



Repeal

of the Wallace Rockhole Community Government (Litter) By-laws.

The Wallace Rockhole community has a Litter by-law that goes back to 1988 when there was the Wallace Rockhole Community Government Council. Since the Community Council was dissolved, the by-law has never been enforced by the MacDonnell Regional Council since it was constituted in 2008 and there is no intention to enforce them in the future.

Following a resolution from the Wallace Rockhole Local Authority (LA) on 19 July 2017, Council, at its August 2018 meeting, approved Council working with the NT Government (NTG) to repeal the *Wallace Rockhole Community Government (Litter) By-laws 1988*. The Council President wrote to the NTG advising the Wallace Rockhole LA had been consulted about this matter and agreed the by-law should be revoked. The matter was to be dealt with through NT Repeal Legislation.

However, following communications from the Department in November 2020, Council resolved at their 18 December 2020, to:

- approve the process provided by the Department of the Chief Minister and Cabinet; and,
- consult with Wallace Rockhole and other Council residents on the Repeal By-laws and the Public Information Paper.

Unless advised otherwise by its community, the Wallace Rockhole LA will seek at its next meeting, to have the MacDonnell Regional Council repeal the *Wallace Rockhole Community Government (Litter) By-laws 1988*.

For more information please see attached copies of the Repeal By-laws and the Public Information Paper.

All submissions must be received by 12 midnight 12 March 2021

PUBLIC INFORMATION PAPER

PROPOSED MACDONNELL REGIONAL COUNCIL (WALLACE ROCKHOLE COMMUNITY GOVERNMENT (LITTER) BY-LAWS) REPEAL BY-LAWS 2020

DISCLAIMER

This Public Information Paper is a summary of the proposed MacDonnell Regional Council (Wallace Rockhole Community Government (Litter) By-laws) Repeal By-laws 2020. The Paper does not purport to cover all matters covered by the proposed By-laws, nor does it accurately reflect every detail. For comprehensive information it is necessary to read the proposed By-laws. While care has been taken, there are, by the nature of summarising, generalisations and simplifications. No responsibility is taken for the accuracy of this Paper as the proposed By-laws should be referred to for accuracy.

Introduction

Before the 2008 local government reforms, the Wallace Rockhole Community Government Council governed the Wallace Rockhole community and had By-laws. After the 2008 reforms, the community government council merged with other community government councils to form the MacDonnell Regional Council.

The 2008 reforms stated that By-laws in use by the community government council became the By-laws of the MacDonnell Regional Council but would only apply within the boundaries of the respective communities. In other words, the Wallace Rockhole Community Government By-laws would only apply in the Wallace Rockhole community area.

The *Wallace Rockhole Community Government (Litter) By-laws 1988* regulate how litter is to be disposed of in the Wallace Rockhole community area. These include:

- prohibiting littering in a public place or allowing litter to spread from private land onto a public place or adjoining land;
- prohibiting littering from vehicles;
- prohibiting fouling of a public place by spitting, urinating, defecating or any other conduct; and
- stating offences under the By-laws and the penalty amounts for those offences.

The Repeal of the By-laws

The *MacDonnell Regional Council (Wallace Rockhole Community Government (Litter) By-laws) Repeal By-laws 2020* seeks to repeal the *Wallace Rockhole Community Government (Litter) By-laws 1988*.

The MacDonnell Regional Council does not have the resources to enforce these By-laws in the Wallace Rockhole community area. For example, if a person breaches the By-laws, Council has a discretion to prosecute the person. However, Council usually does not prosecute because it does not have the resources to do so. The effectiveness of the By-laws is undermined if there are no consequences for a person who breaches the By-laws.

The Council's Civil Works team endeavours to ensure that all 13 communities within the Council area (including Wallace Rockhole) are clean and tidy. Indeed, Wallace Rockhole, Santa Teresa, Finke and Mt Liebig have received awards and recognition at the Northern Territory and National levels for being Tidy Towns.

NORTHERN TERRITORY OF AUSTRALIA

MACDONNELL REGIONAL COUNCIL (WALLACE ROCKHOLE
COMMUNITY GOVERNMENT (LITTER) BY-LAWS) REPEAL BY-LAWS
2020

Subordinate Legislation No. [] of 2020

Table of provisions

1	Title.....	2
2	Commencement.....	2
3	Repeal of by-laws.....	2
4	Repeal of By-laws.....	2

NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2020*

MacDonnell Regional Council (Wallace Rockhole Community Government (Litter) By-laws) Repeal By-laws 2020

The MacDonnell Regional Council, at a meeting held on [] 2020, made the following by-laws under the *Local Government Act 2008* and, for section 63(2)(a) of the *Interpretation Act 1978*, authorised [], [the Chief Executive Officer], to sign them.

Dated 2020

Chief Executive Officer

The common seal of the MacDonnell Regional Council is affixed under a resolution authorising the seal to be affixed passed on [] 2020.

[Lord Mayor/Mayor/President/member]

Chief Executive Officer

NB: A certificate of a legal practitioner is required under section 190(1)(c) of the *Local Government Act 2008*. Also, a special resolution of the council is required for making a by-law under section 190(2) of the *Local Government Act 2008*.

CONFIDENTIAL DRAFT

Prepared by the Office of the Parliamentary Counsel

Date: 29 October 2020 16:00

Ref: 19byl018cgs027byl001/4 v1B

* Notified in the *Northern Territory Government Gazette* on [] 2020.

1 Title

These By-laws may be cited as the *MacDonnell Regional Council (Wallace Rockhole Community Government (Litter) By-laws) Repeal By-laws 2020*.

2 Commencement

These By-laws commence on the day on which they are notified in the *Gazette*.

3 Repeal of by-laws

The *Wallace Rockhole Community Government (Litter) By-laws 1988* are repealed.

4 Repeal of By-laws

These By-laws are repealed on the day after they commence.

PROPOSED TIMELINES FOR ENACTING THE REPEAL BY-LAWS

Activity	Possible Dates
CEO confirms content of the Repeal By-laws and advises on his full name	2 December 2020
Department will organise final version of the Repeal By-laws	11 December 2020
Council resolution for consultation with the public on the Repeal By-laws (see step 2 in the attached Process for enacting the repeal By-laws)	18 December 2020
Consultation with public commences – notice in newspaper, repeal By-laws and Information Paper on Council website and available in Council's offices	January 2021
Consultation with the Wallace Rockhole community	January 2021
Consultation ends	February 2021
Council resolution to adopt the repeal By-laws – includes consideration of any written comments/feedback	OCM in February 2021