

[Legal Notice No. 82]

## HONIARA CITY COUNCIL (LITTER) (AMENDMENT) ORDINANCE 2023

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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**4 Section 5 repealed and replaced**

Section 5 of the Principal Ordinance is repealed and replaced with the following: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**5 Section 6 repealed and replaced**

Section 6 of the Principal Ordinance is repealed and replaced with the following: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**6 Section 7 repealed and replaced**

Section 7 of the Principal Ordinance is repealed and replaced with the following: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**7 Section 8 repealed and replaced**

Section 8 of the Principal Ordinance is repealed and replaced with the following: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

<b>Section</b>	<b>Prescribed Offence (Section heading)</b>	<b>Fixed Penalty</b>
5(1)	<b>Offence of depositing litter in a public place</b> A person must not deposit litter in a public place	100 penalty units
6(1)	<b>Offence of depositing major litter in a public place.</b> A person must not deposit major litter in a public place.	100 penalty units
7(1)	<b>Offence of fouling a public place.</b> A person must not foul in a public place.	100 penalty units
8(1)	<b>Offences by a driver or passenger of a vehicle</b> 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)	<b>Removal of litter from adjoining public place</b> 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 inthe 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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