

[Legal Notice No. 82]

HONIARA CITY COUNCIL (LITTER) (AMENDMENT) ORDINANCE 2023**Table of provisions**

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HONIARA CITY ACT 1999

(No. 2 of 1999)

HONIARA CITY COUNCIL (LITTER) (AMENDMENT) ORDINANCE 2023

In exercise of the powers under sections 34 and 35 of the *Honiara City Act 1999*, the Honiara City Council makes the following Ordinance:

1 Citation

This Ordinance may be cited as the *Honiara City Council (Litter) (Amendment Ordinance 2023)*.

2 Commencement

This Ordinance commences on the date it is published in the Gazette.

3 Principal Ordinance amended

The *Honiara City Council (Litter) Ordinance 2009* (“**Principal Ordinance**”) is amended.

4 Section 5 repealed and replaced

Section 5 of the Principal Ordinance is repealed and replaced with the following:

“Offence of depositing litter in a public place

5. (1) A person must not deposit litter in a public place.
- (2) If a person fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 100 penalty units, as set out in the Schedule.”.

5 Section 6 repealed and replaced

Section 6 of the Principal Ordinance is repealed and replaced with the following:

“Offence of depositing major litter in a public place

6. (1) A person must not deposit major litter in a public place.
- (2) If a person fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 100 penalty units, as set out in the Schedule.”.

6 Section 7 repealed and replaced

Section 7 of the Principal Ordinance is repealed and replaced with the following:

“Offence of fouling a public place

7. (1) A person must not foul in a public place.
- (2) If a person fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 100 penalty units, as set out in the Schedule.”.

7 Section 8 repealed and replaced

Section 8 of the Principal Ordinance is repealed and replaced with the following:

“Offences by a driver or passenger of a vehicle

8. (1) The following must not deposit litter in a public place or foul a public place:
 - (a) a person who drives or controls a vehicle;
 - (b) a passenger of a moving or stationary vehicle.
- (2) If the person in paragraph (a) or (b) fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 100 penalty units, as set out in the Schedule.”.

8 Section 10 amended

Section 10(2)(a) of the Principal Ordinance is amended by deleting “1,000

penalty units” and substituting “5,000 penalty units or 2 years imprisonment, or both”.

9 **Section 12 repealed and replaced**

Section 12 of the Principal Ordinance is repealed and replaced with the following:

“Removal of litter from adjoining public place

12. (1) The following persons who occupy a premises that adjoins a public place, must remove litter located in or on the public place and within seven metres of the person’s premises:
 - (a) a person who owns the commercial area or a person who operates business in the commercial area;
 - (b) a person who rents or owns the residential area.
- (2) If the person in paragraph (a) fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 1,000 penalty units, as set out in the Schedule.
- (3) If the person in paragraph (b) fails to comply with subsection (1), a law enforcement officer must issue an infringement notice to the person with a fixed penalty of 100 penalty units, as set out in the Schedule.”.

10 **Section 13 repealed and replaced**

Section 13 of the Principal Ordinance is repealed and replaced by the following:

“Removal of major litter from adjoining public place

13. (1) The following persons who occupy a premises that adjoins a public place, must remove major litter located in or on the public place and within seven metres of the person’s premises:
 - (a) a person who owns the commercial area or a person who operates business in the commercial area;
 - (b) a person who rents or owns the residential area.
- (2) If the person in paragraph (a) fails to comply with subsection (1), the person commits an offence.
Maximum penalty: 5,000 penalty units or 2 years imprisonment, or both.
- (3) If the person in paragraph (b) fails to comply with subsection (1), the person commits an offence.
Maximum penalty: 500 penalty units or 6 months imprisonment,

11 Section 14 amended

Section 14 of the Principal Ordinance is amended by inserting after “(“public litter receptacles the following “and the public receptacles are only for public use.”.

12 Section 15 amended

Section 15 of the Principal Ordinance is amended by deleting “1, 000 penalty units.” after paragraph (c) and substituting “5,000 penalty units or 2 years imprisonment, or both.”.

13 Section 18 amended

Section 18 of the Principal Ordinance is amended by deleting “1, 000 penalty units.” after paragraph (c) and substituting “5,000 penalty units or 2 years imprisonment, or both.”.

14 New Schedule inserted - prescribed offences with fixed penalties

The Principal Ordinance is amended by inserting a new Schedule after section 29:

“Schedule

(Section 55J of the Act
Sections 5,6,7,8 and 12)

For the purposes of section 55J of the Act, sections 5, 6, 7, 8 and 12 of this Ordinance are “prescribed offences” with corresponding “fixed penalties”, as set out in the table.

PRESCRIBED OFFENCES WITH FIXED PENALTIES

Section	Prescribed Offence (Section heading)	Fixed Penalty
5(1)	Offence of depositing litter in a public place A person must not deposit litter in a public place	100 penalty units
6(1)	Offence of depositing major litter in a public place. A person must not deposit major litter in a public place.	100 penalty units
7(1)	Offence of fouling a public place. A person must not foul in a public place.	100 penalty units
8(1)	Offences by a driver or passenger of a vehicle The following must not deposit litter in a public place or foul a public place: (a) a person who drives or controls a vehicle; (b) a passenger of a moving or stationary vehicle.	100 penalty units 100 penalty units
12 (1)	Removal of litter from adjoining public place The following persons who occupy a premises that adjoins a public place must remove litter located in or on the public place and within seven metres of the person’s premises: (a) a person who owns the commercial area or a person who operates business in the commercial area; (b) a person who rents or owns the residential area.	1,000 penalty units 100 penalty units”

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Passed by the Honiara City Council this seventh-day of December 2023

EDDIE SIAPU
MAYOR OF HONIARA CITY

Assented by the Minister this Seventh-day of December 2023.

HON. CHRISTOPHER LAORE
MINISTER FOR HOME AFFAIRS

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