

LITTER ORDINANCE 1972

1135

No. 36 of 1972

An Ordinance relating to Litter

[Assented to 31 July, 1972]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This Ordinance may be cited as the *Litter Ordinance* 1972. Short title
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.^{*} Commencement
3. In this Ordinance, unless the contrary intention appears— Definitions
 - “authorized receptacle” means a rubbish receptacle that the Administrator causes to be provided for the disposal of rubbish or a bin or container provided by a person for the purpose of a rubbish collection authorized by the Administrator;
 - “boat” includes a launch, yacht, canoe, raft, pontoon and any thing capable of carrying persons or goods through or on water;
 - “litter” means litter, garbage, rubbish, refuse or waste matter, and includes a dead animal;
 - “officer” means a person who is—
 - (a) a member of the Police Force of the Northern Territory;
 - (b) a person employed by—
 - (i) the Northern Territory Reserves Board; or
 - (ii) the Northern Territory Port Authority,for the purpose of enforcing by-laws made by the Board or Authority;
 - (c) a person appointed under the *Public Health Ordinance* 1952-1962 to be an Inspector of Health or Health Officer; or

^{*} The date fixed was 30 August, 1972 (see *Northern Territory Government Gazette* No. 35 of 30 August, 1972, page 321).

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(d) a person appointed under section 4 of this Ordinance;

“public place” means—

(a) a street, road or lane, whether a thoroughfare or not, being a street, road or lane that is open to or used by the public, and includes a footpath, bridge, court, entrance drive-way, verge, nature strip, traffic island and gutter of such a street, road or lane;

(b) a park, reserve, recreational or sporting ground, beach or other open place, being a park, reserve, ground, beach or place that is open to or used by the public, but does not include a dump approved by the Chief Medical Officer for the disposal of rubbish; or

(c) water in, and off the coast of, the Northern Territory that is open to or used by the public;

“registered owner”, in relation to a motor vehicle or boat, means the person in whose name the motor vehicle or boat is registered under a law of the Northern Territory relating to motor vehicles or boats;

“the Chief Medical Officer” has the same meaning as in the *Public Health Ordinance 1952-1962*.

Ordinance does not apply within municipality, &c.

4. This Ordinance does not apply in relation to a public place that is situated within a municipality or on freehold land or on land held under a lease.

Officers

5.—(1.) The Administrator may appoint a person to be an officer for the purposes of this Ordinance.

(2.) The Administrator shall issue to an officer appointed under this Ordinance a certificate stating that he is such an officer.

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6.—(1.) Subject to this section, a person shall not leave, throw, deposit or abandon litter in, onto or from a public place elsewhere than into an authorized receptacle.

Penalty: Two hundred dollars.

(2.) It is not an offence against the last preceding subsection if—

(a) the litter was left in the public place, elsewhere than in an authorized receptacle, to be collected in pursuance of a service for the collection of

garbage authorized by the Administrator; or

(b) a public entertainment or spectacle was, at the time, being held in the public place.

(3.) It is a defence to a prosecution for an offence against this section if the defendant satisfies the court that—

(a) the litter was in the public place as the result of an accident and that, by reason of injury to himself or other reasonable cause, he was prevented from cleaning up the litter; or

(b) it was not practicable to dispose of the litter in an authorized receptacle or in a dump approved by the Chief Medical Officer for the disposal of rubbish and the litter was disposed of by the defendant in such a manner as to be unlikely to cause annoyance or a nuisance to other persons.

(4.) The penalty for an offence against this section is a fine not exceeding Two hundred dollars but, where a person is convicted of an offence against this section and the litter left, thrown, deposited or abandoned was, in the opinion of the court, liable to cause injury to, or danger to the health of, a person using the public place or damage to property, the court may impose a fine not exceeding Three hundred dollars for the offence.

7.—(1.) A person who, in a public place, causes the death of or injury to an animal so that it cannot remove itself shall forthwith remove the animal from any part of the public place that is used by vehicular or pedestrian traffic.

Dead animals
on public street

Penalty: Fifty dollars.

(2.) It is a defence to a prosecution for an offence against sub-section (1.) if the defendant satisfies the court that it was not practicable for him to remove the animal from where it was and he gave notice of the occurrence to a member of the Police Force of the Northern Territory as soon as practicable after the occurrence.

8.—(1.) Subject to this section, where a person in or on a motor vehicle or boat registered under a law of the Territory relating to motor vehicles or boats commits an offence against this Ordinance, the registered owner of the motor vehicle or boat at the time of the alleged offence or, if the registered owner was not, at that time, the driver of the motor vehicle or boat, the person who was the driver shall be deemed to have committed the offence.

Owner-onus

(2.) In a prosecution for an offence against this Ordinance—

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- (a) a document purporting to be issued by the Registrar of Motor Vehicles bearing his written, stamped or printed signature and stating that during a specified period, or on a specified date, a person named in the document was the registered owner of a specified motor vehicle is evidence of the matters stated in the document without proof of the signature; and
- (b) a document purporting to be issued by the Northern Territory Port Authority stating that during a specified period, or on a specified date, a person named in the document was the registered owner of a specified boat is evidence of the matters stated in the document without proof of the signature.

(3.) Nothing in this section affects the liability of an actual offender other than the registered owner or driver of a motor vehicle or boat, but the owner and driver shall not be liable for the same offence against this Ordinance if the actual offender is convicted for that offence.

(4.) The owner of a motor vehicle or boat shall not be deemed to have committed an offence against this Ordinance if the motor vehicle or boat was, at the time of the alleged offence, stolen or illegally taken or used.

(5.) An officer may serve, by post or otherwise, on the registered owner of a motor vehicle or boat a notice in writing in accordance with this section.

(6.) A notice under the last preceding sub-section shall—

- (a) identify the motor vehicle or boat by the number-plate affixed to it or by its registration markings;
- (b) state in general terms the nature, time, date and place of the alleged offence; and
- (c) contain a notification that the registered owner may make a statutory declaration as provided by the next succeeding sub-section.

(7.) The registered owner or driver of a motor vehicle or boat shall not, unless the contrary is proved, be deemed to have committed an offence against this Ordinance if, within fourteen days after service of the notice referred to in the last preceding sub-section or of the summons in respect of the alleged offence, he furnishes to a person, if any, specified in the notice, or, in any other case, to the Commissioner of Police, a statutory declaration made by him stating—

- (a) that it is made for the purposes of this section; and
- (b) that he was not the person who actually committed

the offence, and the name and address of the person who actually committed the offence or was the driver of the motor vehicle or boat at the time of the alleged offence.

(8.) Where the registered owner of a motor vehicle or boat is a body corporate, the body corporate shall not, unless the contrary is proved, be deemed to have committed an offence against this Ordinance if, within fourteen days after service of the notice referred to in sub-section (6.) of this section or of the summons in respect of the alleged offence, a director, manager or secretary of the body corporate furnishes to a person, if any, specified in the notice, or, in any other case, to the Commissioner of Police, a statutory declaration made by him stating—

(a) that it is made for the purposes of this section;

(b) that the motor vehicle or boat was not being used for the purposes of the body corporate at the time of the alleged offence; and

(c) the name and address of the person who was the driver of the motor vehicle or boat at that time or actually committed the offence.

(9.) At the hearing of a prosecution for an offence against this Ordinance against the registered owner of a motor vehicle or boat, the court shall dismiss the charge if it is satisfied (whether on a statutory declaration or otherwise) that the registered owner was not the person who actually committed the offence.

(10.) At the hearing of a prosecution for an offence against this Ordinance against the driver of a motor vehicle or boat, the court shall dismiss the charge if it is satisfied that the driver was not the person who actually committed the offence.

9.—(1.) Where a person named in a statutory declaration made and given under the last preceding section in respect of an alleged offence against this Ordinance is charged with the offence, the person shall not be found guilty of the offence unless a copy of the statutory declaration is affixed to the summons for the alleged offence at the time it was served on him.

Copy of statutory
declaration to be
served with
summons

(2.) A statutory declaration duly made and given under the last preceding section in respect of an alleged offence against this Ordinance and so served on a person named in the statutory declaration as the driver of a motor vehicle or as the actual offender is admissible in evidence in a prosecution in respect of that alleged offence against that person and is evidence that he was the driver of the motor vehicle or the actual offender, as the case may be.

Cost of clean up

10. Where a person is convicted of an offence against this Ordinance, the court, in addition to any other penalty, may order the person convicted to pay the reasonable costs of cleaning up the litter with which the offence was committed.

Powers of officers

11.—(1.) An officer, on production of a certificate under section 5 of this Ordinance or other evidence that he is an officer within the meaning of this Ordinance, may require a person who, he reasonably believes, has committed an offence against this Ordinance to give his full name and address to the officer.

(2.) A person shall not obstruct, hinder or molest an officer in the exercise of his powers under this Ordinance.

Penalty: Two hundred dollars.

(3.) A person who, when required to do so by an officer, without reasonable cause, refuses to give his full name and address to the officer or states a false name or address to the officer is guilty of an offence punishable upon conviction by a fine not exceeding Two hundred dollars.

Proof of proclamation, &c., of public place not necessary

12. In a prosecution for an offence against this Ordinance instituted by an officer, it is not necessary to prove the proclamation, reservation or dedication of the public place, or its alignments or measurements, in which the offence is alleged to have occurred.
