

18/774 Litter Act Amendment Bill

Summary of impacts	
	<ul style="list-style-type: none"> • Improved amenity – look and feel of the general landscape and broader environment. • Positive impact on biodiversity by minimising harm to wildlife. • Increased pride in suburbs and a city that people want to visit. • Positive impact on parks, waterways and open spaces for the community to enjoy. • Bring the <i>Litter Act 2004</i> up-to-date with modern best practice and community expectations for litter and illegal dumping. • Safer environments for recreational activities. • Positive impact on government revenue by reducing the time and cost of cleaning up litter and illegal dumping. • Increased productivity by having an improved and more efficient enforcement framework. • Stronger compliance and enforcement will have a negative impact on people who do the wrong thing and engage in littering or dumping activities. • Provision to enter private property for the purpose of litter abatement will impact the right to privacy. • Amendments to strict liability offences and the issuing of infringement notices in greater circumstances impact on the right to a fair trial and right to privacy. • Impacts have been considered in detail in the regulatory impact statement.

Key to impacts: Red – negative, Blue – neutral, Green – positive.

Social

Access to social networks and community activities	<ul style="list-style-type: none"> • Improvements to the amenity of our parks and open spaces is likely to lead to increased use of these spaces by families and community groups. • Less litter/dumping events in suburban areas will increase the amenity of the suburb. This is likely to lead to suburbs which the community take pride in and generally make the area a better place to live. • May improve mental health outcomes by providing sufferers with help they need.
Community and individual health	<ul style="list-style-type: none"> • While littering can have a negative impact on the natural environment, a more serious issue occurs when dangerous items (such as syringes) are dumped in areas where children play or in other recreational spaces. • Litter and dumping can also have adverse health impacts in terms of smell, cleanliness, etc. • The proposed Bill aims to reduce the prevalence of this kind of littering and dumping. • The intended outcome is that there will be less dangerous items in recreational spaces, as well as an overall reduction in litter and dumping, so that the risk of impact to community health is lower. • Safer communities by reducing impacts on areas surrounding litter offences occurring on private property
Justice and crime	<ul style="list-style-type: none"> • Improve the ability of government to take appropriate action for offences ranging from fines to prosecutions. The proposal has been designed to allow for flexible and escalating enforcement that best fits the offence, with the focus on preventing and deterring offences from occurring. The proposed Bill will be supported by education and awareness and a Litter and Illegal Dumping Action Plan.
Human rights	<ul style="list-style-type: none"> • Human rights will be impacted by the introduction of new strict liability offences, which engage the presumption of innocence and right to a fair trial. • The issuing of infringement notices for a range of general vehicles related offences where the offender can be identified using vehicle registration details may also impact on the right to privacy. • These have all been considered in detail in the RIS with regard to the <i>ACT Human Rights Act 2004</i>.

	<ul style="list-style-type: none"> • Where there are limits on human rights, safeguards will be put in place and appropriate justification provided. • This is balanced with the importance of reducing, deterring and appropriately dealing with littering and illegal dumping.
Disadvantaged/ vulnerable	<ul style="list-style-type: none"> • Stronger compliance and enforcement activities may disproportionately affect disadvantaged or vulnerable people in the community. This is because there is often a financial element involved in illegal dumping activities (eg. a person does not want to or cannot pay for tip fees). • This is offset by the option to educate/caution offenders when deciding a penalty and setting proportionate penalty amounts. Education and awareness and non-legislative/punitive measures are also proposed to support the new Bill. TCCS's approach to regulatory compliance and enforcement is contained in the Licencing and Compliance Accountability Commitment, which outlines the principals and response model used to manage offences against the Act and prioritises education over regulation, with a focus on harm minimisation. • Power to access private property to abate littering offences may disproportionately affect people with mental illnesses or on low incomes. This will be balanced by a suitable appeals process and safeguards.

Economic

ACT Government Budget	<ul style="list-style-type: none"> • Less instances of illegal dumping will result in less time and money required to clean-up litter and illegal dumping. In the last financial year \$400,000 was spent specifically on cleaning up illegal dumping. • Less littering offences will result in less spent on removing litter from public spaces. In the last financial year \$1.3 million was spent cleaning litter. • More effective enforcement and associated reduced administrative costs. • Reduced costs associated with impounding abandoned motor vehicles for lengthy periods of time. • The proposed Bill is likely to have a positive impact on the ACT Government Budget.
Productivity and innovation	<ul style="list-style-type: none"> • Fewer illegal dumping events will mean that Government staff can divert their time to other more productive activities to add more value to open spaces and the operation of the City.
Other	<ul style="list-style-type: none"> • Abatement provisions for private property will have a positive economic benefit to surrounding residents (eg. where hoarding has reduced property values).

Environmental

Biodiversity	<ul style="list-style-type: none"> • Less litter in the environment (particularly plastics) will lead to less harm caused to wildlife who often mistake it for food. This is particularly true for aquatic animals in our lakes and streams.
Landscape changes	<ul style="list-style-type: none"> • Even small amounts of litter can significantly detract from a natural environment and make a place less attractive. The proposed Bill is important for maintaining the natural landscape around Canberra and preserves its reputation as the Bush Capital and as an international destination.
Environmental quality	<ul style="list-style-type: none"> • Litter can easily blow or wash into waterways, therefore litter has a negative impact on our aquatic environment, as well the quality of other environmental systems (eg. air quality and our animals).
Waste	<ul style="list-style-type: none"> • Greater enforcement and deterrents for littering and illegal dumping are intended to make people more inclined to dispose of their waste thoughtfully. • This is not expected to have a great impact on waste volumes; however, it may lead to greater recycling of items which would otherwise end up as landfill.
Climate change	<ul style="list-style-type: none"> • The proposed Bill is not expected to have any impact on climate change.