

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (SHOPPING TROLLEY BY-LAWS 2008

As in force at 1 October 2008

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 2008

ALICE SPRINGS (SHOPPING TROLLEY) BY-LAWS 2008

By-laws under the *Local Government Act*

1 Citation

These By-laws may be cited as the *Alice Springs (Shopping Trolley) By-laws 2008*.

2 Purpose

The purpose of these By-laws is to deter the abandonment of shopping trolleys so as to provide for the safety of road users and pedestrians and preserve the visual amenity of the municipality.

3 Enactment and commencement

- (1) These by-laws were made by resolution of the Alice Springs Town Council on the 30th day of June 2008 pursuant to Part 13.1 of the *Local Government Act*.
- (2) These by-laws have force and effect from the 1st day of August 2008 or the date that they are notified in the *Gazette* whichever is later.

4 Application

These By-laws apply to the whole of the municipality.

5 Definitions

In these By-laws:

authorised person means a person appointed by Council under section 112(1) of the *Local Government Act*.

claim, in relation to the actions of an owner of a shopping trolley, means to physically take possession of a shopping trolley.

Council means the Alice Springs Town Council.

Council land means any road, land or other asset which is owned by or under the care, custody and management of Council.

infringement notice means a notice under By-law 14.

municipality means the Municipality of Alice Springs.

penalty unit, see *Penalty Units Act*.

person includes a corporation and any other body corporate.

retailer means a person who sells goods by retail and provides shopping trolleys to that person's customers.

road includes a road reserve; and

shopping trolley means a vehicle used primarily for the carriage of goods by customers.

6 Illegal abandonment

- (1) A person must not leave a shopping trolley on or in Council land except in an area designated for that purpose.
- (2) A person who contravenes clause (1) is guilty of an offence.

7 Impounding

Where a shopping trolley has been left on or in Council land in contravention of By-law 6, either:

- (a) an authorised person; or
- (b) any other person contracted by Council for this purpose

may seize and impound the shopping trolley.

8 Notice to retailer

- (1) On the first business day of each month or as soon as possible thereafter Council must serve on each retailer that owns at least one shopping trolley impounded under By-law 7 in the preceding month a notice listing the shopping trolleys that have been so impounded.
- (2) The notice referred to in clause (1) must state:
 - (a) the period within which the shopping trolleys listed must be claimed;

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- (b) that it is an offence not to claim a shopping trolley so impounded within the period stated in the notice; and
 - (c) that the shopping trolleys listed may be disposed of by Council after the period stated in the notice.

9 Release fee

- (1) Council may by resolution determine a fee for the release of any shopping trolley impounded under By-law 7.
- (2) The release fee referred to in clause (1) must not exceed an amount that reasonably represents the cost to Council of impounding, moving, keeping and releasing the shopping trolley including any relevant overheads and indirect costs.

10 Release to owner

Council must release a shopping trolley impounded under By-law 7 to its owner on payment of any release fee determined under By-law 9.

11 Failing to claim

- (1) A person who fails to claim any shopping trolley listed in a notice served on that person under By-law 8 within the stated period is guilty of an offence
- (2) To avoid doubt, a failure to claim each of the shopping trolleys within the stated period constitutes a separate offence under clause (1).

12 Disposal by Council

- (1) Any impounded shopping trolley not claimed within the time stated in the notice referred to in By-law 8 may thereafter be disposed of by Council.
- (2) No claim or action by the owner of a shopping trolley impounded under By-law 7 or disposed of under clause (1) of this By-law may lie against Council, an authorised person or other person acting in accordance with those By-laws.

13 Penalties

A person who is guilty of an offence against these By-laws is liable to a penalty not exceeding 10 penalty units.

14 Infringement notices

- (1) Despite by-law 13, as an alternative to prosecution, a person who is alleged to have contravened or failed to comply with a by-law specified in column 1 of the Schedule may be served with an infringement notice under which the person may pay to the Council a sum (in this By-law 14, a **fixed penalty**) in lieu of the penalty by which the infringement of that By-law is otherwise punishable.
- (2) For the purposes of this By-law 14:
 - (a) the sum specified in column 3 of the Schedule is the fixed penalty payable under an infringement notice for an infringement of the By-law specified opposite in column 1, and generally described opposite in column 2, of the Schedule;
 - (b) an infringement notice is to be in a determined form and include:
 - (i) the name of the alleged offender;
 - (ii) in general terms, the nature of the offence alleged to have been committed;
 - (iii) the date, time and place of the alleged offence;
 - (iv) the amount of the fixed penalty; and
 - (c) the period within which, and the place where, the fixed penalty may be paid.
 - (d) an infringement notice may be issued and served by an authorised person; and
 - (e) the fixed penalty specified in an infringement notice is to be paid to Council within 14 days of the date on which the infringement notice is served on the alleged offender.
- (3) An infringement notice is to also contain the statements to the effect:
 - (a) that the alleged offender may expiate the offence and avoid enforcement action under the *Fines and Penalties (Recovery) Act* (in this By-law 14, **the Act**) if he or she pays the fixed penalty to Council within 14 days of service of the infringement notice;
 - (b) that if the alleged offender pays the fixed penalty within the period specified in the infringement notice, Council will take no further action in relation to the offence;

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- (c) that the alleged offender may, if he or she so wishes, be dealt with a court of competent jurisdiction by electing under section 21 of the Act to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on Council:
- (i) at any time before a courtesy letter under the Act is served on the alleged offender; or
 - (ii) if a courtesy letter is served on the alleged offender, before the due date specified in that letter;
- (d) that if the alleged offender does not pay the fixed penalty within the period specified in the infringement notice and does not within that period serve on Council a statement of election under the Act:
- (i) the Act will apply and the alleged offender may be served with a courtesy letter in accordance with that Act requiring payment of the fixed penalty together with the costs in respect of the issue of that letter; and
 - (ii) if the alleged offender does not make the payment as required by a courtesy letter, enforcement action may be taken against him or her under the Act which, after due process, may result in the suspension of the alleged offender's licence to drive, the seizure of property, the deduction of wages or salary, the registration of a statutory charge on land, a community work order or imprisonment if a community work order is breached;
- (4) An infringement notice is to also contain a statement of election under the Act that includes the information required by regulation 7(1) of the *Fines and Penalties (Recovery) Regulations*.
- (5) A fixed penalty may be expressed by way of penalty units including fractions of a penalty unit.

These by-laws were made by special resolution of the Alice Springs Town Council at its Ordinary meeting on the 30th day of June 2008.

Rex Roger Money
CHIEF EXECUTIVE OFFICER

Schedule

By-law 13(1)
and (2)(a)

FIXED PENALTIES

Column1	Column 2	Column 3
By-law	General Description of Offence	Penalty units
6(2)	Abandonment of shopping trolley	1
11(1)	Failing to claim shopping trolley	2

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Alice Springs (Shopping Trolley) By-laws 2008 (SL No. 22, 2008)

Notified	1 October 2008
Commenced	1 October 2008