LOCAL NUISANCE AND LITTER CONTROL

Litter and illegal dumping

Littering and illegal dumping is a highly visible form of environmental pollution with the potential to be harmful to people and the environment. Such activities also represent significant issues for the community, with impacts on amenity and health as well as significant clean-up costs for local government, statement government and private landowners.

WHAT IS LITTER?

Litter can be any object disposed of by a person, either onto land or into any waters whether by a pedestrian, from a vehicle or premises. Disposing of litter also means discarding or depositing litter or allowing litter to be blown from, or to fall from a premises or vehicle. The *Local Nuisance and Litter Control Act 2016* (the Act) introduces specific classes for certain types of litter. The Act introduces specific classes for certain types of litter. These are:

General Litter

Any solid or liquid domestic or commercial waste including, but not limited to, chewing gum, cigarettes or cigarette butts, food, beverage containers, packaging, furniture, green waste, personal items such as clothing and footwear, demolition material, building or construction material, vehicles or vehicle parts, farm or agricultural machinery or equipment, dead or diseased animals.

General litter can also be classified as building or construction material (including clay, concrete, rock, sand, soil or other mineralogical matter) when dragged on to a road by a vehicles tyres following the departure from a building or construction site.

Class A Hazardous Litter

Asbestos or items containing asbestos and any combination of class A hazardous litter and general litter.

Class B Hazardous Litter

Live cigarettes or cigarette butts, used syringes, glass, any combination of class B hazardous litter and general litter.

WHAT ARE THE IMPACTS OF LITTER?

Litter can be harmful to people, animals, birds, marine-life and the environment, in many ways.

- Broken glass, cans or syringes in public areas can result in human injury, while food can attract flies and vermin, which carry disease. Items such as discarded fishing lines and plastics can main or kill marine or bird life.
- Hazardous materials contained within litter and illegally dumped rubbish can leach into water sources, contaminate soil and pollute the air.
- ‘Live’ cigarette butts present a severe fire hazard risk.
- Litter can choke and damage waterways, block drains and cause flooding.
- Litter directly and indirectly affects the tourism industry.
- Litter can affect the amenity of an area and reduce the ability of people to enjoy their outdoor environment by making outdoor activities such as barbeques, picnics and sports, unpleasant and unappealing.
- Littering costs the community, councils and state governments many thousands of dollars each year to clean up.

LITTERING FROM A VEHICLE

Illegal dumping and littering are frequently associated with vehicles and it’s not uncommon to see cigarette butts and other litter being thrown or blown from vehicles. The Act applies the responsibility on the owner of a vehicle for an offence committed in association with, or from, a vehicle. This operates in a similar manner to speed and red-light camera infringements whereby, a vehicle owner has an opportunity to declare someone else to have been responsible for the offence although the responsibility remains upon that person to prove that fact.

This provision operates alongside public litter reporting as it will allow for an expiation, as discussed above, to be issued to the owner of a vehicle identified via licence plate and other identifying attributes.

WHAT ARE THE PENALTIES FOR LITTERING?

Class A hazardous litter (any amount):

- corporate body: maximum penalty: $250,000
- individual person: maximum penalty: $120,000 or 2-years imprisonment.

Class B hazardous litter up to 50 litres:

- maximum penalty: $10,000
- expiation fee: $500.

Class B hazardous litter or general litter greater than 50 litres:

- corporate body: maximum penalty $60,000
- individual person: maximum penalty $30,000 or 6-months imprisonment
- expiation fee $1,000.

General litter up to 50 litres:

- maximum penalty $5,000
- expiation fee: $210.

Refusal to remove litter:

- maximum penalty: $5,000
- expiation fee: $210

LITTER ABATEMENT NOTICES

Abatement notices are important legislative instruments designed to secure compliance and have the scope of instructing a person or persons to comply with a wide range of directions. This means the City of PAE can issue a Litter Abatement Notice to direct a person to undertake or do certain things such as:

- discontinue or not commence an activity indefinitely or for a specified time
- that a person must take specified action
- make good damage or clean up litter
- furnish results or reports as requested
- develop a plan of action to secure compliance.

A plan of action - which could be applicable to an event or domestic, industrial or retail premises – will need to include written proposals for ensuring litter clean up, prevention of further litter, keeping an area around a premises (no greater than 100m) litter free, or the repair or remediation required with respect to any damage caused by a contravention.

In certain circumstances - and subject to specific conditions - an authorised officer may orally issue an emergency notice if urgent action is required. Failure to comply with an abatement notice carries a significant court imposed penalty fee, or a minimum $500 expiation fee. It is also an offence for someone to hinder or obstruct a person complying with an abatement notice.

MORE INFORMATION

This fact sheet is one of a range designed to increase your awareness and understanding of the requirements of the *Local Nuisance and Litter Control Act 2016*. Please see other fact sheets for further information about the Act. You can access more information on our website: cityofpae.sa.gov.au/live/public-and environmental-health/local-nuisance.