

# Local Nuisance and Litter Control Act 2016

## Factsheet 23 – Bill Posting

The *Local Nuisance and Litter Control Act 2016* (the Act) provides enhanced management - and significant penalties - for the offence of bill posting, which was previously regulated under the *Summary Offences Act 1953*.

### What is bill posting?

Bill posting is the display or placement of advertising material on property (buildings, vehicles, street furniture, road-side and railway infrastructure) without the permission of the owner or occupier whether it be councils, corporations, companies, small businesses or individual persons. The Act describes a bill as including:

- Flyers
- Brochures
- Posters containing promotional material
- Anything else declared by regulation to be a bill

The *Local Nuisance and Litter Control Regulations 2017* prescribes a moveable sign within the meaning of the *Local Government Act 1999* (including an election sign) that is placed or maintained on a road other than in a manner authorised under section 226 of *Local Government Act 1999* to be a bill.

### What are the impacts of bill posting?

Bills frequently become litter or cause unsightly situations, with the cost of clean-up ultimately borne by the community. The illegal posting of bills and other advertising can have a range of significant impacts such as;

- the potential to cause brochures, flyers or deteriorating posters to end up polluting streets and waterways through the stormwater system
- it can cause property and other areas look uncared for and derelict – it also has the propensity to attract other litter and subsequent bill posting
- it can cause unnecessary expense to councils related to the effort required in cleaning up and removing the postings

### What is the law with regard to bill posting?

It is illegal to conduct any bill posting without the consent of the owner or occupier of the property where the bill is to be posted, whether it be councils, businesses, government or individual persons.

## What are the penalties for bill posting?

Where a person posts a bill on a property without the consent of the owner or the occupier of the property, the following applies:

- Maximum penalty: \$10,000
- Expiation fee: \$315

Where it concerns the person or persons who distributed or authorised the distribution:

- In the case of a body corporate: \$20,000
- In the case of a natural person: \$10,000

## Compensation for loss or damage as a result of illegal bill posting

Where a person is convicted of an offence related to bill posting, the Court may order the person to pay to the owner or occupier of the property such compensation that it considers appropriate for any loss or damage caused to the property as a result of the bill posting.

## 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.

### Disclaimer

*This publication is a guide only and will not necessarily provide adequate information relevant to every situation. Whilst it seeks to explain your possible obligations in a helpful and accessible way, it is likely that some detail may not be captured. It is important, therefore, that where necessary you make your own determination as to whether you should seek legal advice.*