

NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1984, No. 58\*

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Regulations under the *Local Government Act*

The Milikapiti Community Government Council, in pursuance of section 476(1) of the *Local Government Act*, at a meeting held on 17th July 1984, made the following By-laws and, for the purposes of section 478 of the Act, authorized Robert Tipungwuti, its President, to sign them.

Dated this twenty-ninth day of August, 1984.

ROBERT TIPUNGWUTI  
President

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MILIKAPITI COMMUNITY GOVERNMENT  
COUNCIL (LITTER) BY-LAWS

1. SHORT TITLE

These By-laws may be cited as the Milikapiti Community Government Council (Litter) By-laws 1984.

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 2 of the Milikapiti Community Government Scheme;

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

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\* Notified in the *Northern Territory Government Gazette* on 3 October, 1984.

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

"public place" means a place within the community government area open to, or used by, the public.

4. LITTER ON 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, box or other container for household litter; or
- (c) a garbage dump owned, operated or controlled by the council.

5. SPITTING

A person shall not spit or emit a nasal discharge onto a road or in a public place.

6. URINATING

A person shall not urinate or defecate onto a road or in a public place except in a place provided for that purpose.

7. RUBBISH BINS

A person shall not place or permit or allow to be placed a rubbish bin, box or other container for household litter in or on a road or public place other than at the times and in the manner specified under by-law 11(1)(g) relating to the collection of litter by the council.

8. LITTER PASSING FROM LAND

An occupier or, where there is no occupier, the owner of land shall not cause, permit or allow litter to pass or flow from the land onto other land or a road or public place where the placing of the litter would be an offence against these By-laws.

9. LITTER FROM VEHICLES

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

10. 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 the approved form 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.

(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.

11. 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 m<sup>3</sup>;

(ii) be moisture proof and vermin proof;

(iii) have a closed 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;

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- (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, under these By-laws, 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 shall 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.

**12. INTERFERENCE WITH RUBBISH BINS PROHIBITED**

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

- (a) the occupier of the land for which the rubbish bin is provided or his agent;
- (b) an agent of the council acting within the scope of his duties; or
- (c) a contractor or agent of a contractor of the council acting in the due performance of the contract.

**13. 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.

14. COUNCIL DUMPS

Where the council establishes a garbage dump, it shall cause a notice to be circulated in the 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.

15. OFFENCES AT DUMPS

A person shall not, in respect of a dump referred to in by-law 14 -

- (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 the notice under that by-law relating to that dump;
- (c) enter or remain on the dump except for the purpose of placing litter on it, unless he is an agent of the council acting within the scope of his duties, or a contractor or agent of a contractor of the council acting in the due performance of a contract;
- (d) remove litter from the dump without approval 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.

16. 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.

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17. OFFENCES

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

Penalty: \$200.

18. NOTICE OF OFFENCE

(1) Subject to this by-law, where an inspector believes on reasonable grounds that an offence against these By-laws has been, is being or is about to be committed, he may hand to the person who has committed, is committing or is about to commit the offence a notice in accordance with the form in the Schedule.

(2) Where a person on whom a notice is served under clause (1) does not elect to have the offence prosecuted in a court, he may pay to the council a penalty of \$20 on or before the date specified in the notice, being a date not less than 14 days after the date on which the notice is given.

(3) Where a person fails to pay a penalty before the date specified in the notice referred to in sub-clause (2), the council may commence proceedings for prosecution.

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SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Milikapiti Community Government Council  
(Litter) By-laws

By-law 18

NOTICE OF OFFENCE

To ..... of .....  
(name) (address)

Take notice that you -

- (a) have committed;
- (b) are committing; or
- (c) intend to commit

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an offence of littering against these By-laws of

littering

spitting

urinating

defecating

leaving rubbish bin on road or public place

permitting litter to spread from land

permitting litter to fall from vehicle

permitting litter to remain on land

failure to provide rubbish bin

having rubbish bin not to standard

interfering with rubbish bin

failing to replace rubbish bin

dumping on, removing from, remaining at, council  
dump

at ..... on ..... at .....  
(place) (date) (time)

You may elect to have the alleged offence -

(a) prosecuted in a court -

- (i) if you desire to contest the question of whether an offence was committed;
- (ii) if you desire to submit a matter in mitigation of penalty; or
- (iii) for any other reason; or

(b) dealt with by -

- (i) completing the attached form; and
- (ii) paying on or before 14 days after the date of receipt of this notice \$20 by way of penalty to the council at the council office.

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

Authorized Officer

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I, ..... of .....  
(name) (address)  
being the person named in the attached notice -

\*(a) elect to have the offence of littering prosecuted in a court;

\*(b) hereby pay the sum of \$20 by way of penalty.

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

(Signature)

\* Delete whichever is inapplicable.

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