

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**LITTER AMENDMENT BILL 2002**

**EXPLANATORY MEMORANDUM**

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Kerrie Tucker MLA**

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## **EXPLANATORY MEMORANDUM**

### **Outline**

This Bill regulates the distribution of unsolicited advertising material in letterboxes, ie “junk mail”. The Bill primarily creates an offence for placing junk mail in letterboxes that display a “no junk mail” or similar sign, and defines what material can acceptably be placed in such letterboxes.

### **Clauses**

#### **Clauses 1, 2 and 3**

are formal requirements which set out the name of the Act, commencement provisions and the name of the Act amended. The Act will commence on a day fixed by the Minister, but not later than 6 months from the Act’s notification.

#### **Clause 4**

inserts new definitions into the principal Act, in particular the definition of advertising material

#### **Clause 5**

Inserts new sections 2A and 2B.

**Section 2A** provides that chapter 2 of the Criminal Code applies to offences created by the Act. This chapter sets out the general principles of criminal responsibility.

**Section 2B** defines the circumstances in which advertising material is regarded as being unsolicited, in particular if the material is not personally addressed.

#### **Clause 6**

Inserts new sections 7C to 7F.

**Section 7C** creates an offence if a person deposits unsolicited advertising material at any premises other than in a receptacle for mail or newspapers. This is to prevent junk mail being left in such places as front yards, driveways or doorsteps. Exceptions are provided, eg where the material is deposited with the consent of the owner or occupier of the premises.

**Section 7D** creates an offence if a person deposits unsolicited advertising material in a mail or newspaper receptacle where there is a sign that can be easily read to the effect that unsolicited advertising material is not to be deposited there, eg a sign which says “no junk mail”. Exceptions are provided, including: public notices from a government agency, charitable organisation or incorporated community association; electoral matter

(eg material from a candidate during an election campaign); and material from a member of the Legislative Assembly or Commonwealth Parliament.

**Section 7E** creates an offence if a person removes, changes or interferes with a “no junk mail” sign without consent.

**Section 7F** creates an offence for persons who are concerned with the distribution of advertising material where the material is deposited in contravention of sections 7C and 7D. This would include persons who commission, authorise or arrange the distribution of the material. A person can defend a prosecution if the person can establish that all reasonable steps were taken to prevent the contravention, eg the commissioning company may have given clear instructions to the mail distributor to not deposit the advertising material in letterboxes with “no junk mail” signs.