

**NORTHERN TERRITORY OF AUSTRALIA**

**TENNANT CREEK (GARBAGE) BY-LAWS 1989**

As in force at 1 July 2008

**Table of provisions**

<b>Part 1</b>	<b>Preliminary</b>	
1	Short title .....	1
2	Definitions.....	1
3	Clerk to keep register .....	1
<b>Part II</b>	<b>Garbage services</b>	
4	Occupier to provide garbage receptacle .....	2
5	Interference with garbage receptacles.....	3
6	Garbage receptacles to be returned .....	3
<b>Part III</b>	<b>Garbage dumps</b>	
7	Council may establish garbage dumps.....	3
8	Garbage not to be dumped without a licence .....	4
9	Offences with respect to garbage dumps .....	4
<b>Part IV</b>	<b>Removal and destruction of animals</b>	
10	Animals at large.....	5
11	Dead animals on premises .....	5
<b>Part V</b>	<b>Miscellaneous</b>	
12	Offences and penalties.....	6
13	Recovery of expenses .....	6

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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## TENNANT CREEK (GARBAGE) BY-LAWS 1989

### By-laws under the *Local Government Act 2008*

#### Part 1 Preliminary

##### 1 Short title

These By-laws may be cited as the *Tennant Creek (Garbage) By-laws 1989*.

##### 2 Definitions

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

***animal*** includes cattle, buffaloes, horses, donkeys, asses, mules, sheep, goats, pigs, camels, dogs, cats, birds, poultry, fish and reptiles.

***garbage*** includes refuse, rubbish and waste matter.

***premises*** includes a dwelling-house, flat, home, unit, duplex, caravan, camp, tent, hostel, boarding-house, office, shop, factory, depot, workshop, mill slaughter house, warehouse, hotel, restaurant, eating-house and any land, building or establishment, whether the same is used for business, trade or residential purposes and, where a building is let or occupied in more than one separate unit, each separate unit, where it is let to or occupied by a separate person, shall be separate premises.

##### 3 Clerk to keep register

The clerk shall cause a register to be kept of licences granted under by-law 8(3).

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## **Part II                    Garbage services**

### **4                    Occupier to provide garbage receptacle**

- (1) An occupier of premises shall:
  - (a) keep on the premises one garbage receptacle of a type that the council has, subject to clause (3), approved by resolution;
  - (b) maintain the garbage receptacle in good order and condition and not cause or permit the garbage receptacle to attract or harbour 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 premises or public places;
  - (c) ensure that the lid of the garbage receptacle is at all times kept closely fitted, except where the garbage lid is removed for the purpose of placing garbage into, or taking it out of, the receptacle;
  - (d) subject to clause (2), ensure that garbage produced on the premises is deposited in the garbage receptacle;
  - (e) cause all wet garbage to be effectively wrapped before it is placed in the garbage receptacle;
  - (f) indelibly mark or paint on the lid and on the body of the garbage receptacle the street number and name of the premises, or the lot number of the land;
  - (g) on the day or days and at the time notified by the Council in a newspaper circulating in the municipality, cause the garbage receptacle on the premises to be placed on the footpath outside the premises in such a position as to enable the garbage collector access to it, and shall replace, or cause it to be replaced, on the premises as soon as possible after the contents have been removed; and
  - (h) cause the garbage receptacle 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 garbage capable of being so destroyed.
- (3) The council must not approve a type of garbage receptacle for the purposes of clause (1)(a) unless the receptacle:
  - (a) has a capacity of not more than 240 litres;

- (b) is impervious to moisture and vermin; and
- (c) is fitted with wheels and handles.

## **5 Interference with garbage receptacles**

A person shall not touch, use, remove, mark, damage or otherwise interfere with a garbage receptacle on premises or a footpath unless the person is:

- (a) the occupier of the premises for which the garbage receptacle is provided, or that person's servant or agent;
- (b) a servant or agent of the council acting within the scope of that person's duties; or
- (c) a garbage contractor of the council or a servant or agent of such a garbage contractor acting in the due performance of the contract.

## **6 Garbage receptacles 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 garbage receptacle, replace it and its lid approximately in the location where it was placed by the occupier under by-law 4(1)(g) above.

## **Part III Garbage dumps**

### **7 Council may establish garbage dumps**

- (1) The council may establish a garbage dump for the deposit of garbage on land owned by, vested in or under the control of the council.
- (2) The council may make arrangements or enter into contracts with the owners or occupiers of private land for the establishment of a garbage dump or the depositing of garbage on that land.
- (3) The council may enter into arrangements with another council for the establishment and operation of garbage dumps.
- (4) Where a garbage dump has been established under clause (1), (2) or (3), the council shall by resolution determine:
  - (a) the limits of the garbage dump;
  - (b) the hours during which and the days on which the garbage dump shall be open for the depositing of garbage;

- (c) the class or classes of garbage which may be deposited on or removed from the garbage dump; and
  - (d) the manner in which garbage may be deposited on or removed from the dump.
- (5) Where a garbage dump is established under this by-law, the council shall cause notice of the establishment to be published in a newspaper circulating in the municipality.

## **8 Garbage not to be dumped without a licence**

- (1) Where the council has notified that a person, or a class or classes of persons, shall obtain a licence for the depositing or removal of garbage on or from a garbage dump, such person shall not deposit garbage on or remove garbage from the garbage dump without being the holder of a licence.
- (2) A person may apply in writing to the council for a licence to deposit garbage on or remove garbage from a garbage dump, and the council may grant or refuse the application.
- (3) Where the council approves an application under clause (2), it may, on payment by the applicant of such a fee as the council may resolve, grant a licence authorizing a person to use a garbage dump.
- (4) A licence granted under clause (3) may be subject to such conditions as the council thinks fit and endorses on the licence.

## **9 Offences with respect to garbage dumps**

- (1) A person shall not deposit garbage on a garbage dump:
- (a) other than during the hours and on the days specified under by-law 7(4)(b);
  - (b) unless such garbage is of the class or classes specified by the council; or
  - (c) other than in the manner specified by the council under by-law 7(4)(d).
- (2) A person shall not:
- (a) enter or remain on a garbage dump except for the purpose of depositing garbage, unless that person is:
    - (i) an employee or agent of the council acting within the course of his or her duties;

- (ii) a contractor of the council or an employee or agent of such a contractor in the due performance of the contract; or
- (iii) the holder of a licence granted under by-law 8(3);
- (b) remove garbage from a garbage dump without a licence granted under by-law 8(3);
- (c) contravene or fail to comply with a condition to which a licence is subject under by-law 8(4);
- (d) contravene or fail to comply with the directions of a person authorized by the council to give directions in relation to the operation of a garbage dump; or
- (e) act in a disorderly or offensive manner on a garbage dump.

Penalty: \$500.

## **Part IV Removal and destruction of animals**

### **10 Animals at large**

An authorized person may, by notice in writing, require the owner of:

- (a) a diseased or injured animal in a public place; or
- (b) an animal which is a t large in a public place and which, if left at large, is likely to be a danger to the safety of members of the public,

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

### **11 Dead animals on premises**

- (1) Where the carcass of a dead animal is upon premises, the occupier or, where there is no occupier, the owner of the premises shall cause the carcass to be buried or destroyed.
- (2) An authorized person who has reason to believe that the carcass of a dead animal is upon premises may, in accordance with section 116 of the Act, enter the premises for the purpose of making an inspection of the premises to ascertain whether there is such a carcass on the premises.

- (3) Where an authorized person who has made an inspection referred to in clause (2) finds the carcass of a dead animal upon the premises, he or she shall, as soon as practicable after the inspection, serve on the occupier or, where there is no occupier, the owner of the premises a notice in writing directing the occupier or the owner, as the case may be, within the period specified in the notice, to bury or destroy, or cause to be buried or destroyed, that carcass, and the occupier or owner upon whom that notice is served shall, accordingly, comply with that notice within the period specified in that notice.
- (4) Where the occupier or owner of premises upon whom a notice under clause (3) has been served has not complied with the notice within the period specified in the notice, an authorized person may, with such agents or workmen as the authorised person thinks fit for the purpose, enter the premises and remove, bury or destroy, or cause to be removed, buried or destroyed, the carcass of the dead animal to which that notice relates.

## **Part V                    Miscellaneous**

### **12                    Offences and penalties**

- (1) Where a matter or thing is by these By-laws directed or prohibited to be done, or where an authority is given by these By-laws to the council or to a person or persons to direct a matter or thing to be done, and such matter or things so directed to be done remains undone or such matter or thing forbidden to be done is done, a person offending against such direction or prohibition shall be guilty of an offence.
- (2) A person guilty of an offence referred to in clause (1) shall, for each such offence, be liable to a penalty not exceeding \$500 and, in addition, to a penalty not exceeding \$50 for each day during which that offence continues.

### **13                    Recovery of expenses**

In addition to a penalty imposed in respect of a breach of these By-laws, an expense incurred by the council in consequence of the breach, or in the execution of work required by these By-laws to be executed by a person and not executed by him or her, shall be recovered from the person committing the breach or failing to execute the work as a debt due and payable by that person to the council.



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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Tennant Creek (Garbage) By-laws (SL No. 19, 1989)***

Notified	9 August 1989
Commenced	9 August 1989

***Amendment of Tennant Creek (Garbage) By-laws (SL No. 6, 1999)***

Notified	10 March 1999
Commenced	10 March 1999

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

### 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.

### 4 LIST OF AMENDMENTS

bl 4	amd No. 6, 1999
bl 11	amd Act No. 28, 2008, s 4