

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 45TH SESSION
RECOMMENDATION TO COUNCIL
NO. 2-45

JUNE 14, 1971.

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LITTER LEGISLATION

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During the 44th Session, Council requested that anti-litter legislation, of the type enacted in the Province of British Columbia, be presented for consideration. The association of Municipalities and the Yellowknife Old Town Development Association have both requested Territorial Council to consider legislation providing for refunds on empty containers.

Litter legislation in its broader sense would establish rules and penalties relating to disposition of garbage, refuse and material no longer of value. In a more limited context it applies only to containers, and a further refinement reduces it to containers of beverages. The usual method of controlling litter is to make it mandatory to pay a refund on used containers and to prosecute those who scatter or deposit waste, refuse or rubbish.

Provincial Experience

At present, the Province of British Columbia is the only provincial jurisdiction having comprehensive litter control legislation. Alberta has an act concerned with control of beverage containers. Saskatchewan, Manitoba and Ontario are investigating the problem, and will no doubt be proposing such legislation in the future. Anti-litter legislation covering highways is a general provision in all jurisdictions. Pollution control legislation is in effect in some provinces but does not specifically cover the litter problem. The N.W.T. prohibits pollution from some sources through its Public Health Ordinance and also makes littering on the highway an offence under the Motor Vehicles Ordinance.

British Columbia

The B.C. experience, since passage of the Litter Act in 1970, has been varied. A number of problems have arisen, not all of which have yet been solved.

One of the major problems encountered is in assigning responsibility for collecting and disposing of used containers. The existing legislation requires retailers to pay a refund on used beverage containers but the retail community in B.C. has objected strongly to the refund provisions of the legislation and consideration is presently being given to testing the validity of some aspects in court.

In order to limit the retailer's problem, and to protect those retailers near Provincial boundaries, where containers not sold by him could be presented for refund in great numbers, a limit of eighteen containers per day per customer has been allowed by legislation. A retailer must, however, refund on an empty container for a brand he handles, regardless of whether he sold the particular container or not.

The legislation applies to the B.C. Liquor Control Board, but only so far as beer and ale containers are concerned. Wine and liquor bottles are not included in the provisions of the Act. Extension of coverage to include these is being given, but will not be considered for at least one year.

The act covers disposal of garbage, sewage and other wastes anywhere in the Province except on private property, and includes camp sites or other areas used for camping, picnicking or recreation. It covers disposal of all litter, garbage, sewage or other wastes while a campsite is in use, and outlines conditions which must be met in leaving any such area. Highways are not specifically covered in the act, as the provisions of the Vehicles and Highways Acts are considered sufficient.

To enforce the provisions of the Litter Act, it has been necessary to employ some new people within the Government Service. Field enforcement, however, is provided for by designating certain groups as officers for the purpose of the Act. All Game Officers, Park employees, Peace Officers, Forest Wardens and other field employees of the Department of Recreation and Conservation have been so designated. Also employees of the Department of Highways, certain municipal employees, Fisheries Officers and others have been designated as officers. Steps are now being taken to have building, boiler and other safety inspectors also designated as officers. In this way it is hoped to spread control as widely as possible. The B.C. Litter Act is administered by the Department of Recreation and Conservation. It is vigorously supported by a number of volunteer organizations throughout the province.

Alberta

The relevant Alberta legislation involves only the control of soft drink, beer and ale containers, and is contained in the recently approved Beverage Containers Act. General anti-litter and anti-pollution legislation is being considered in a general review of ecological problems.

The Beverage Containers Act makes provision for retailers to refund on any empty containers presented, of a brand which he sells. The act covers beer and ale containers, but not liquor or wine bottles. Manufacturers or wholesale distributors are required to accept any empty containers presented to them by a retailer, and to reimburse him for the refund he has made. This applies, of course, only to those brands within his line. The act further provides that, after 1 January 1972, no manufacturer may use, or retailer sell, a container indicating in any way that no refund is payable thereon.

The enforcement provision of the act comes into effect on 1 January 1972. Arrangements for enforcement have not been finalized as yet.

The Beverage Control Act is administered by the Department of Highways and Transport.

Recommendations

1. It is recommended that legislation be prepared and placed before the January 1972 Session of Council to apply to soft drink, beer and ale containers only.
2. To recognize the particular problems of communication and distribution in the Northwest Territories, the Commissioner should have authority to designate those areas in which the legislation will be effective.
3. Effective date of the legislation to be 1 July 1972, to give time for distributors, retailers and others to make the necessary arrangements.