

Examined and certified:

Clerk of the House of Representatives

*In the name and on behalf of Her Majesty Queen Elizabeth
the Second I hereby assent to this Act this 27th day
of June 2006*

Governor-General.

Litter Amendment Act 2006

Public Act 2006 No 24

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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.

3 Principal Act amended

This Act amends the Litter Act 1979.

4 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”.

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

- (1) Section 10(10)(a) and (b) are amended by omitting “or neglects”.
- (2) Section 10(11) is amended by—
 - (a) omitting from paragraph (a) “\$50” and substituting “\$500”; and
 - (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”.

6 Territorial authorities may adopt infringement notice provisions

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

7 New section 14A inserted

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.”

8 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—
- “(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
 - (b) omitting from paragraph (b) “\$5,000” and substituting “\$30,000”.

9 Wilful breaking of bottles or glass

Section 16 is amended by omitting “\$750” and substituting “\$7,500”.

10 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,”.

11 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 17(1)(a)), the prosecution does not need to prove that the defendant intentionally committed the offence.
- “(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—
- “(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

- “(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—
- “(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.
- “(2) The defences set out in this section are the only defences available to a defendant.”

Legislative history

21 June 2006	Divided from Local Government Law Reform Bill (Bill 32–3) as Bill 32–4B
22 June 2006	Third reading
