

NORTHERN TERRITORY OF AUSTRALIA

**WALLACE ROCKHOLE COMMUNITY GOVERNMENT (LITTER)
BY-LAWS 1988**

As in force at 14 October 1988

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 14 October 1988

WALLACE ROCKHOLE COMMUNITY GOVERNMENT (LITTER) BY-LAWS 1988

By-laws under the *Local Government Act 2008*

1 Short title

These By-laws may be cited as the *Wallace Rockhole Community Government (Litter) By-laws 1988*.

2 Application

These By-laws apply within the community government area.

3 Definitions

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

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

council means the Wallace Rockhole 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;
 - (b) a rubbish bin or 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 Causing &c, spread of litter

An occupier of land shall not cause or allow litter to be spread from the land onto a public place or adjoining land.

7 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.

8 Offences

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

Penalty: \$200.

9 Election to pay fixed penalty

- (1) Where it appears to an officer authorized by the council for the purposes of this by-law that a person has infringed any of 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 21 days beginning with the date on which it is served, pay the clerk of the council a penalty of \$20.00 in respect of the infringement alleged.
- (3) A prosecution shall not be brought against a person for an infringement of the By-laws in respect of which he has paid a penalty in accordance with clause (2).

10 Publication of By-laws

- (1) Section 57 of the *Interpretation Act 1978* does not apply to these By-laws.

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- (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

*WALLACE ROCKHOLE COMMUNITY GOVERNMENT COUNCIL (LITTER)
BY-LAWS 1988*

By-law 9

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,
 - causing or allowing litter to spread from land,
 - littering from a vehicle.
- (tick box as appropriate)

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 \$20.00.

If you choose option (b) you must pay the \$20 to the clerk of the Wallace Rockhole Community Government Council, at the council office and within 21 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

Wallace Rockhole Community Government (Litter) By-laws

Notified 14 October 1988

Commenced 14 October 1988

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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 10 and sch.