

NORTHERN TERRITORY OF AUSTRALIA

**BORROLOOLA COMMUNITY GOVERNMENT COUNCIL (GARBAGE AND
REMOVAL AND DESTRUCTION OF ANIMALS) BY-LAWS 1989**

As in force at 30 June 1989

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NORTHERN TERRITORY OF AUSTRALIA

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By-laws under the *Local Government Act 2008*

Part I Preliminary

1 Short title

These By-laws may be cited as the *Borroloola Community Government Council (Garbage and Removal and Destruction of Animals) By-laws 1989*.

2 Application

These By-laws apply within the Borroloola community government area.

3 Definitions

In these By-laws, unless the contrary intention appears:

animal includes every species of quadruped and bird.

authorized officer means a person authorized by the council for the purposes of these By-laws.

community government area means the area described in clause 3 of the Borroloola Community Government Scheme.

council means the Borroloola Community Government Council.

garbage includes all kinds of litter, rubbish, refuse and discarded or waste material or matter.

land includes premises.

public place means any place to which the public or a section of the public have, or are permitted to have, access, whether on payment or otherwise.

Part II Garbage

4 Provision of garbage service

The council shall provide a service for the collection and removal of garbage (other than garbage in bulk) from land in the community government area, and shall publish details of the service:

- (a) on the council's notice board and such other notice boards in the area as the council thinks fit; and
- (b) from time to time, in a newspaper circulating generally in the area.

5 Basic charge for garbage service

The council may determine by resolution a basic charge to be paid by the occupier of land for the garbage service provided under by-law 4, and that charge shall cover the collection and removal from the land in respect of which it is payable of the contents of 2 receptacles twice in each week.

6 Removal of garbage in bulk

- (1) The council may provide a service for the removal from land in the community government area of garbage in bulk.
- (2) An owner or occupier of land may apply to the clerk of the council for the service provided under clause (1), and shall pay therefor such charge as the council by resolution determines.

7 Occupier to provide rubbish bins

- (1) An occupier of land shall:
 - (a) provide on the land one or more removable rubbish bins for the purpose of holding all garbage produced on the land, each of which shall:
 - (i) have a capacity of not more than 85 litres;
 - (ii) be moisture proof and vermin proof;
 - (iii) have a close fitting lid; and
 - (iv) be fitted with handles for convenience in moving and emptying it;
 - (b) maintain each rubbish bin in good order and condition and not cause or permit it to attract or harbour flying insects or vermin,

to become unsightly or cause an offensive odour, or otherwise to become or cause a danger to public health or to interfere with or affect the comfort of persons occupying, using or passing through or along neighbouring land;

- (c) ensure that the lid of each rubbish bin is at all times kept closely fitted to the bin except where the lid is removed for the purpose of placing garbage in the bin or removing garbage from it;
 - (d) subject to clause (2), ensure that garbage produced on the land is placed in a rubbish bin;
 - (e) cause all wet garbage to be effectively wrapped before it is placed in a rubbish bin;
 - (f) where required by an authorized officer or an order of the council, indelibly mark or paint on the lid and body of each rubbish bin the number of the lot of land occupied by him, his name and such other information as is required by the officer or order;
 - (g) on the days and at the times notified by the council in accordance with by-law 4:
 - (i) cause each rubbish bin to be placed (subject to clause (3)) on the footpath outside the land in such a position as to enable the garbage collector access to the contents of it; and
 - (ii) replace each bin, or cause it to be replaced, on the land after the contents have been removed; and
 - (h) cause each rubbish bin to be thoroughly cleansed with antiseptic not less than once in each 4 week period.
- (2) Clause (1)(d) does not prevent the lawful destruction by fire of litter capable of being so destroyed.
- (3) Clause (1)(g)(i) does not require the placing of a rubbish bin on the footpath outside the land if it can instead be so placed immediately inside the boundaries of the land as to be clearly visible and conveniently reached from the road, and the clerk of the council may, in the special circumstances of a particular case, approve the placing of a bin in any other position.

8 Interference with rubbish bins

A person shall not touch, use, remove, mark, damage or otherwise interfere with a rubbish bin provided pursuant to by-law 7 unless he is:

- (a) the occupier of the land for which the receptacle is provided or his servant or agent;
- (b) a servant or agent of the council acting within the scope of his duties as such; or
- (c) a contractor with the council, or his servant or agent, acting in due performance of the contract.

9 Rubbish bins to be returned

A person engaged in the removal or collection of garbage on behalf of the council shall, after emptying the contents of a rubbish bin, replace the lid tightly on it and return it to its former location.

Part III Removal and destruction of animals**10 Diseased and injured animals and animals at large**

- (1) The council may by notice in writing require the owner of:
 - (a) a diseased or injured animal, whether it is upon private land or in a public place; or
 - (b) an animal which is at large in a public place so that, if left at large, it is likely to be a danger to the safety of members of the public,

immediately to destroy, remove or otherwise dispose of the animal.

- (2) A notice under this by-law shall not require unreasonably the destruction of an animal.

11 Dead animals in public places

If an animal dies or is found dead in a public place, the council may cause it to be removed or destroyed.

12 Dead animals on private land

- (1) If an animal dies or is found dead on private land, the occupier of the land shall, unless he himself disposes of the carcass, notify the clerk of the council as soon as is practicable.

- (2) Upon receipt of a notice under clause (1), the council may cause the carcass of the animal to be removed or destroyed, and for this purpose an authorized officer may enter on private land.

13 Council may remove or destroy animals without notice

Notwithstanding anything contained in this Part, the council may, without notice to the owner of a dead, diseased or injured animal, or of an animal which is at large in a public place so that it is likely to be a danger to the safety of members of the public, cause the carcass or animal to be removed or destroyed, and for this purpose an authorized officer may enter on private land.

14 Council may dispose of an animal or carcass

Where, in pursuance of this Part, the council causes the removal or destruction of an animal or a dead animal, it may dispose of the animal or its carcass.

15 Council may recover expense from owner

Where, in pursuance of any of this Part, the council incurs any expense in removing, destroying or disposing of an animal or its carcass, the council may recover the expense from the owner of the animal.

16 Occupier is deemed owner

For the purposes of this Part, and in the absence of any denial, the occupier of land on which an animal or a dead animal is found shall be deemed to be the owner thereof.

Part IV Miscellaneous

17 Hindrance of authorized officer

A person shall not obstruct, hinder or impede an authorized officer, or a person acting in good faith assisting an authorized officer, in the exercise of the powers or the performance of the functions conferred or imposed under these By-laws on that authorized officer.

18 Offences

A person who contravenes or fails to comply with these By-laws is guilty of an offence.

Penalty: \$200.

19 Publication of By-laws

- (1) Section 57 of the *Interpretation Act 1978* does not apply to these By-laws.
- (2) Copies of these By-laws shall be available for inspection by members of the public during office hours at the office of the council.

ENDNOTES

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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

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LIST OF LEGISLATION

Borroloola Community Government Council (Garbage and Removal and Destruction of Animals) By-laws

Notified	30 June 1989
Commenced	30 June 1989

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GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1 and 19.