

Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

Mr Jeremy Hanson CSC MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

Scrutiny@parliament.act.gov.au

Dear Mr Hanson

I thank the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (Committee) for its comments on the Litter (Amenity Impact) Code of Practice 2020 (Code), as outlined in Scrutiny Report 2 (Report) dated 24 March 2021.

The Report noted the relevance of the *Human Rights Act 2004* (HRA) and that the explanatory statement to the Code did not meet the technical or stylistic standards expected by the Committee. It was recommended the explanatory statement to the Code be amended to fully reflect the nature and extent of human rights engaged. The explanatory statement to the Code has been amended to provide detail on the relevant human rights concerned and how potential limitations on these rights are addressed. A copy of the explanatory statement is provided at Attachment A and summarised below.

The regulatory framework for managing amenity impacts set out in the *Litter Act 2004* (Litter Act), including the Code, was identified as engaging the right to equality before the law and the right to privacy, sections 8 and 12 of the HRA respectively. Addressing hoarding on open private property may disproportionately affect lower income earners or persons with a mental health disorder or mental illness.

Hoarding on residential properties is a multifaceted issue that can involve vulnerable people who lack the support to resolve the amenity impacts on their own. The Code serves to guide authorised officers in addressing amenity impacts caused by hoarding through a staged, holistic and proportionate approach tailored to the needs of the individual.

The Code upholds education and awareness on support services and advocacy groups as priority at all stages of addressing an amenity impact. This is done through an interagency approach, where all



means of addressing an amenity impact have been exhausted prior to regulatory action being considered, recognising the complexity of hoarding cases and ensuring areas of government that already specialise in the issue are involved. This is achieved in collaboration with the individual responsible for the amenity impact.

Where a regulatory approach is taken as a last resort, no offence provisions apply. The Code is not intended to criminalise hoarding; rather, the aim is to connect individuals with the right support and cooperate with them over time to achieve lasting solutions without discrimination.

The provisions in the Litter Act around establishing a code of practice were based off and intended to compliment similar provisions in the *Public Health Act 1997*. The Code reflects contemporary and best-practice methods around hoarding and commits to a review after three years so that it may be updated as research in this space progresses.

I thank the Committee for its consideration and trust the information provided responds to their comments.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Steel', with a stylized flourish extending from the end.

Chris Steel MLA
Minister for Transport and City Services