

NORTHERN TERRITORY OF AUSTRALIA
ALICE SPRINGS (FLAMMABLE, &C., PLANTS) BY-LAWS

As in force at 16 July 1990

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the By-laws as in force at 16 July 1990. Any amendments that may come into operation after that date are not included.

ALICE SPRINGS (FLAMMABLE, &C., PLANTS) BY-LAWS

By-laws under the *Local Government Act*

1. Citation

These By-laws may be cited as the Alice Springs (Flammable, &c., Plants) By-laws. (*See* back note 1)

2. Crown to be bound

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

3. Application

These By-laws apply to the whole of the municipality.

4. Delegation

(1) The council may, by resolution, delegate to a person any of its powers and functions under these By-laws, other than –

- (a) this power of delegation; and
- (b) the power to grant a dispensation under by-law 5.

(2) A power or function delegated under this section when exercised or performed by the delegate shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the council.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the council.

5. Dispensations

The council may, at a meeting at which not less than two-thirds of the members are present, by resolution carried by a majority of members then in

office, dispense with compliance by a person with these By-laws or part of them and these By-laws shall apply accordingly.

6. Clerk to keep register

The clerk shall cause to be kept a register of –

- (a) delegations made under by-law 4(1); and
- (b) dispensations granted under by-law 5.

7. Flammable, &c., growth to be controlled

The occupier or, where there is no occupier, the owner of land shall ensure that grass, weeds or other growth on land do not accumulate on the land in such a way that they constitute a danger by fire to life or to property or cause a nuisance.

8. Removal of grass, weeds, &c.

(1) Where the council considers that grass, weeds or other growth on land is, or is likely to become, flammable or to cause a nuisance, it may serve on the occupier of the land a notice specifying –

- (a) the area of land the subject of the notice;
- (b) the work required to be carried out; and
- (c) the period, being not earlier than 2 days and not more than 21 days after the date of service of the notice, within which the work referred to in paragraph (b) shall be carried out.

(2) A notice under clause (1) may, in addition to or in substitution for the work specified in the notice, require an effective firebreak to be established in such position on the land and within the period, being not earlier than 2 days and not more than 21 days after the date of service of the notice, as is specified in the notice.

(3) The council may, where it cannot ascertain the identity of the occupier of land in respect of which a notice under this by-law is to be given, serve the notice on the owner of the land.

(4) A person shall not contravene or fail to comply with a notice served under this by-law within the period specified in the notice.

Penalty: \$200 and \$20 for each day during which the offence continues.

(5) The council may, without prejudice to any proceedings it may initiate in respect of an offence against clause (4), after the expiry of the period

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specified in the notice served under clause (1), carry out the work specified in the notice and recover the cost of so doing as a debt due and payable to the council by the person or persons on whom the notice was served.

9. Duty of owner

(1) Where the whole or part of a debt under by-law 8(5) remains outstanding 3 months after the debt became due and payable, the amount of the debt outstanding is a debt due and payable to the council by the owner of the land.

(2) Subject to clause (1), nothing in these By-laws shall affect the contractual obligations which may exist between the owner and the occupier of land.

Notes

1. The Alice Springs (Flammable, &c., Plants) By-laws, in force under the *Local Government Act*, comprise the Regulations 1990, No. 23, the details of which are specified in the following table:

Year and number	Date made	Date notified in the <i>Gazette</i>	Date of commencement
1990, No. 23	11 May 1990	16 July 1990	16 July 1990
