



Speech by

Hon. Lindy Nelson-Carr

MEMBER FOR MUNDINGBURRA

Hansard Tuesday, 22 May 2007

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Second Reading

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Environment and Multiculturalism) (12.44 pm): I move—

That the bill be now read a second time.

In November last year the government announced a proposal to make changes to legislation to protect Queensland's environment from the impacts of littering. The changes make it easier to fine people who throw litter from a vehicle. The changes also introduce a new offence for dangerous littering.

The Environmental Protection Amendment Bill 2007 fulfils the government's commitment on these two issues and goes further by providing the ability for an authorised person to direct the clean-up of litter where more than 20 litres has been dumped—commonly referred to as illegal dumping.

According to the latest litter count figures issued by Keep Australia Beautiful in February 2007, 55 per cent of the volume of litter in Queensland is found along our roadsides. This is higher than the national average of 49 per cent.

In New South Wales, where an authorised person has the ability to issue an infringement notice to the registered owner of a vehicle, the volume of litter found along highways and roadsides is only 40 per cent, and in Victoria, where public reporting is also used to report littering offences from vehicles, this figure drops to 32 per cent.

The Environmental Protection Amendment Bill 2007 will make enforcing littering offences in Queensland significantly easier and safer, particularly from a vehicle. The bill allows an authorised person to issue an infringement notice for littering from a vehicle to the registered owner of the vehicle. An authorised person will also be able to direct the removal of litter where more than 20 litres has been deposited. The introduction of these provisions will assist in reducing the amount of litter in the Queensland environment.

In particular, the changes to the legislation allow for the safer enforcement of littering offences involving a vehicle. Under the existing litter legislation contained in the Environmental Protection (Waste Management) Regulation 2000, an authorised person has to stop the vehicle, obtain the details of the person who littered and issue the infringement notice directly to that person. This can be dangerous and confrontational for the authorised person. As a consequence, very few litter infringement notices have been issued since 2000.

The Environmental Protection Amendment Bill 2007 will mean that, based on the numberplate of the vehicle, an authorised person can send an infringement notice to the registered operator of a vehicle from which a littering offence has been observed by an authorised person. This is similar to camera-detected speeding offences, where the owner of the vehicle receives the infringement notice in the mail.

Owing to time restraints, I seek leave to incorporate in *Hansard* the remainder of my second reading speech.

Leave granted.

The existing littering provisions of the Environmental Protection (Waste Management) Regulation 2000 will be repealed when the Environmental Protection Amendment Bill 2007 is passed into legislation and all litter offences will come under the Environmental Protection Act 1994.

As the Bill deems that the owner of the vehicle is the person who committed the offence, that person has a number of options available to them to deal with the infringement notice.

The person can pay the fine; elect to have the matter heard in Court, do nothing (in which case the notice may be referred to the State Penalties Enforcement Registry for further enforcement action); or complete one of four declarations—an illegal user declaration, a known or unknown user declaration, a sold vehicle declaration or a passenger declaration.

Once the registered operator has completed a declaration nominating another person as either the driver of the vehicle or as the actual offender, the infringement notice is re-issued to that nominated person.

The Environmental Protection Amendment Bill 2007 expands on the existing State Penalties Enforcement Registry regime by adding the new category of passenger declaration to the list of declarations that can be used as defence against the offence.

Mr Speaker, the passenger declaration allows a person named as a known user (the driver of the vehicle) to give a declaration that they did not commit the littering offence, but that another named person (a passenger) committed the offence.

Once a passenger declaration is given by one person for the offence, another person is not able to give another declaration for the same offence. This is to prevent different passengers each blaming the other for committing the offence. The passenger named in the declaration, while not able to nominate another person, still has the right to contest the matter in court.

The new legislation will see significant changes to the way littering from vehicles is enforced. As the legislation provides for a new approach to the enforcement of littering from vehicles, vehicle owners whether they are individuals or corporations will be affected. As the registered owner of a vehicle, organisations such as rental car companies, and taxi companies and public transport providers such as bus and ferry passenger vehicles, where the driver is the litterer, will receive a litter infringement notice in the mail.

The Environmental Protection Amendment Bill 2007 also introduces two new littering offences and penalties: the first is depositing litter from a vehicle and the second is dangerous littering. Depositing litter from a vehicle has a maximum penalty of 30 penalty units or an infringement notice penalty of \$225. Dangerous littering has a maximum penalty of 40 penalty units or an infringement notice penalty of \$300.

Dangerous littering means depositing litter that causes or is likely to cause harm to a person, animal or property. Dangerous littering may include throwing a lit cigarette onto dry grass during extreme fire danger conditions, smashing a bottle and leaving the broken glass on the footpath, leaving a hypodermic needle in a garden bed or near a children's playground or throwing an item from a car at another road user or a pedestrian.

The changes contained in the Environmental Protection Amendment Bill 2007 send a strong message that littering in Queensland will not be tolerated. For too long, litterers in Queensland have been within their rights to assume that there were no consequences to their actions but with the introduction of this new legislation the chances of being fined have increased considerably.

Mr Speaker, the introduction of this Bill will provide consistency in the way littering offences are enforced in eastern seaboard States. Both New South Wales and Victoria have legislation that allows a litter infringement notice to be issued on the basis of the registration details of the vehicle. Legislation in Western Australia also provides the same ability and the Tasmanian Government has recently drafted a Bill to include these provisions in legislation.

Local governments support the changes to the way litter is enforced in Queensland. There are particular difficulties under the current legislation in enforcing littering from vehicles, especially in relation to the illegal dumping of more than 20 litres of litter.

Several local governments (including Brisbane City Council) have indicated that they are unable to take action in circumstances where cameras in identified 'hot spot' areas have photographed the registration details of the vehicle or trailer. There is currently no provision within the Environmental Protection Act 1994 to require Queensland Transport to release this information for these types of offences.

The introduction of the ability for an authorised person to use the registration details and for a requirement for the chief executive (transport) to provide the information as it relates to the offence mean that local governments have greater capacity to penalise offenders.

Mr Speaker, an authorised person will also have the power to direct a person to remove the litter where 20 litres or more has been dumped. The longer litter stays in an area the more likely that other people will see it and dump their rubbish in the same spot. By directing a person to remove the litter, an authorised person may be able to have an area cleared before more litter can be deposited.

The Government is allowing time for individuals and local governments to become aware of the changes. A three-month amnesty period will allow time for awareness of the changes to be communicated to the community and to allow authorised-person training to be conducted. During this time, an authorised person may issue a warning notice in place of the infringement notice, along with information about the changes and the impacts of litter.

Additionally, the Environmental Protection Agency is developing communication material including fact sheets, template press releases, posters and postcards for local governments, State government departments. The information will also be distributed to organisations such as Keep Australia Beautiful and the Royal Automobile Club of Queensland, as well as car rental and taxi companies so they can communicate the changes to their clients and members.

The primary message of the communication material is Want to Litter ... Fine! to demonstrate to people that there are financial impacts associated with littering, whether in the street or from a vehicle. As the provisions of the Environmental Protection Amendment Bill 2007 cover land and water vehicles, information will be provided with littering circumstances in both environments.

Mr Speaker, I commend this Bill to the House.