

**NORTHERN TERRITORY OF AUSTRALIA**

**COOMALIE COMMUNITY GOVERNMENT BY-LAWS**

As in force at 1 May 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 May 2016

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## COOMALIE COMMUNITY GOVERNMENT BY-LAWS

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

#### Part 1 Preliminary

##### Division 1 General

###### 1 Citation

These By-laws may be cited as the *Coomalie Community Government By-laws*.

###### 2 Application of By-laws

These By-laws apply to and have effect within the whole of the council area.

###### 3 Crown to be bound

These By-laws bind the Crown in right of the Territory.

###### 4 Definitions

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

***council*** means the Coomalie Community Government Council.

***council area*** means the community government area constituted by the Coomalie Community Government Scheme.

***litter*** includes garbage, rubbish, refuse, waste matter and a dead animal and vehicle bodies, machinery, implements and any other things that have been discarded.

***premises*** includes land (whether built on or not), a building and a part of a building.

***public place*** includes:

- (a) every place to which free access is permitted to the public with the express or tacit consent of the owner or occupier of the place;

- (b) every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only;
- (c) every road, street, footway, court, alley, thoroughfare or cul-de-sac which the public are allowed to use, notwithstanding that the road, street, footway, court, alley, thoroughfare or cul-de-sac may be formed on private property; and
- (d) land reserved under a law of the Territory for the use of the public or a member of the public.

## **5 Requirement to carry out work**

- (1) Where the council requires work to be carried out under these By-laws by the owner or occupier of land, the council, whether by an authorised person or an officer or employee of the council authorised for that purpose, may, by written notice served on the owner or occupier, require the owner or occupier at his or her own expense to execute the work and to do anything incidental to the work:
  - (a) in or of the materials;
  - (b) within the period;
  - (c) in the manner; or
  - (d) in the area,specified in the notice.
- (2) The council may require that work done in pursuance of a notice served under clause (1) is executed by qualified or licensed persons only.
- (3) The council may, when serving a notice under clause (1), indicate that the council will, if requested, carry out the work referred to in the notice at the expense of the person on whom the notice is served.
- (4) Without limiting the powers conferred on the council or other person under clause (1), the power to direct the manner of execution of work includes the power to require the person carrying out the work to pay to the council the amount the council thinks fit to provide security against any costs it may incur as a result of the execution of the work or to enter into a bond for payment to the council of that amount.

**6 Compliance with notice**

A requirement of a notice served by the council under these By-laws is to be complied with by the person on whom it is served.

**7 Where notice not complied with**

- (1) The council may carry out work required by or under these By-laws to be executed if the person required to execute the work fails to do so.
- (2) Where the council carries out work under clause (1), the cost to the council of carrying out the work is a debt due and payable by the person who was required to execute the work.

**Division 2 Plan of numbering in council area**

**8 Plan of numbering**

- (1) The council may adopt a plan or system of numbering areas of land adjacent to a road and may, in accordance with the plan or system:
  - (a) affix a number on a building or a front gate, post or fence on a part of the land adjoining the road or mark the number on the curb of the road bordering the land; or
  - (b) by notice in writing, require the owner or occupier of a part of the land adjoining the road to affix, in accordance with the notice, a number on a building or a front gate, post or fence on the land.
- (2) The council may, from time to time, alter the plan or system of numbering referred to in clause (1) and may:
  - (a) replace the number affixed or marked under that clause with a new number; or
  - (b) by notice in writing, require the owner or occupier of a part of the land adjoining the road included in the plan or system as amended to affix, in accordance with the notice, a new number on a building or a front gate, post or fence on the land.
- (3) A person who is required to affix or replace a number on a building, front gate, post or fence on land under clause (1) or (2) may obtain the number free of charge from the council.
- (4) A number specified in a notice referred to in clause (1)(b) or (2)(b) is to be affixed on a building, gate, post or fence in accordance with the notice not later than 7 days after the date of the notice.

- (5) Where an owner or occupier of land does not affix a number as required under clause (1)(b) or (2)(b), the council may enter the land referred to in the notice and affix the number.

### **Division 3 Regulatory**

#### **9 Obstruction of officers, &c.**

A person who obstructs or hinders an authorised person or officer or employee of the council or a contractor or sub-contractor to the council or an employee of the contractor or sub-contractor in the proper execution of his or her work or duty under these By-laws commits an offence.

#### **10 General penalty**

A person who commits an offence against these By-laws is, on being found guilty, liable to a penalty not exceeding \$3,000 and, in addition, to a penalty not exceeding \$100 for each day during which the offence continues after the day on which the offence was first committed.

#### **11 Fixed penalties**

- (1) Notwithstanding by-law 10, a person who is alleged to have committed an offence against these By-laws and on whom a notice of infringement is served may pay to the council, as an alternative to prosecution, the sum specified by this by-law instead of the penalty that may otherwise be imposed under by-law 10.
- (2) For the purposes of this by-law:
- (a) a notice of infringement is to be in the form set out in the Schedule;
  - (b) a notice of infringement may be issued by an authorised person;
  - (c) the sum specified by this by-law is \$50;
  - (d) the sum specified by this by-law may be paid to the clerk or to the person performing or carrying out the duties of the cashier of the council; and
  - (e) in order to avoid prosecution, the sum specified by this by-law is to be paid not later than 14 days after the date of the service of the notice of infringement on the person.

## **Part 2 Litter, &c.**

### **Division 1 Litter, &c.**

#### **12 Deposit of litter on land**

- (1) A person must not deposit litter on land or allow litter to remain on land.
- (2) The owner or occupier of land must not deposit, or keep or allow to remain on the land, litter that is likely to attract vermin to the land or to form a harbourage for vermin unless the material is kept in a receptacle that is vermin proof.
- (3) A person who contravenes or fails to comply with clause (1) or (2) commits an offence.

#### **13 Land to be cleared**

Where, in the opinion of the council, there is on land:

- (a) plants, grass or weeds:
  - (i) that are or are likely to become injurious, flammable or noxious; or
  - (ii) that have become unkempt; or
- (b) litter (including unsightly car bodies, machinery or other chattels),

the council may serve a notice under by-law 5 on:

- (d) the occupier of the land; or
- (e) if the council is unable to ascertain the identity of the occupier – the owner of the land,

requiring the land to be cleared or tidied, litter to be placed in a vermin-proof receptacle of a specified kind or the taking of any other action in relation to the clearance of the land.

#### **14 Leaving glass, &c.**

- (1) A person who leaves or deposits any glass or other material likely to cause injury on a public place used for recreational purposes commits an offence.

(2) Clause (1) does not apply in relation to material left or deposited in a litter bin on the public place.

(3) An offence against clause (1) is a regulatory offence.

## **Division 2 Offensive matter, &c.**

### **15 Deposit of offensive matter, &c.**

(1) A person must not place or caused to be placed household, commercial or industrial waste, refuse or garbage in a litter bin provided by the council on a public place.

(2) A person must not:

(a) deposit or permit the deposit of waste food, peelings, fruit or other vegetable matter;

(b) throw, deposit or discharge an offensive or unwholesome matter or fluid; or

(c) deposit or permit the deposit of garbage or other litter,

on a public place or other land under the control of the council unless it is placed in a container provided for the deposit of the waste matter or other litter.

(3) A person must not use, deposit or discharge or cause to be used, deposited or discharged water or other matter, whether liquid or solid, in a place where it is likely to flow or discharge or encroach on or into a public place or other land controlled by the council.

(4) A person who contravenes or fails to comply with clause (1), (2) or (3) commits an offence.

(5) An offence against clause (1), (2) or (3) is a regulatory offence.

## **Division 3 Overhanging trees and shrubs**

### **16 Overhanging trees and shrubs**

If the council considers that a tree, shrub or plant growing on land is:

(a) causing inconvenience;

(b) an obstruction to persons using a public street or footpath; or



(c) causing or likely to cause damage to an adjacent public place, the council may serve a notice under by-law 5 on the owner or occupier of the land to trim or remove the tree, shrub or plant.

**Part 3            Miscellaneous**

**17            By-laws not required to be numbered**

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

**Schedule**

by-law 11(2)(a)

*Local Government Act*

Coomalie Community Government By-laws

**NOTICE OF INFRINGEMENT**

**COOMALIE COMMUNITY GOVERNMENT COUNCIL**

To:

*(name of alleged offender)*

of:

*(address of alleged offender)*

It is alleged that at \_\_\_\_\_ at \_\_\_\_\_ am/pm on \_\_\_\_\_ 19 ,  
*(place) (time) (date)*  
you committed an offence as indicated hereunder against the *Coomalie Community Government By-laws*:

By-law:

Offence:

Amount of penalty: \$50

In pursuance of by-law 11 of the *Coomalie Community Government By-laws* in order to avoid prosecution you may pay to the Coomalie Community Government Council, instead of the penalty by which the offence is otherwise punishable, the amount shown above to the person at the address shown on the reverse of this notice not later than 14 days after the date of service of this notice of infringement.

Dated \_\_\_\_\_ 19 .

Authorised person

*If you do not wish the offence alleged on the front of this notice of infringement to be dealt with by the Local Court you should read and complete the following:*

I, \_\_\_\_\_ of,  
tender the amount shown on the front of this notice, being assured that on payment of that amount no further action will be taken by the council for this offence.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ 19 .

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THIS NOTICE MUST ACCOMPANY PAYMENT

(Back of form)

*Payment of the amount in full* must be made not later than 14 days after the date of service of this notice of infringement and must be accompanied by this notice. Payment may be made between 8.00 am and 4.15 pm Monday to Friday (except public holidays):

*in person –*

To the Cashier  
Coomalie Community Government Council  
141 Cameron Road  
BATCHELOR

*by post –*

To the Clerk  
Coomalie Community Government Council  
PO Box 20  
BATCHELOR NT 0845

On payment of the penalty you will not be liable for a further penalty or costs in this matter.

*If you do wish the offence alleged on the front of this notice of infringement to be dealt with by the Local Court you need not take any further action in respect of this notice and proceedings will issue against you in due course.*

The common seal of the Coomalie Community Government Council was affixed hereto pursuant to a resolution of the council passed on 1998 authorising the seal to be affixed.

President

Clerk

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**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**

***Coomalie Community Government By-laws***

Notified	–
Commenced	16 December 1998

***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016 (Act No. 9, 2016)</i> and Gaz S34, 26 April 2016)

**3**

**LIST OF AMENDMENTS**

sch amd Act No. 8, 2016, s 45