

2005

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

## **EXPLANATORY STATEMENT**

### **Litter Amendment Bill 2005**

Circulated by the authority of  
Mr John Hargreaves MLA  
Minister for Urban Services

## **CLAUSE NOTES**

### **Clauses 1 to 3 – Formal clauses**

These clauses are formal clauses which:

- state the name of the Act;
- provide for commencement of the Act; and
- explain that the Act amends the *Litter Act 2004*.

### **Clause 4 – Section 15**

This clause amends section 15 (Identity Cards) to bring the provision into line with current drafting practice.

### **Clause 5 – Section 16(3)**

This clause makes it clear that an authorised person is not required to show their identity card prior to exercising their power under section 17. An authorised person must however, comply with any request made by the person to produce his or her identity card (see new sections 17(3) and 17(4)).

### **Section 17**

In contrast to the *Litter Act 1977* (now repealed) the *Litter Act 2004* (the Act) currently limits the class of persons who may be required to state their name and address to persons who are the 'occupier of premises'.

This clause amends section 17 to empower an Authorised Persons to require any person found committing an offence against the Act, or believed on reasonable grounds to have just committed an offence against the Act (in addition to the 'occupier of premises'), to state his or her name and address.

The provision is modelled on similar provisions found across the ACT statute book.

It is an offence to fail to comply with a request issued by an Authorised Person under s 17.