



STAFF REPORT

TO: Environment & Planning Committee

FROM: Carl Cheeseman, Co-ordinator Compliance Monitoring

REFERENCE: C653

SUBJECT: **PROPOSED CHANGES TO COUNCILS INFRINGEMENT FINES UNDER THE LITTER ACT 1979 - REQUIREMENT FOR COUNCIL RESOLUTION AND PUBLIC NOTIFICATION - REPORT EP07/08/08 - Report Prepared for 1 August 2007 Meeting**

1. EXECUTIVE SUMMARY

In order to issue Infringement Notices under the Litter Act 1979, Section 13 of that Act requires that Council must first pass specific resolution after giving 14 days public notification of its intention to do so. Due to a recent amendment to the Litter Act including an increase in infringement fees a new resolution is required in order for Council to adopt these new penalties. This report seeks approval for a resolution to be passed.

2. BACKGROUND

In 1979 the Litter Act came into force and following the adoption of the provisions in section 13 and 14 of the Act the then Waimea Borough Council through its delegated staff had the ability to issue infringement fines for littering offences. This has been the status quo until now.

3. AMENDMENT

The Litter Act was amended on 27 June 2006. The principal amendments were:

- Increased maximum penalties for offences;
- Clarification that offences under all sections (except section 16 and 17(1)(a)) are strict liability offences;
- Introduction of statutory defences to strict liability offences; and
- Clarification that TAs may retain infringement fees received in respect of notices issued by litter control officers appointed by that authority

The Litter Amendment Act 2006 has strengthened the powers of Councils. Infringement fees are now increased from the original \$100 to a maximum of \$400. Territorial Authorities may adopt the amended infringement notice provisions provided they pass a new resolution including the 14 days public notification. Any resolution must specify the nature of the infringement offence and the fee payable in respect of any such offence.

4. ISSUE

Tasman District Council is currently restricted to the old legislation and bound to a maximum fine of \$100 until such time as it adopts the amendments through a new resolution. Illegal dumping which typically attracts infringement fines is a continuing problem in this district and costs council significantly in time and expenditure. This increase in the set fines should provide a greater deterrent to those persons engaged in dumping and allow Council better opportunity to recover costs associated with this activity.

A number of territorial authorities have since passed resolution after due public notification and increased their set fee to the \$400.

5. RECOMMENDATIONS

It is recommended that:

- 1. This report is received.**
- 2. That Council adopts the provisions of section 13 of the Litter Act 1979 as amended by the Litter Amendment Act 2006.**
- 3. That in accordance with sections 13(2A) and (3) of the Act public notice be given of Council's intention to increase the litter infringement fee from \$100 to \$400 as per the notice attached as Appendix 1.**
- 4. That Council observes the Litter (Infringement Notices) Order 2006 prescribing the new forms for infringement notices under the Act and amends the infringement notices it uses.**

Carl Cheeseman
Co-ordinator Compliance Monitoring

PUBLIC NOTIFICATION OF PROPOSED CHANGES TO COUNCIL'S LITTER INFRINGEMENT FEES

Recent amendments to the Litter Act 1979 have resulted in the maximum fee for Infringement offences against the Act increasing from \$100 to \$400.

Under the Act Tasman District Council is required to give 14 days public notice of its intention to pass resolution adopting these infringement fee changes.

Pursuant to Section 13 (2A) of the Litter Act 1979 Tasman District Council hereby gives notice of its intention to increase the Litter Infringement Fee from \$100 to \$400.

Any question regarding these proposed changes may be directed to the Co-ordinator Compliance-monitoring, Tasman District Council.