

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (WASTE MANAGEMENT FACILITY) BY-LAWS 2013

As in force at 28 May 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 May 2014

ALICE SPRINGS (WASTE MANAGEMENT FACILITY) BY-LAWS 2013

By-laws under the *Local Government Act*

1 Citation

These By-laws may be cited as the *Alice Springs (Waste Management Facility) By-laws 2013*.

2 Enactment and repeal

- (1) These by-laws were made by special resolution of the Alice Springs Town Council on the 25th day of November 2013 pursuant to Part 13.1 of the *Local Government Act*.
- (2) The *Alice Springs (Garbage Dumps) By-laws* (Subordinate Legislation No. 31 of 1984) are repealed.

3 Definitions

In these By-laws:

Act means the *Local Government Act*.

Council means the Alice Springs Town Council.

employee means a Facility employee irrespective of whether the Facility is operated by Council or a contractor and includes the manager.

Facility means the Alice Springs Waste Management Facility situated within and upon Lot 7902 Commonage Road, Alice Springs and such other public waste management facility landfill or garbage dump however described which may be established by Council from time to time.

manager means the manager of the Facility from time irrespective of whether the manager is an employee of Council or of a contractor engaged by Council to operate the Facility.

municipality means the municipality of Alice Springs; and

tip shop means the shop on or attached to the Facility where goods are sold.

4 Application

These By-laws apply in and to the Facility.

5 Entry

- (1) A person must not, without reasonable excuse, enter the Facility other than:
 - (i) through the public entrance;
 - (ii) at the times that it is open to the public; and
 - (iii) on payment of any applicable fee.
- (2) A person who contravenes clause (1) is guilty of an offence.

6 Load inspections

- (1) A condition of entry into the Facility shall be that a person driving a vehicle is deemed to have agreed to an employee inspecting any load carried or towed by the vehicle on the Facility.
- (2) A person must comply with a request from an employee to so inspect a load.
- (3) A person who does not comply with a request given under clause (2) is guilty of an offence.

7 Proof of identity

- (1) A further condition of entry into the Facility shall be that a person when in the Facility is deemed to have agreed to state that person's name, address and date of birth if requested to do so by an employee.
- (2) A person when in the Facility must state the information referred to in clause (1) if requested to do so by an employee.
- (3) A person who does not without reasonable excuse comply with a request given under clause (2) is guilty of an offence.

8 Directions

- (1) An employee may give to a person on the Facility a direction necessary or convenient for the management of the Facility.

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- (2) The direction:
 - (a) must relate to the activity of the person when on the Facility including, for example:
 - (i) the movement (including speed), parking or placing of a vehicle or machinery on the Facility;
 - (ii) the location at which particular types of waste material may be deposited on the Facility; or
 - (iii) the manner in which waste material may be deposited on the Facility; or
 - (b) may require the person to leave the site.
 - (3) The person to whom the direction is given must not, without reasonable excuse, fail to comply with the direction.
 - (4) A person who contravenes clause (3) is guilty of an offence.

9 Signage

- (1) A person must comply with all signs, notices and printed directions situated within and upon the Facility to the extent that that sign, notice or printed direction requires the person to do, or refrain from doing, any act or thing.
- (2) A person who, without reasonable excuse, contravenes clause (1) is guilty of an offence.

10 No scavenging

- (1) A person must not, without a permit, remove waste material of any kind from the Facility.
- (2) Clause (1) does not apply to material acquired through the tip shop.
- (3) A person who, without reasonable excuse, contravenes clause (1) is guilty of an offence.

11 No tampering

- (1) A person must not tamper with:
 - (a) a fence or gate to the Facility;
 - (b) plant, structure or a vehicle on the Facility; or
 - (c) waste material on the Facility;

without the permission of the manager.

- (2) A person who, without reasonable excuse, contravenes clause (1) is guilty of an offence.

12 No fire

- (1) A person must not cause a fire on the Facility without the permission of the manager.

- (2) A person who contravenes clause (1) is guilty of an offence.

13 No animals

- (1) A person must not bring any animal on to the Facility.

- (2) Clause (1) applies irrespective of whether or not the animal is contained in a vehicle.

- (3) A person who, without reasonable excuse, contravenes clause (1) is guilty of an offence.

14 Abuse of employee

- (1) A person must not threaten, intimidate or use abusive language against an employee carrying out duties in the course of employment.

- (2) A person who contravenes clause (1) is guilty of an offence.

15 Hindering or obstructing employee

- (1) A person must not hinder or obstruct an employee carrying out duties in the course of employment.

- (2) A person who contravenes clause (1) is guilty of an offence.

16 Regulatory offence

Any offence against these By-laws is a regulatory offence.

17 Penalties

A person who is guilty of an offence against these By-laws is liable to a penalty not exceeding 100 penalty units for an individual or 500 penalty units for a body corporate and, in addition, to a penalty not exceeding 5 penalty units for an individual or 25 penalty units for a body corporate for each day during which the offence continues.

18 **Infringement notices**

- (1) Despite by-law 17, 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 18, 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 18:
 - (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 18, **the Act**) if that person 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.

Schedule

By-law 18

FIXED PENALTIES

| Column 1 By-law | Column 2 General Description of Offence | Column 3 Penalty units |
|--------------------|--|------------------------------|
| 5(2) | Entering Facility other than through public entrance at times when open to public on payment of applicable fee | 10 |
| 6(3) | Failing to comply with request to inspect load | 3 |
| 7(3) | Failing with request to state name, address and date of birth | 3 |
| 8(4) | Failing to comply with direction | 3 |
| 9(2) | Failing to comply with sign | 3 |
| 10(3) | Removing waste material without permit | 1 |
| 11(2) | Tampering with equipment or waste material | 10 |
| 12(2) | Causing a fire | 100 |
| 13(3) | Bringing animal | 1 |
| 14(2) | Abusing employee | 3 |
| 15(2) | Hindering or obstructing staff | 3 |

These by-laws were made by special resolution of the Alice Springs Town Council at its Ordinary meeting on the 25th day of November 2013.

Rex Roger Mooney
CHIEF EXECUTIVE OFFICER

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 (Waste Management Facility) By-laws 2013 (SL No. 49, 2013)
Notified 28 May 2014
Commenced 28 May 2014