

South Australia

**Local Nuisance and Litter Control (Illegal
Dumping on Construction Sites) Amendment
Bill 2017**

A BILL FOR

An Act to amend the *Local Nuisance and Litter Control Act 2016*.

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 - 22A Illegal dumping on construction sites may result in disciplinary or other action under *Building Work Contractors Act 1995*
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Local Nuisance and Litter Control (Illegal Dumping on Construction Sites) Amendment Act 2017*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Nuisance and Litter Control Act 2016*

3—Amendment of section 3—Interpretation

Section 3, after the definition of *class B hazardous litter* insert:

construction site means premises where any of the following activities are carried on:

- 15 (a) the construction, erection, alteration, repair, equipping, finishing, painting, cleaning, marking or demolition of a building, structure or vessel;
- (b) excavating, shaft sinking or tunnelling;
- (c) roadworks;
- 20 (d) the construction or maintenance of a railway, busway or tramway;
- (e) dredging;
- (f) the placing, laying or maintenance of pipes or cables for any purpose (whether the pipes or cables are placed or laid above or below ground level);
- 25 (g) earth moving by power driven equipment;

4—Amendment of section 22—Disposing of litter

Section 22(1), penalty provision, Expiation fee provision—delete the Expiation fee provision and substitute:

Expiation fee:

- 5 (a) for an offence involving the disposal of 50 litres or more of class B hazardous litter or general litter—
- (i) in the case of disposal of the litter onto a construction site—\$2 000;
- (ii) in any other case—\$1 000;
- 10 (b) for an offence involving the disposal of up to 50 litres of class B hazardous litter—
- (i) in the case of disposal of the litter onto a construction site—\$1 000;
- (ii) in any other case—\$500;
- 15 (c) for an offence involving the disposal of up to 50 litres of general litter—
- (i) in the case of disposal of the litter onto a construction site—\$420;
- (ii) in any other case—\$210.

20 5—Insertion of section 22A

After section 22 insert:

22A—Illegal dumping on construction sites may result in disciplinary or other action under *Building Work Contractors Act 1995*

- 25 (1) If a building work contractor has been found guilty of an offence against section 22 by disposing of litter onto a construction site, the court may, in addition to imposing a penalty for the offence, refer the matter to the Commissioner for Consumer Affairs for investigation as to whether disciplinary or other action should be taken against the person under the *Building Work Contractors Act 1995* in relation to the matter.
- 30 (2) In this section—
- building work contractor*** has the same meaning as in section 20 of the *Building Work Contractors Act 1995*, and includes a person who carries on business as a building work contractor without being licensed under Part 2 of that Act.
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