

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LITTER (AMENDMENT) BILL 1998

Government Amendments

EXPLANATORY MEMORANDUM

Circulated by authority of

**Brendan Smyth MLA
Minister for Urban Services**

Litter (Amendment) Bill 1998 - Government Amendments

General Outline

The Government is proposing four amendments to the Bill as presented. The amendments do not alter the intent of the Bill but they clarify its application and improve the practicality of enforcing the proposed offence.

1. After Clause 3 - proposed clause 3A.

The intent of this additional clause is to bring areas such as off-street parking areas and loading areas within the definition of 'public place' for purposes of the proposed offence. It follows on from the second amendment, which proposes restricting application of the offence to public places as distinct from private premises.

2. Clause 4 - proposed new subsection 7B (1).

The intent of this amendment to Clause 4 is that the proposed offence would only apply in relation to vehicles in public places, with control of conduct within private premises remaining a matter for the occupier of the premises.

3. Clause 4 - proposed new subparagraph 7B (2) (b) (i).

This amendment to Clause 4 reflects the Government's view that limiting the exception in paragraph 7B (2) (b) to *handwritten* messages is too restrictive. The proposed amendment would exclude any message of a personal nature directed to the owner of the vehicle, whether handwritten or not.

4. Clause 4 - proposed new section 7B.

As the Bill stands, whether a leaflet is 'unsolicited' for the purpose of the proposed offence would appear to require evidence from the owner/driver of the vehicle that it was not solicited. The proposed amendment to Clause 4 introduces a presumption that material is unsolicited unless the contrary is proved. This removes the requirement for evidence to be obtained or the exercise of judgement as to whether the material is unsolicited, so making the offence suitable for an on-the-spot fine.