

Local Nuisance and Litter Control Act 2016

Factsheet 3 – Public Litter Reporting

Section 25 ('Citizen's notification') of the *Local Nuisance and Litter Control Act 2016* (the Act) contains provisions for enabling public reporting of littering and illegal dumping. See Factsheet 1 - Litter for a description of the different litter categories and types.

What is a Citizen's notification?

A person who reasonably suspects another person of having committed a littering offence can notify the relevant authority or council of that suspicion by forwarding a report – a citizen's notification – to the relevant authority or council in a manner prescribed by regulation. A specific program has been developed to facilitate litter reporting where it involves vehicles (or trailers).

The program developed for this purpose is the Dob in a Litterer program and is run by the State Government. Some councils may also provide their own individual service for public litter reporting. Public notifications either through Dob in a Litterer or directly to a council must be in writing and must contain the information prescribed in the Schedule 1 of the *Local Nuisance and Litter Control Regulations 2017*.

What is the Dob in a Litterer program?

Where the disposal of litter occurs from a vehicle or trailer, the Act is clear in that the offence of littering rests with the owner of the vehicle. Consequently, the Dob in a Litterer program (website and mobile app) has been developed to add support to the litter reporting process where vehicles or trailers are involved.

Before littering can be reported under the Act, a person will need to be registered with the Dob in a Litterer app or website. Once registered, it will be possible to submit a citizen's notification for incidences of littering that have been observed.

Registration can be done via:

- the Dob in a Litterer app (available for Android and iOS)
- the internet at www.dobinalitterer.sa.gov.au

Subject to being verified and being of sufficient quality, the detail of a lodged report may constitute sufficient evidence of an offence for the issuing of an expiation notice.

Note: *For a report to be accepted, the person making the report must be prepared to attend court if requested, to verify the report.*

False or Misleading Reports

Providing a false report is an offence under the Act and carries a maximum penalty of \$50,000 for a body corporate and \$20,000 for a natural person. Further, on determination that a false or vexatious report has been submitted, the person concerned may be deregistered from the Dob in a Litterer program.

Dob in a Litterer program FAQ

Do I need to register before I can lodge a report?

Yes. Reports made to the Dob in a Litterer program can only be made by a person who has registered with the program.

What kind of littering can I report?

Any litter discarded, deposited, blowing or falling from a vehicle can be reported through the Dob in a Litterer program. This includes cigarette butts and live cigarettes, food packaging and drink containers, etc.

Can I report littering related to interstate vehicles?

Currently, only reports associated with South Australian registered vehicles can be actioned through the issuing of an expiation notice. You are, however, still encouraged to lodge reports concerning interstate vehicles as it may provide useful information to assist with the development of future litter related programs.

Can I report littering that is NOT associated with a vehicle?

The Dob in a Litterer program has been designed specifically to capture littering from vehicles (including trailers). Your local council will be able to assist you with litter reporting in circumstances not associated with a vehicle.

What happens if the person who did the littering is not the owner of the vehicle?

If the disposal of litter occurs from a vehicle, the registered owner of that vehicle is taken to have committed the offence. The registered owner will then be able to nominate who was responsible for the littering by completing a statutory declaration.

Can I report littering that occurs in car parks and other private property?

Yes. Any littering from vehicles can be reported via the Dob in a Litterer program.

What are the penalties for littering?

The expiation fee for littering varies from \$210 for small amounts of general litter up to \$1,000 for class B hazardous litter. Class B hazardous litter includes live cigarettes, used syringes and glass. Penalties are also available ranging from \$5,000 for general litter to \$120,000 or 2 years jail for Class A Hazardous waste. Penalties are higher again for body corporates.

Do I need to provide a photograph of the alleged offender's vehicle or the litter with my report?

No, a photograph is not required to be submitted with a litter report. However, the provision of a photograph may enhance the ability of the EPA to issue an expiation notice or succeed if the matter is contested in court. In the absence of a photograph, the EPA may be unable to confirm vehicle details or validate that a report is accurate. Note that it is an offence for a person to use a hand held device (e.g. camera, mobile phone) whilst driving.

What information is necessary for a successful report?

The Dob in a Litterer app and website (www.dobinalitterer.sa.gov.au) will guide you through the details required for a successful report, which include the following:

- alleged offenders vehicle details – including licence plate number, make/model, colour
- whether the alleged offender was the driver or passenger
- the location of the offence
- time and date of the offence
- type of litter
- other information such as the offender's appearance, distinguishing vehicle features or other important information surrounding the alleged offence.

How soon should I report littering that I've observed via the Dob in a Litterer program?

Ideally, reports should be lodged as soon as possible and preferably on the same day that the offence was observed. Reports must, in any event, be lodged within 14 days of the date of the alleged offence.

What happens to the reports that I lodge?

Your report is automatically submitted to the EPA, which reviews the content and compares the vehicle description provided with registered ownership details for South Australian vehicles. If the registration details are matched and verified and the remainder of the report appears valid, an expiation notice will be issued to the vehicle owner.

Can I expect any feedback on my report?

Generally the only time a reporter will get feedback is if the alleged offender challenges the allegation, resulting in the matter going to court or if it is determined that a report is deliberately false.

Under what circumstances will a litter report NOT be accepted?

A report made through the Dob in a Litterer program will not be accepted if:

- the person reporting the litter is not registered with the program
- insufficient information about an alleged offence is provided
- information provided about the alleged offenders vehicle does not closely match registered vehicle details (i.e. wrong make of care, wrong colour, wrong registration details)
- where there is suspicion that the report is deliberately false or vexatious

Will I need to attend court as a witness?

If a matter is challenged by an alleged offender, the EPA will assess all available evidence it has access to and determine whether a successful prosecution is likely. A key component of any successful prosecution will be the observations of witnesses. On this basis, if a matter

goes to court you may be asked to attend to support and confirm the substance of a report that you submitted.

Will my details remain confidential?

Your details will only be visible to authorised staff administering the Dob in a Litterer program, and under most circumstances will remain confidential. If a litter report is contested and goes to court, you may be requested to act as a witness to the offence. If this occurs, your details may become known to others, including the alleged offender.

What happens if someone lodges a false report?

A person that makes a false or misleading complaint may be liable to prosecution, with a penalty not exceeding \$20,000. If the EPA determines a person has made a deliberately false report, in addition to prosecution that person will be deregistered from the Dob in a Litterer program.

What if I am unable to determine the make of vehicle for the purpose of a litter report?

If you do not know the make of the vehicle you want to report for littering, you can select 'UNSURE' from the drop down menu. This will not stop the EPA from issuing an expiation notice, provided the other details you provide match those recorded for that registered vehicle.

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*, particularly where it concerns Litter. Queries regarding the Dob in a Litterer program should be directed to the EPA.

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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.