

NORTHERN TERRITORY OF AUSTRALIA

**MATARANKA COMMUNITY GOVERNMENT COUNCIL (LITTER)
BY-LAWS 1987**

As in force at 7 October 1987

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 7 October 1987

MATARANKA COMMUNITY GOVERNMENT COUNCIL (LITTER) BY-LAWS 1987

By-laws under the *Local Government Act 2008*

1 Short title

These By-laws may be cited as the *Mataranka Community Government Council (Litter) By-laws 1987*.

2 Application

These By-laws apply within the community government area.

3 Definitions

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

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

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

council means the Mataranka Community Government Council.

land includes buildings or temporary structures other than a building or structure used exclusively as a private dwelling.

litter means litter, garbage, rubbish, drink cans, refuse or waste matter, and includes a dead animal.

public place means a place open to, or used by, the public.

4 Littering public place

(1) Subject to clause (2), a person shall not sweep, throw, spill, drop or otherwise place litter in or on a public place.

(2) Clause (1) does not prevent the lawful placing of litter in:

(a) a rubbish bin provided by the council for that purpose;

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- (b) a rubbish bin, box or other container for household litter; or
 - (c) a garbage dump owned, operated or controlled by the council.

5 Fouling public place

A person shall not foul a public place:

- (a) by spitting, urinating or defecating in or onto it; or
- (b) in any other manner.

6 Leaving rubbish bin in public place

A person shall not place or allow to be placed a rubbish bin, box or other container for household litter in or on a public place other than in accordance with by-law 10(1)(g).

7 Causing &c., spread of litter

An occupier or, where there is no occupier, the owner of land shall not cause or allow litter to spread from the land onto a public place or adjoining land.

8 Littering from vehicles

A person driving a vehicle on a road shall not permit or allow litter to fall or otherwise be dropped from the vehicle onto the road or land adjoining the road.

9 Land to be clean and free from litter

- (1) The occupier or, where there is no occupier, the owner of land shall keep that land clean and free from litter.
- (2) An authorized officer, who believes on reasonable grounds that land is not clean and free from litter, may enter the land for the purpose of making an inspection to decide whether the land is clean and free from litter.
- (3) Where an authorized officer has made an inspection referred to in clause (2) of the land and is, after the inspection, of the opinion that the land is not clean and free from litter, he may serve on the occupier or, where there is no occupier, the owner of the land, a notice in a form approved by the council directing him, within the period specified in that notice, to cause the land to be clean and free from litter.
- (4) The person upon whom the notice referred to in clause (3) is served shall comply with the notice within the period specified in the notice.

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- (5) Where the person on whom a notice under clause (3) has been served has not complied with the notice within the period specified in the notice, an authorized officer may, with such agents or workmen as he thinks fit for the purpose, enter the land to which that notice relates, and carry out, or cause to be carried out, the work necessary to render the land clean and free from litter.

10 Occupier to provide rubbish bin

- (1) An occupier of land shall:
- (a) provide on the land one or more removable rubbish bins for the purpose of holding all litter produced on the land, each of which shall:
 - (i) have a capacity of not more than .05 m³;
 - (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 the 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 the rubbish bin is at all times kept closely fitted to the bin except where the lid is removed for the purpose of placing litter in it or removing litter from it;
 - (d) subject to clause (2), ensure that litter produced on the land is placed in the rubbish bin;
 - (e) cause all wet litter 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 the 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 day or days and at the time notified by the council cause the rubbish bin to be placed on the footpath outside the land in such a position as to enable the garbage collector

access to the contents of it, and replace, or cause it to be replaced, on the land after the contents have been removed; and

(h) cause the 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.

11 Interference with rubbish bins

A person shall not touch, use, remove, mark, damage or otherwise interfere with a rubbish bin provided for land or in a public place unless he is:

(a) the occupier of the land or, as the case may be, the person or body by whom the bin was provided;

(b) a person acting with the express or implied consent of the occupier, person or body referred to in paragraph (a);

(c) an agent or servant of the council acting within the scope of his duties; or

(d) a contractor or agent or servant of a contractor of the council acting in the due performance of the contract.

12 Rubbish bins to be returned

A person engaged in the removal or collection of litter 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.

13 Council dumps

Where the council establishes a garbage dump, it shall cause a notice to be circulated in the community government area, which shall specify:

(a) that the dump has been established;

(b) the location of the dump;

(c) the hours during which and the days on which the dump shall be open for the dumping of litter;

(d) the class or classes of litter which may be placed on the dump; and

(e) such further or other conditions as the council thinks fit.

14 Offences at dumps

A person shall not, in respect of a dump referred to in by-law 13:

- (a) place litter on the dump except during the hours and on the days specified in the notice under that by-law relating to that dump;
- (b) place litter on the dump unless the litter is of the class or classes specified in that notice;
- (c) enter or remain on the dump except for the purpose of placing litter on it, unless he is a servant or agent of the council acting within the scope of his duties, or a contractor or servant or agent of a contractor of the council acting in the due performance of a contract;
- (d) remove litter from the dump without the approval of the council in writing; or
- (e) fail to comply with a direction of an authorized officer with respect to the place or manner in which he is to place litter on the dump.

15 Hindrance of authorized officer

A person shall not obstruct, hinder or impede an authorized officer, or a person acting in good faith assisting the 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.

16 Offences

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

Penalty: \$200.

17 Election to pay fixed penalty

- (1) Where it appears to an authorized officer that a person has infringed these By-laws the officer may serve on that person a notice of infringement in accordance with the form in the Schedule.
- (2) A person on whom a notice of infringement is served may, within a period of 14 days beginning with the date on which it is served, pay to the clerk of the council a penalty of \$20 in respect of the infringement alleged.

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- (3) A prosecution shall not be brought against a person for an infringement of these By-laws in respect of which he has paid a penalty in accordance with clause (2).

18 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.

Schedule

NORTHERN TERRITORY OF AUSTRALIA

Mataranka Community Government Council (Litter) By-laws 1987

By-law 17(1)

NOTICE OF INFRINGEMENT

To

(name)

of

(address, if known)

You are alleged to have committed an offence against the above By-law by –

- littering a public place;
- fouling a public place;
- placing a rubbish bin in a public place or allowing it to be so placed;
- causing or allowing litter to spread from land;
- littering from a vehicle;
- failing to keep land free from litter;
- failing to comply with paragraph of by-law 10(1);
- interfering with a rubbish bin;
- failing to return a rubbish bin in accordance with by-law 12;
- contravening paragraph of by-law 14;
- hindering an authorized officer.

(tick box as appropriate, and insert paragraph reference where necessary)

The offence is alleged to have taken place at

.....

(place)

on at

(date)

(time)

You may choose to have the alleged offence:

- (a) prosecuted in a court of competent jurisdiction; or
- (b) disposed of without prosecution by paying a fixed penalty of \$20.

If you choose option (b), you must pay the \$20 to the clerk of the Mataranka Community Government Council, at the council office and within 14 days beginning with the date of service of this notice

Dated/...../19....
Council 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

Mataranka Community Government Council (Litter) By-laws

Notified	7 October 1987
Commenced	7 October 1987

3 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 18 and sch.