, including the power to issue infringement notices. The current Litter Act makes the minister responsible for the appointment of authorised officers. Under other legislation, such as the Environmental Protection Act 1986, the Conservation and Land Management Act 1984 and the Waste Avoidance and Resource Recovery Act 2007, inspectors and officers are appointed by the CEO. Amendment of the Litter Act to allow the CEO to appoint authorised officers will ensure administrative efficiency and

consistency with related legislation. The Keep Australia Beautiful Council has around 5 000 registered litter reporters in the community, so the chances of litterers being caught are significant. This scheme works, as 4 482 infringements were issued in 2010–11.

These amendments will make WA's litter penalties among the highest in Australia, reflecting the government's commitment to create a real deterrent to this harmful practice. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.