

Queensland's new littering and illegal dumping laws

Queensland's new *Waste Reduction and Recycling Act 2011* provides everyone with the ability to report littering and illegal dumping associated with a motor vehicle, trailer or vessel—encouraging Queenslanders to 'do the right thing' and dispose of waste properly.



Who do the new laws affect?

The new laws affect any private vehicle operator or passenger vehicle operator or vehicle hire company that deals with vehicles identifiable by a registration number—such as cars, buses, boats and trailers.

Littering or illegal dumping from vehicles

If littering or illegal dumping from a vehicle is witnessed and reported, an infringement notice may be issued to the registered owner of the vehicle. The new laws deem the registered owner of the vehicle to have committed the offence in the first instance—even though the actual offender may be someone else.

To safeguard the rights of the vehicle owners, if the registered owner was not the person responsible for the offence, they can complete a statutory declaration within 28 days of receiving the penalty infringement notice and declare the person responsible for the offence or that the vehicle had been sold at the time the incident occurred.

Types of offences

The Waste Reduction and Recycling Act 2011 identifies four different types of litter offences, including:

- general littering and littering from a vehicle (including boats)
- dangerous littering
- illegal dumping – more than 200 litres and less than 2500 litres
- illegal dumping – more than 2500 litres.

Direction to remove waste

It is an offence, under the Act, for a person to unlawfully deposit waste with a volume greater than 200 litres (the size of an average wheelie bin in volume)—this is known as illegal dumping. Illegal littering is for waste volumes less than 200 litres.

Queensland's new litter laws now allow authorised officers to issue compliance notices for illegal dumping. This may involve the collection, transportation, storage, treatment or disposal of the waste to ensure the impact on the environment is minimised and the person responsible does not impose a cost to the administering authority.

If a person fails to comply with an authorised officer's direction to remove waste, they will face a penalty of up to \$30 000.

In addition, if the waste could cause serious or material environmental harm, under the Environmental Protection Act 1994, a clean up notice may be issued for illegal dumping incidents. The maximum penalty for failing to comply with the notice is \$200 000.

Further information

Phone: 13 QGOV (13 74 68)

Website: <www.derm.qld.gov.au/waste>

Mail: DERM
Penalty Infringement Notices
GPO Box 2454
Brisbane QLD 4001

Littering and illegal dumping fines

Type of litter	Examples	Penalty infringement notice fine—individuals	Penalty infringement notice fine—corporation	Maximum penalty if contested in court			
General littering and littering from a vehicle (including boats)	<p>Throwing a cigarette butt from a car window into the gutter; or food wrappers, bus tickets or food items left on the ground.</p> <p>Throwing a soft drink can, takeaway food packaging or plastic bag from a car or boat; or items falling off the back of a ute or trailer due to an uncovered load.</p>	\$200	\$200	\$3000			
Dangerous littering	Any litter that can cause harm to humans, wildlife and property. This includes broken glass left in a playground or a lit cigarette in dry grass.	\$400	\$ 1600	\$4000			
Illegal dumping	<table border="1"> <tr> <td>More than 200 L and less than—2500 L</td> <td rowspan="2">Disposing of waste in an area that is not a dedicated waste facility. For example, large domestic items such as fridges and garden refuse and waste from construction, demolition and excavation activities.</td> </tr> <tr> <td>≥ 2500 L</td> </tr> </table>	More than 200 L and less than—2500 L	Disposing of waste in an area that is not a dedicated waste facility. For example, large domestic items such as fridges and garden refuse and waste from construction, demolition and excavation activities.	≥ 2500 L	\$1600	\$3000	\$40 000
	More than 200 L and less than—2500 L	Disposing of waste in an area that is not a dedicated waste facility. For example, large domestic items such as fridges and garden refuse and waste from construction, demolition and excavation activities.					
≥ 2500 L							
		\$2000	\$6400	\$100 000			
Illegal dumping—failure to clean up waste	A person requested to clean up litter or illegally dumped waste who does not comply within the timeframes specified.	–	\$3000	\$30 000			
Illegal dumping – failure to clean up serious or material environmental harm	Under the Environmental Protection Act 1994 if a person fails to clean up serious or material environmental harm, additional penalties apply.	–	–	\$200 000			