

Litter Amendment Act 2006

Public Act 2006 No 24
Date of assent 27 June 2006

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal Act amended	2
4 Interpretation	2
5 Territorial authority may require occupier of private land to clear litter	2
6 Territorial authorities may adopt infringement notice provisions	2
7 New section 14A inserted	2
14A Entitlement to infringement fees	2
8 Deposit of litter in public place or on private land	3
9 Wilful breaking of bottles or glass	3
10 Offences in respect of Officers	3
11 New sections 19A and 19B inserted	3
19A Strict liability for certain offences	3
19B Defences to strict liability offences	3

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

29 March 2006	Introduction (Bill 32-1)
5 April 2006	First reading and referral to Local Government and Environment Committee
12 June 2006	Reported from Local Government and Environment Committee (Bill 32-2)
15 June 2006	Majority amendments not agreed, second reading (Bill 32-3)
21 June 2006	Divided from Local Government Law Reform Bill (Bill 32-3) as Bill 32-4B
22 June 2006	Third reading
