



South Australia

● An introduction to the *Local Nuisance and Litter Control Act 2016*

Introduction of the new *Local Nuisance and Litter Control Act 2016*

Littering and activities that cause nuisance such as noise, smoke and dust impact on our enjoyment of local areas. The new *Local Nuisance and Litter Control Act 2016* will help communities resolve local environmental complaints more efficiently through their local council. The Act also has a focus on effectively dealing with litter and illegal dumping across South Australia, particularly in tourist areas, shopping precincts and peri-urban councils.

Benefits of the Act

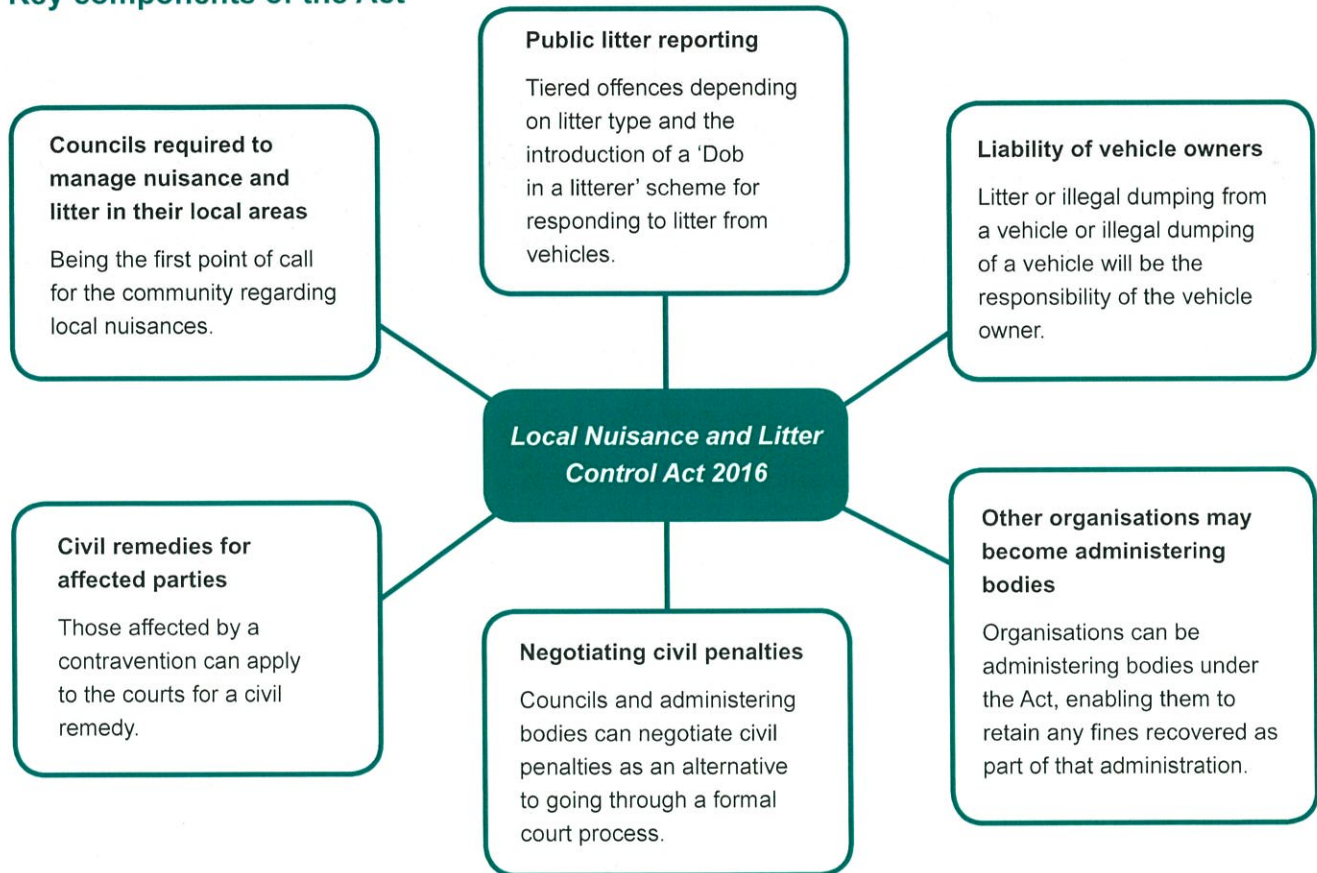
There has been considerable confusion within the community about State and Local Government roles and responsibilities related to local nuisance issues. These are the complaints with relatively minor environmental impacts but which impact on amenity at a local level such as dust, noise and smoke and can be of high importance to those people affected. Research has shown that the majority of people consider their local council responsible for the management of local nuisance issues.

The Act formalises the role of Local Government in managing local nuisance issues to provide consistency of services across all councils, create better tools for enforcement and more effectively deal with localised minor environmental complaints. More specifically, the Act will:

- ✓ ensure more effective regulation of local nuisances
- ✓ establish a modern legislative scheme for litter control in South Australia (including tiered offences depending on the type of litter)
- ✓ improve the use of surveillance for evidence gathering in the case of illegal dumping (linking an offence to the registered owner of a vehicle)
- ✓ allow other agencies to undertake compliance activities
- ✓ allow for the implementation of a 'dob in a litterer' scheme which is currently already operating in some other Australian states.



Key components of the Act



Complaints about local nuisance

The majority of local councils in South Australia already manage local nuisance issues including illegal dumping and littering, to some extent. From 1 July 2017, all local councils will be responsible for responding to community complaints and enquiries regarding local nuisances in their area. The EPA will provide operational support to councils regarding difficult complaints and will provide councils with necessary training to assist their response to these types of complaints.

The EPA will continue to be responsible for all complaints and enquiries regarding:

- all licensed sites and activities
- incidences on non-licensed sites that have potential for serious or material environmental harm.



More responsibility for vehicle owners

It is commonplace to see cigarette butts and other litter thrown from vehicles. Similarly, waste that has been illegally dumped has, in most cases, been transported by a vehicle. In the past, offences such as these have been difficult to prove as the offender may not necessarily be the registered owner of the vehicle.

The Act places the onus on vehicle owners to take responsibility for any offence that may have been committed in association or from that vehicle. If the owner of the vehicle wishes to challenge any expiation issued to them, they will be required to complete a declaration stating that someone else was responsible for the vehicle during the time of the offence, similarly to speed camera and red light camera infringements.

Public litter reporting

The legislation provides the legal basis for the establishment of a 'Dob in a litterer' program in South Australia. The public will be encouraged to report sightings of public littering from vehicles whereby they can submit via an app or a website the details of the offence (such as location, timing and details and photo of any vehicle involved). The EPA will then assess the information provided and potentially impose an expiation on the registered owner of the vehicle. The app and website will be launched on 1 February 2017.

Civil remedies for those impacted by contraventions

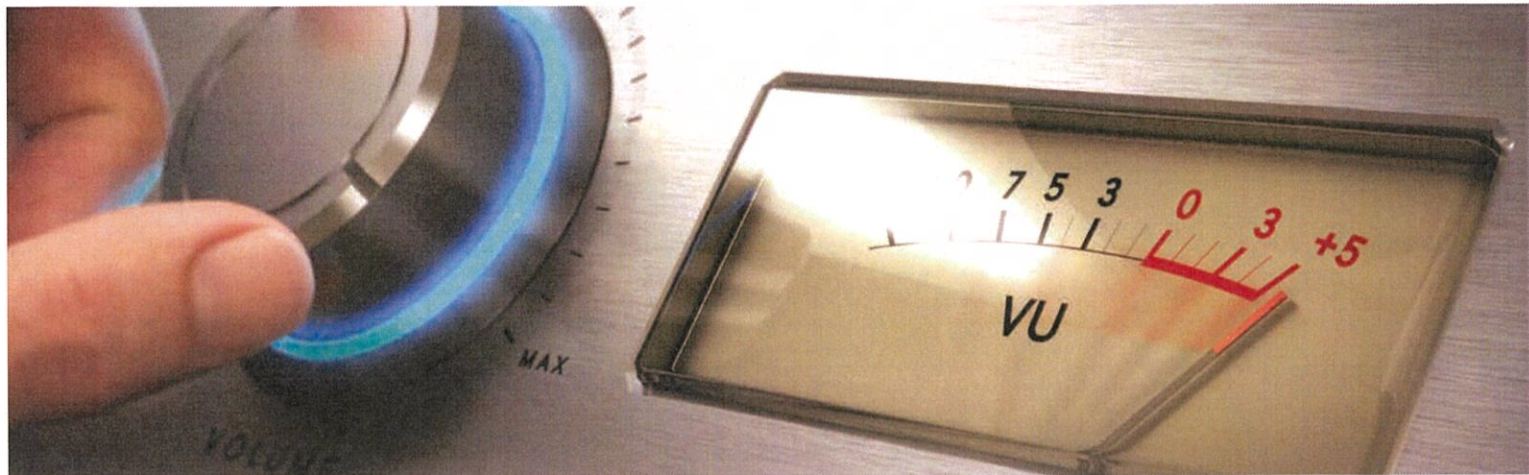
The Act allows anyone who believes they have been impacted by a contravention or a potential contravention to apply to the courts for a civil remedy. This option will be useful in situations whereby a council or administering body has been unable to resolve an issue to the complainant's satisfaction.

Civil penalties

The civil penalties provision of the Act allows councils or administering bodies to enter into a negotiation process for a civil penalty with an alleged offender rather than applying to the court for a criminal penalty. Negotiations are voluntary and if an alleged offender chooses not to negotiate with the regulator, the regulator still has the opportunity to apply to the court for a criminal penalty. This process provides a lower cost alternative to court prosecution.

Other organisations may undertake compliance activities

The Act allows other organisations and public authorities to apply to the Minister to become an administering body for all or part of the Act. The request will then be carefully considered by the Minister who will determine if the applicant is equipped to undertake such compliance work.



Key implementation dates

The Act will be formally introduced in a staged approach. Littering elements of the legislation, which includes public litter reporting, will come into effect on 1 February 2017. Local nuisance provisions will be effective from 1 July 2017.

EPA's role

The EPA has agreed to provide the following resources and services to support transition to the new legislation:

- Dedicated EPA staff to oversee commencement of the legislation and assist councils with transition
- Compliance training for council staff
- Use of EPA equipment such as noise meters and surveillance cameras
- Delivery of fact sheets and guidelines (standard operating procedures) for council use to support the administration of the legislation
- Delivery and management of an online centralised public litter reporting service that councils may refer people to in lieu of accepting reporting themselves
- Provision of ongoing support as necessary.

Further information

For further information about the *Local Nuisance and Litter Control Act 2016*, please contact the EPA:

EPA website: www.epa.sa.gov.au

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