

NORTHERN TERRITORY OF AUSTRALIA

LITTER AMENDMENT ACT 1990

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No. 20 of 1990

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SCHEDULE



# NORTHERN TERRITORY OF AUSTRALIA

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No. 20 of 1990

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## AN ACT

to amend the *Litter Act*

[Assented to 7 June 1990]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. **SHORT TITLE**

This Act may be cited as the *Litter Amendment Act 1990*.

2. **COMMENCEMENT**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. **PRINCIPAL ACT**

The *Litter Act* is in this Act referred to as the Principal Act.

4. **INTERPRETATION**

Section 3 of the Principal Act is amended -

(a) by inserting after the definition of "Chief Medical Officer" the following:

"'clerk', in relation to a municipality, means the clerk, by whatever name called, of the municipality or the council of the municipality;"

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- (b) by inserting after the definition of "litter" the following:

"'municipality' means a municipality or community government area within the meaning of the *Local Government Act* or *Jabiru* as defined in section 3 of the *Jabiru Town Development Act*";

- (c) by omitting from paragraph (b) of the definition of "public place" the words "a dump" and substituting "a place"; and

- (d) by adding at the end the following:

"'vacant Crown land' means Crown land, as defined in the *Crown Lands Act* -

- (a) in which no person (other than the Crown in right of the Territory) has an estate or interest; or

- (b) if a person (other than the Crown in right of the Territory) has an estate or interest in the land it is only an interest under a licence or an estate or interest under a law in force in the Territory relating to the exploration for, or mining or extraction of, minerals, petroleum or gas,

being land of which there is apparently no person having the immediate care and control and which is not -

- (c) a public place; or

- (d) a place approved by the Chief Medical Officer for the disposal of rubbish."

5. APPLICATION

Section 4 of the Principal Act is amended -

- (a) by omitting from subsection (1) "sub-section (2)" and substituting "this section"; and

- (b) by adding at the end the following:

"(3) This Act applies to and in relation to all vacant Crown land whether or not it is in a municipality."

6. LITTER

Section 6 of the Principal Act is amended by inserting in subsections (1), (2)(a), (3)(a) and (4), after "public place", the words "or vacant Crown land".

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7. DEAD ANIMALS ON STREET, &c.

Section 7(1) of the Principal Act is amended by inserting after "public place" (twice occurring) "or vacant Crown land".

8. REPEAL AND SUBSTITUTION

Section 11A of the Principal Act is repealed and the following substituted:

"11A. PROSECUTION WHERE SECTION 220 OF *LOCAL GOVERNMENT ACT* APPLIES

"(1) Proceedings for an offence against this Act committed in a municipality shall not be commenced except by the clerk or a person authorized in writing by the clerk for that purpose.

"(2) Subsection (1) does not apply to or in relation to -

(a) vacant Crown Land; or

(b) an area vested in, or under the control of, the Conservation Commission of the Northern Territory or the Darwin Port Authority,

situated within a municipality.

"(3) A document purporting to be signed by the clerk of a municipality and to authorize a person named in it to commence a prosecution under this Act is evidence of the person's authority to commence a prosecution for an offence committed in the municipality."

9. PROOF OF PROCLAMATION, &c., OF PUBLIC PLACE NOT NECESSARY

Section 12 of the Principal Act is amended -

(a) by omitting all words after "public place" and substituting ", or the alignments or measurements of a public place or vacant Crown land, in or on which the offence is alleged to have occurred."; and

(b) by adding at the end the following:

"(2) In a prosecution for an offence against this Act in relation to vacant Crown land, an allegation in the complaint instituting the proceeding that the land is vacant Crown land is prima facie evidence that there was apparently no person having the immediate care and control of the Crown land at the relevant time."

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10. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 10

Provision	Amendment	
	omit	substitute
Section 3 - definition of "litter"  definition of "officer"	"a dead animal"	"the body of a dead animal"
	"of the Northern Territory"	
	"Northern Territory Reserves Board"	"Conservation Commission of the Northern Territory"
	"Northern Territory Port Authority"	"Darwin Port Authority"
	"Board or Authority"	"Commission or Authority"
	" <i>Public Health Ordinance</i> "	" <i>Public Health Act</i> "
	"an Inspector of Health"	"a Health Surveyor"
Section 6(1)	"200 dollars"	"\$2,000"
Section 6(3)(b)	"dump"	"place"
Section 6(4)	"200 dollars"	"\$2,000"
	"300 dollars"	"\$3,000"
Section 7(1)	"the animal"	"the body of the animal or the animal, as the case may be,"
	"50 dollars"	"\$500"

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Provision	Amendments	
	omit	substitute
Section 7(2)	"the animal"  "of the Northern Territory"	"the body of the animal or the animal, as the case may be,"
Section 8(2)(b)	"Northern Territory Port Authority"	"Darwin Port Authority"
Section 9A(7)	"20 dollars"	"\$50"
Section 9A(8)(a)	"Northern Territory Reserves Board"  "that Board" (twice occurring)	"Conservation Commission of the Northern Territory"  "that Commission"
Section 9A(8)(b)	"Northern Territory Port Authority"	"Darwin Port Authority"
Section 11(2)	"200 dollars"	"\$500"
Section 11(3)	"200 dollars"	"\$500"
Long title and sections 1, 2, 3, 4, 5(1) and (2), 8(1), (2), (3), (4), (7), (8), (9) and (10), 9, 9A(5)(b) and (c)(i), 10, 11(1) and (2) and 12	"Ordinance" (wherever occurring)	"Act"