

NORTHERN TERRITORY OF AUSTRALIA

ALICE SPRINGS (ANIMAL MANAGEMENT) BY-LAWS

As in force at 19 November 2008

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 19 November 2008

ALICE SPRINGS (ANIMAL MANAGEMENT) BY-LAWS

By-laws under the *Local Government Act*

Chapter 1 **Executive and administrative**

Part 1.1 **Preliminary**

1 Citation

These By-laws may be cited as the *Alice Springs (Animal Management) By-laws*.

2 Purpose

The purpose of these By-laws is to provide for the keeping of animals within the municipality in a manner compatible with the enjoyment by residents of a congenial living environment.

3 Enactment and commencement

- (1) These by-laws were made by special resolution of the Alice Springs Town Council on the 29th day of September 2008 pursuant to Part 13.1 of the *Local Government Act*.
- (2) These by-laws have force and effect from the 1st day of November 2008 or the date that they are notified in the *Gazette* whichever is later.

4 Application

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

Part 1.2 Interpretation

5 Definitions

In these By-laws:

animal exercise area means an animal exercise area determined under By-law 17.

animal restriction area means an animal restriction area declared under By-law 16.

annual declaration fee means the annual fee applying to ownership of a declared dog under By-law 96(1).

approved means approved by the Registrar.

cat means any cat over 6 months of age.

control requirement means a requirement applying to the control of a declared dog under Part 4.2.

Council means the Alice Springs Town Council.

declared dog means a dog declared under Part 4.1.

declaration notice means a notice of declaration of a declared dog under By-law 70(1).

determination means a determination made by resolution of Council under Part 1.4 and **determine** has like meaning.

dog means any dog over 6 months of age and includes a dingo.

infringement notice means a notice under By-law 165(1).

implant means an electronic device that can be implanted under the skin of an animal for the purpose of identification.

initial declaration fee means the initial fee applying to ownership of a declared dog under By-law 95(1).

licence means a licence granted under Part 3.2.

menace means an action of a dog that creates a reasonable apprehension in a person that the dog is likely to attack a person or animal and includes a reasonable apprehension that the dog may escape, or be released from, effective control to attack a person or animal.

municipality means the Municipality of Alice Springs.

notification requirement means a requirement to notify Council of certain events concerning a declared dog under Part 4.3.

owner in relation to an animal, except for a registered owner, means:

- (a) the person who at a particular time had control of the animal;
- (b) the occupier or owner of the premises where the animal is kept; or
- (c) the parent or guardian of the owner where the owner is under 17 years of age.

penalty unit, see *Penalty Units Act*.

pound means a pound established under By-law 127.

pound manager means the person appointed under By-law 128 to be the manager of a pound.

premises includes land, buildings and caravans.

registration means registration under Part 2.2.

registered owner, in relation to an animal, means the person recorded in the register as the owner of the animal.

register means the register kept in accordance with By-law 11.

Registrar means the Registrar appointed under By-law 9.

Repealed By-laws refer to the *Alice Springs (Animal Control By-laws) 1992*.

transfer fee means the fee payable to recognise the registration of a dog or cat under By-law 33.

veterinary surgeon means a registered veterinarian within the meaning of the *Veterinarians Act*.

6 Premises where animal kept

In these by-laws, a reference to **premises where an animal is kept** is a reference to premises where the animal is usually and ordinarily kept.

7 Dog attack

In these By-laws, a reference to an **attack by a dog** is a reference to actual physical contact between the dog and the person or animal and includes the injuring of a person or animal by the dog.

8 Effective control

- (1) In these by-laws, **effective control**, in relation to a dog, means the dog is:
 - (a) restrained by a leash or similar restraint, not longer than 2 metres in length, and held by a person above the age of 10 years who is competent to restrain the dog;
 - (b) contained in a vehicle such that no part of the dog is projecting from the vehicle and the dog is prevented from escaping from the vehicle;
 - (c) securely tethered to a permanent object or structure by a restraint not longer than 3 metres in length;
 - (d) on private premises with the permission of the owner or occupier of the premises; or
 - (e) in an animal exercise area in accordance with the conditions, if any, to which use of the area is subject; or
- (2) Clause (1)(e) does not apply to a female dog in oestrus.
- (3) To avoid doubt, clause (1) does not apply to a declared dog.
- (4) The burden of proof as to whether an animal is under effective control is on the owner of the animal.

Part 1.3 Registrar

9 Appointment

Council must appoint an authorised person to be the Registrar for the purposes of these By-laws.

10 Delegation of powers and functions

- (1) The Registrar may exercise and perform the powers and functions of Council under these By-laws other the power to make a determination.

- (2) A power or function exercised or performed by the Registrar under clause (1) is deemed to have been exercised or performed by Council.
- (3) The exercise or performance of a power or function by the Registrar under clause (1) does not prevent the exercise or performance of a power or function by Council.

11 Maintenance of register

- (1) The Registrar must keep a register containing details of:
 - (a) all animals registered by Council;
 - (b) all licences granted by Council; and
 - (c) all offences against these By-laws or the Repealed By-laws:
 - (i) of which the owner of an animal has been convicted; or
 - (ii) in relation to which the owner of an animal has paid a sum specified by By-law 165 under a notice of infringement issued under that By-law.
- (2) A certificate or extract from the Register concerning an animal or the owner of an animal, or a licence or the holder of a licence, purporting to be signed by the Registrar, is evidence of the matters specified in the certificate or extract.

Part 1.4 Council determinations

12 Power to make determinations

To facilitate the administration of these By-laws, Council may make determinations from time to time.

13 By resolution

A determination may only be made by resolution of Council.

14 Force and effect

- (1) Subject to By-law 19, a determination has force and effect after notice of the passing of the resolution has been published in a newspaper circulating in the municipality.
- (2) A determination continues to have force and effect until the determination is varied or revoked by a subsequent determination.

15 Subject matter of determinations

- (1) Council may make a determination in respect of the following matters:
- (a) under By-law 16, an animal restriction area;
 - (b) under By-law 17, an animal exercise area;
 - (c) under By-law 25(2)(a), the fee for registration of a dog;
 - (d) under By-law 25(2)(a), the fee for registration of a cat;
 - (e) under By-law 29(4), the fee for life registration of a dog or cat;
 - (f) under By-law 33, the transfer fee;
 - (g) under By-law 48(2)(a), the fee to obtain a licence;
 - (h) under By-law 95(1), the initial declaration fee applying to a declared dog;
 - (i) under By-law 96(1), the annual declaration fee applying to a declared dog;
 - (j) under By-law 129, the hours of operation of the pound;
 - (k) under By-law 130, the maintenance and release fees for impounded animals; and
 - (l) under By-law 165(2)(b), the form of an infringement notice.
- (2) To avoid doubt, a determination made in respect of the matter to which clauses (1)(c) or (1)(d) refers may provide for a reduced registration fee for a:
- (a) dog that has been sterilized;
 - (b) dog that has undergone an approved obedience course;
 - (c) dog owned by a member of an approved canine association;
or a
 - (d) dog or cat owned by a pensioner.

Part 1.5 Animal restriction areas and animal exercise areas

16 Animal restriction areas

- (1) Council may determine an area within the municipality to be an animal restriction area.
- (2) In making a determination under clause (1), Council may prohibit the keeping of:
 - (a) dogs;
 - (b) cats;
 - (c) dogs and cats;
 - (d) other animals;
 - (e) any animal;
 - (f) more than a specified number of dogs at any premises;
 - (g) more than a specified number of dogs of a specified breed at any premises;
 - (h) more than a specified number of cats at any premises;
 - (i) more than a specified number of dogs and cats at any premises; or
 - (j) more than a specified number of any other type of animal at any premisesin that area.
- (3) In making a determination under clause (1), Council may prohibit the presence of:
 - (a) dogs;
 - (b) cats;
 - (c) dogs and cats;
 - (d) other animals; or
 - (e) any animalin that area.

17 Animal exercise areas

- (1) Council may determine an area within the municipality to be an animal exercise area.
- (2) In making a determination under clause (1), Council may specify:
 - (a) that the area is for the exercise of:
 - (i) dogs; or
 - (ii) other specified animals; and
 - (b) the times when an animal may be exercised in the area and the conditions, if any, to apply to the exercising of the animal in the area.

18 Publication of proposal

Council must not determine an animal restriction area or an animal exercise area unless it has published in a newspaper circulating in the Municipality:

- (a) at least 28 days' notice of the proposed determination; and
- (b) the means by which members of the public can comment on the proposal.

19 Force and effect

A determination under this Part 1.5 has force and effect after 28 days of the publication of the notice referred to in By-law 14(1).

Part 1.6 Repeal and savings

20 Repeal

The *Alice Springs (Animal Control) By-laws* (Regulation No. 15 of 1992) are repealed.

21 Registrations

- (1) If the registration of an animal granted under By-law 7 of the Repealed By-laws was in force immediately before the commencement of these By-laws, the registration continues in force as if it were the registration of the animal granted under these By-laws until the time that it would have expired under the Repealed By-laws.

- (2) A registration referred to in clause (1) may be cancelled under these By-laws.

22 Licences

- (1) If a licence of premises granted under By-law 21 of the Repealed By-laws was in force immediately before the commencement of these By-laws, the licence continues in force as if it were a licence granted under Part 3.2 until the time that it would have expired under the Repealed By-laws.
- (2) A licence referred to in clause (1) may be varied, suspended or cancelled under these By-laws.

23 Application of *Interpretation Act*

This Part 1.6 does not limit the operation of section 12 of the *Interpretation Act* in its application to and in respect of the Repealed By-laws.

Chapter 2 Registration of dogs and cats

Part 2.1 Requirement to register dog or cat

24 Dogs and cats

- (1) A dog or cat must be registered at all times.
- (2) The owner of an unregistered dog or cat is guilty of an offence.

Part 2.2 Application to register dog or cat

25 Application

- (1) The owner of a dog or cat may register the dog or cat by application to Council.
- (2) An application under clause (1) must be in the approved form accompanied by:
- (a) the determined fee; and
 - (b) such other information as Council considers relevant and requires to be produced.

26 Dealing with application

Council must, not later than 14 days after receiving an application under by-law 25:

- (a) register the dog or cat; or
- (b) refuse to register the dog or cat.

27 Refusal of application

- (1) Council may refuse to register a dog or cat if the owner of the dog or cat has not complied with By-law 25.
- (2) Council must refuse to register a cat if the cat has not been fitted with an implant.

28 Application to renew registration

This Part 2.2 applies to an application to renew the registration of a dog or cat as if it was an application for the registration of a dog or cat.

Part 2.3 Period of registration

29 Registration for life

- (1) Subject to this By-law, the owner of a dog or cat may apply to Council to register a dog or cat for the life of the dog or cat.
- (2) A dog or cat that has not been fitted with an implant may not be registered for life.
- (3) An application under clause (1) must be dealt with by Council as if it was an application to register a dog or cat under By-law 25.
- (4) However, Council may determine a different fee for the registration of a dog or cat for life than for registration under By-law 25.

30 Commencement of registration

A registration commences on the date that the dog or cat is registered under By-law 25.

31 Expiry of registration

Subject to By-law 29, the registration of a dog or cat expires on the 30th day of June of each year.

Part 2.4 Registration by another council

32 Meaning of *council*

In this Part 2.4, ***council*** means a council or other body that has local government functions for or in relation to animal control or management under a law in force in a State or Territory of the Commonwealth.

33 Recognition of registration

- (1) Where a dog or cat is registered (however described) by another council, the registration of the animal is, on payment of the determined transfer fee, taken to be registration of the animal under these By-laws.
- (2) Clause (1) operates to recognise life registration of a dog or cat by another council as life registration under these By-laws provided that the animal has been fitted with an implant.

34 Issue of tag

- (1) Council must issue a tag to the owner under By-law 40(1) on being satisfied that the dog or cat is registered by another council.
- (2) The burden of proving that a dog or cat is registered by another council lies on the owner of the dog or cat.
- (3) Council's recognition of the registration of a dog or cat only takes effect from and including the date on which Council issues the tag under clause (1).

35 Period of registration

Except where By-law 33(2) applies, the registration of the animal taken to be registered under By-law 33 expires on the 30th day of June next occurring irrespective of the date on which it expires under the system of registration of the other council.

Part 2.5 Cancellation of registration

36 Cancellation at request of owner

- (1) The registered owner of a dog or cat may request Council in writing that the registration be cancelled.
- (2) Council may cancel the registration of a dog or cat on receiving a request under clause (1).

- (3) The cancellation takes effect from the date that it is cancelled unless the registered owner nominates a subsequent date (in which case the cancellation takes effect from the later date).

37 Notice to show cause

Council may, by notice in writing served on the registered owner of a dog or cat, require the registered owner to show cause why the registration of the dog or cat should not be cancelled.

38 Cancellation after 28 days

Provided that at least 28 days have passed from service of the notice under By-law 37, Council may cancel the registration of the dog or cat but only after considering any matter that the registered owner has put to Council.

39 Notice of cancellation

- (1) Where Council cancels the registration of a dog or cat under By-law 38, it must serve on the registered owner of the dog or cat a notice in writing advising of the cancellation.
- (2) The notice referred to in clause (1) must give the reasons for the cancellation of the registration.
- (3) The cancellation takes effect 14 days after service of the notice under clause (1).

Part 2.6 Tags

40 Issue of tag

- (1) On registering a dog or cat, Council must issue a tag to the registered owner of the animal.
- (2) The registered owner of a dog or cat must as soon as practicable affix the tag to a collar on the animal and ensure that it remains displayed on the collar on the animal at all times while the registration of the animal remains in force.

41 Removal of tag from dog or cat

- (1) A person who, without reasonable cause, removes a tag from a dog or cat is guilty of an offence.
- (2) To avoid doubt, clause (1) applies whether or not the person is the registered owner of the dog or cat.

42 Placing tag on wrong animal

- (1) A person who places or affixes a tag on a dog or cat that is not the animal in respect of which the tag was issued is guilty of an offence.
- (2) To avoid doubt, clause (1) applies whether or not the person is the registered owner of the dog or cat.

43 Dog or cat at large without tag

The registered owner of a dog or cat at large without a tag affixed to the collar of the animal is guilty of an offence.

Part 2.7 Transfer of ownership

44 Notification to Council

- (1) A person who acquires ownership of a registered dog or cat must, no later than 28 days after acquiring ownership, give to the Registrar written particulars of:
 - (a) the name of the registered owner;
 - (b) the name and address of the present owner; and
 - (c) the registration number of the animal.
- (2) A registered owner who changes address must, no later than 28 days after the change, give to the Registrar written particulars of the new address.

45 Position until notification

For the purposes of these By-laws, a person who is registered as the owner of a dog or cat remains the registered owner of the animal until the Registrar is given the written particulars required under By-law 44(1).

Chapter 3 Licensing of premises

Part 3.1 Requirement to license premises

46 Multiple dogs or cats

- (1) Premises where more than 2 dogs or more than 2 cats are kept must be licensed at all times.

- (2) The owner or occupier of unlicensed premises to which clause (1) applies is guilty of an offence.

47 Breeding cats

- (1) Premises where a cat is permitted to breed must be licensed at all times.
- (2) The owner or occupier of unlicensed premises to which clause (1) applies is guilty of an offence.

Part 3.2 Application for licence

48 Application

- (1) The owner or occupier of premises to which By-laws 46 or 47 apply may obtain a licence of those premises by application to Council.
- (2) An application under clause (1) must be in the approved form accompanied by:
- (a) the fee determined by resolution of Council; and
 - (b) such other information as Council considers relevant and requires to be produced.

49 Dealing with application

Council must, not later than 14 days after receiving an application under By-law 48:

- (a) grant the licence without conditions;
- (b) grant the licence with conditions; or
- (c) refuse to grant the licence.

50 Consideration of application

- (1) In considering whether to grant a licence, or the conditions, if any, to impose on a licence, Council may take into consideration:
- (a) the nature or location of the premises;
 - (b) the manner in which the premises are fenced;
 - (c) the number of animals to be kept on the premises;
 - (d) the breed of animal to be kept on the premises;

- (e) the likely effect, if the licence is granted, on residents living near to the premises; and
 - (f) any other matter that, in Council's opinion, is relevant.
- (2) Council may vary the weighting given to the considerations set out in clause (1) depending on whether the animals, the subject of the application, are cats or dogs or a mixture of both.

51 Mandatory refusal of application

Council must refuse to grant a licence if:

- (a) the animals the subject of the application are or include dogs; and
- (b) dogs are prohibited from being kept in the area where the premises are situated.

52 Discretionary refusal of application

- (1) Council may refuse to licence premises if the owner or occupier of the premises has not complied with By-law 48(2).
- (2) Council may refuse to licence premises if the owner or occupier of the premises has refused to allow an authorised person to inspect the premises to ascertain its state and condition.
- (3) Council may refuse to licence premises if within the period of 3 years before the date of the application for the licence, an animal kept or to be kept on the premises, or owned by the owner or occupier of the premises, has been impounded under these By-laws or the Repealed By-laws on at least 3 separate occasions.
- (4) Council may refuse to licence premises if, within the period of 12 months before the date of the application for the licence, Council has received at least 2 proven complaints relating to the premises caused by or resulting from keeping animals at the premises.
- (5) A complaint to which clause (4) refers may involve odour emanating from the premises.

53 Statement of conditions

Where Council grants a licence subject to conditions under By-law 49(b), it must, not later than 14 days after granting the conditional licence, serve on the owner a statement of the conditions.

54 Statement of reasons

Where Council refuses to grant a licence under By-laws 51 or 52, it must, not later than 14 days after refusing the application, serve on the owner a statement in writing setting out the reasons for its refusal.

55 Refund of application fee

Where Council refuses to grant a licence under By-laws 51 or 52, it must, not later than 14 days after refusing the application, refund the fee accompanying the application to the owner or occupier of the premises.

56 Application to renew licence

This Part 3.2 applies to an application to renew a licence as if it was an application for a licence.

Part 3.3 Period of licence

57 Commencement of licence

- (1) Subject to clause (2), a licence operates from the date of grant of the licence.
- (2) A licence granted under By-law 49(b) only operates when the owner or occupier of the premises complies with the conditions to which the licence is granted.

58 Expiry of licence

- (1) Subject to clause (2), a licence expires on the 30th day of June of each year.
- (2) A licence granted on or after the 1st day of May in any year expires on the 30th day of June of the next year.

Part 3.4 Cancellation or suspension of licence

59 Request by holder of licence

The holder of a licence may request Council in writing that the licence be cancelled or suspended.

60 Cancellation or suspension after request

- (1) Council may cancel or suspend a licence on receiving a request under By-law 59.
- (2) The cancellation or suspension takes effect from the date that it is cancelled or suspended unless the holder of the licence nominates a subsequent date (in which case the cancellation or suspension takes effect from the later date).
- (3) Council may reactivate a licence suspended under clause (1) upon the request in writing of the holder of a licence.

61 Notice to show cause

Council may, by notice in writing served on the holder of the licence, require the holder of the licence to show cause why the licence should not be cancelled or suspended.

62 Consequent cancellation or suspension

Provided that at least 28 days have elapsed from service of the notice under By-law 61, Council may cancel or suspend the licence but only after considering any matter that the holder of the licence has put to Council.

63 Notice of cancellation or suspension

- (1) Where Council cancels or suspends a licence under By-law 62, it must serve on the holder of the licence a notice in writing advising of the cancellation or suspension.
- (2) The notice referred to in clause (1) must give the reasons for cancelling or suspending the licence.
- (3) The cancellation or suspension takes effect 14 days after service of the notice under clause (1).

64 Period of suspension

- (1) A licence suspended under By-law 62 may be suspended for a definite or indefinite period.
- (2) Irrespective of whether the period of suspension is definite or indefinite, Council may reactivate a licence suspended under By-law 62 upon the request in writing of the holder of a licence.
- (3) In reactivating a suspended licence under clause (2), Council may impose conditions other than those to which is licence is at the time subject.

65 Notice of reactivation of licence

- (1) Where Council reactivates a suspended licence under By-law 64(2), it must serve on the holder of the licence a notice in writing advising of the reactivation of the licence.
- (2) Where Council imposes further conditions on the licence, the notice referred to in clause (1) must set out the further conditions.
- (3) The reactivation of the licence takes effect 14 days after service of the notice under clause (1).

Part 3.5 Transfer of licence

66 Transfer from one premises to another

A licence in respect of one set of premises may not be transferred to other premises.

67 Transfer to succeeding owner or occupier

Council may approve the transfer of a licence from an owner or occupier of premises to a subsequent owner or occupier on the application in writing of the subsequent owner or occupier.

Chapter 4 Declared dogs

Part 4.1 Declaration

68 Power to make declaration

Council may declare a dog to be a declared dog.

69 Basis of declaration

A dog may only be declared under By-law 68 if the dog:

- (a) has killed an animal;
- (b) has attacked a person or animal; or
- (c) has menaced a person or animal.

70 Declaration notice

- (1) On making a declaration under By-law 68, Council must serve on the owner of the declared dog notice in writing of the declaration of the dog.
- (2) A declaration takes effect from the date of the service of the notice under clause (1).

71 Period that declaration is in force

Unless revoked under By-law 72, a declaration lasts for the life of the dog.

72 Revocation of declaration

- (1) The owner of a declared dog may request Council in writing that the declaration be revoked setting out the reasons for the request.
- (2) Council may revoke a declaration on receiving a request under clause (1).
- (3) Where Council refuses a request to revoke a declaration, it must, within 14 days of making that decision, serve on the owner of the dog a notice in writing advising of the refusal and the reasons for the refusal.
- (4) Where Council refuses a request to revoke a declaration, it is not obliged to consider a further request under clause (1) until 12 months have passed from service of a notice under clause (3).

Part 4.2 Control requirements

73 Application of Part

This Part 4.2 applies to a declared dog at all times while the declaration is in force.

74 Fitting of implant

- (1) A declared dog must be fitted with an implant.
- (2) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.
- (3) It is a defence to a prosecution under clause (2) that the alleged offence took place within 14 days of the owner being served with a declaration notice.

75 Sterilization

- (1) A declared dog must be sterilized.
- (2) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.
- (3) It is a defence to a prosecution under clause (2) that the alleged offence took place within 14 days of the owner being served with a declaration notice.

76 Containment at premises

- (1) When at the premises where it is kept, a declared dog must at all times be contained in an enclosure that adequately prevents the dog from:
 - (a) escaping from the premises; or
 - (b) attacking or menacing a person at the premises or any person or animal outside the premises.
- (2) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.
- (3) It is a defence to a prosecution under clause (2) that the alleged offence took place within 7 days of the owner being served with a declaration notice provided that at the time the alleged offence took place the declared dog was restrained by a leash controlled by a competent person.
- (4) It is a further defence to a prosecution under clause (2) that the alleged offence took place between sunrise and sunset provided that at the time the alleged offence took place the declared dog was restrained by a leash controlled by a competent person.

77 Signage at premises

- (1) Signage must be erected at the premises where a declared dog is kept showing the words "Warning: Dangerous Dog" clearly visible and legible from all entrances to the premises in accordance with the specifications of the Registrar.
- (2) The specifications referred to in clause (1) must be set out in the declaration notice.
- (3) The owner or occupier of premises to which clause (1) applies may elect to erect signs supplied by Council or supplied by the owner or occupier.

- (4) Where an election is made under clause (3) to erect signs provided by Council, the cost of the signs becomes a debt due and owing by the owner or occupier to Council recoverable at law.
- (5) Where an election is made under clause (3) to erect signs provided by the owner or occupier, the signs must be approved by the Registrar.
- (6) The owner or occupier of premises that does not satisfy (1) is guilty of an offence.
- (7) It is a defence to a prosecution under clause (6) that the alleged offence took place within 7 days of the owner being served with a declaration notice.

78 Fencing at premises

- (1) Council may require the owner of a declared dog to fence the premises where the dog is kept necessary to prevent it from escaping from the premises.
- (2) A requirement under clause (1) must be set out in the declaration notice.
- (3) The owner of a declared dog who fails to comply with a requirement under clause (1) is guilty of an offence.
- (4) It is a defence to a prosecution under clause (3) that the alleged offence took place within 30 days of the owner being served with a declaration notice provided that at the time the alleged offence took place the declared dog was restrained by a leash controlled by a competent person.

79 Other works or requirements

- (1) Council may require the owner of a declared dog to carry out such other works to the premises where the declared dog is kept or to comply necessary for the protection of the public.
- (2) Any requirement under clause (1) must be set out in the declaration notice.
- (3) A person who fails to comply with a requirement under clause (1) is guilty of an offence.

80 Application of rest of Part

The rest of this Part 4.2 (By-laws 81, 82, 83, 84 and 85) only applies when a declared dog is away from the premises where it is kept.

81 Person having charge

- (1) A declared dog must be under the sole charge of a person of at least 17 years of age.
- (2) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.

82 Restraint

- (1) A declared dog must be restrained by a leash or similar restraint not more than 1.5 metres in length.
- (2) To avoid doubt, where the leash is extendable, clause (1) refers to the maximum length that the leash can be extended.
- (3) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.
- (4) It is not a defence to a prosecution under clause (3) that at the time the offence took place the declared dog was contained in a vehicle in any way.

83 Special collar

- (1) A declared dog must be fitted with a collar inscribed "Dangerous Declared Dog" in yellow letters on silver.
- (2) The owner of the declared dog may elect to fit a collar supplied by Council or supplied by the owner.
- (3) Where an election is made under clause (2) to fit a collar supplied by Council, the cost of the collar becomes a debt due and owing by the owner to Council recoverable at law.
- (4) Where an election is made under clause (3) to fit a collar supplied by the owner, the collar must be approved by the Registrar.
- (5) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.

84 Muzzling

- (1) A declared dog must be muzzled.

- (2) The owner of a declared dog that does not satisfy clause (1) is guilty of an offence.

85 Prohibition at private, commercial and retail premises

- (1) A declared dog must not be on or at private, commercial and retail premises.
- (2) The owner of a declared dog that is on or at such premises is guilty of an offence.
- (3) Clause (1) does not apply where the declared dog is being treated on or at premises occupied by a veterinary surgeon for the purpose of practising veterinary medicine.

Part 4.3 Notification requirements

86 Change of premises

- (1) Where the premises at which a declared dog is kept changes, the owner of a declared dog must notify the Registrar of the change.
- (2) Clause (1) applies irrespective of whether the declared dog is presently kept within the municipality.
- (3) The notification required under clause (1) must be:
 - (a) in writing in a form prescribed by Council; and
 - (b) given no later than 7 days after the change takes place.
- (4) A person who contravenes clause (1) is guilty of an offence.

87 Declared dog returning to municipality

- (1) This By-law 87 applies to a dog which:
 - (a) was previously kept within the municipality;
 - (b) was more recently kept outside the municipality;
 - (c) is again to be kept in the municipality; and
 - (d) is a declared dog.
- (2) The owner of a declared dog to which clause (1) applies must notify the Registrar that the declared dog is again being kept within the municipality.

- (3) The notification required under clause (2) must be:
 - (a) in writing in a form prescribed by Council; and
 - (b) given no later than 7 days after resumption of the keeping of the declared dog within the municipality.
- (4) A person who contravenes clause (2) is guilty of an offence.

88 Attack or injury

- (1) Where a declared dog attacks or injures a person or animal, the owner of a declared dog must notify the Registrar of the attack or injury.
- (2) The notification required under clause (1) must be:
 - (a) in writing in a form prescribed by Council; and
 - (b) given no later than 24 hours after the attack.
- (3) A person who contravenes clause (1) is guilty of an offence.

89 Allegation of attack or injury

- (1) Where the owner of a declared dog becomes aware of an allegation that the declared dog attacked or injured a person or animal, the owner of the dog must notify the Registrar of the attack or injury.
- (2) The notification required under clause (1) must be:
 - (a) in writing in a form prescribed by Council; and
 - (b) given no later than 24 hours after becoming aware of the allegation.
- (3) A person who contravenes clause (1) is guilty of an offence.

90 Disappearance

- (1) Where the whereabouts of a declared dog becomes unknown to the owner, the owner must notify the Registrar of the absence.
- (2) The notification required under clause (1) must be:
 - (a) in writing in a form prescribed by Council; and
 - (b) given no later than 24 hours after the absence being first noticed.

- (3) A person who contravenes clause (1) is guilty of an offence.

91 Death

- (1) Where a declared dog dies, the owner of the declared dog must notify the Registrar of the death.
- (2) The notification required under clause (1) must be:
- (a) in writing in a form prescribed by Council; and
- (b) given no later than 24 hours after the death being first noticed.
- (3) A person who contravenes clause (1) is guilty of an offence.

Part 4.4 Transfer of ownership

92 Sale or gift

- (1) The owner of a declared dog must not sell or give the declared dog to a person under 17 years of age.
- (2) A person who contravenes clause (1) is guilty of an offence.

93 Requirement to notify prospective owner

- (1) In this By-law 93, *prospective owner* means a prospective purchaser of a declared dog or the intended beneficiary of a gift of a declared dog by the owner of the declared dog.
- (2) The owner of a declared dog must notify a prospective owner of the fact that the dog is a declared dog.
- (3) The notification required under clause (2) must be in writing in a form prescribed by Council.
- (4) A person who contravenes clause (2) is guilty of an offence.

94 Requirement to notify Registrar

- (1) Where the ownership of a declared dog changes, the previous owner of the declared dog must notify the Registrar of the change of the ownership.
- (2) The notification required under clause (1) must be:
- (a) in writing in a form prescribed by Council; and

- (b) given no later than 7 days after the change of the ownership taking place.
- (3) A person who contravenes clause (1) is guilty of an offence.

Part 4.5 Declaration fee

95 Initial declaration fee

- (1) Within 14 days of being served with a declaration notice, the owner of a declared dog must pay to the Registrar the initial declaration fee.
- (2) To avoid doubt, the initial declaration fee is separate from and additional to the registration fee applying to the declared dog.

96 Annual declaration fee

- (1) The owner of a declared dog must pay annually to the Registrar the annual declaration fee.
- (2) The annual declaration fee must be paid no later than the 1st day of July of each year.
- (3) To avoid doubt, the annual declaration fee is separate from and additional to the registration fee applying to the declared dog.

97 No refund

- (1) The owner of a declared dog is not entitled to a pro rata refund of the initial declaration fee because:
 - (a) less than one year has passed between payment of the fee and the 30th day of June next occurring; or
 - (b) the declared dog dies or is otherwise disposed of before the 30th day of June next occurring.
- (2) The owner of a declared dog is not entitled to a pro rata refund of the annual declaration fee because the declared dog dies or is otherwise disposed of within 12 months of the payment of the annual declaration fee.

98 Transfer of ownership

- (1) Where a person acquires ownership of a declared dog, the person is not required to pay the annual declaration fee until the 1st day of July next occurring.

- (2) Clause (1) does not apply where the annual declaration fee has not been paid for that year.

Chapter 5 Offences involving animals

Part 5.1 Offences involving animal behaviour

99 Dog attack

- (1) The owner of a dog that attacks a person is guilty of an offence.
- (2) The owner of a dog that menaces a person is guilty of an offence.
- (3) The owner of a dog that attacks an animal is guilty of an offence.
- (4) The owner of a dog that menaces an animal is guilty of an offence.
- (5) It is a defence to a prosecution for an offence against clauses (1), (2), (3) and (4) if the owner of the dog proves that a person had, without the owner's permission, invited, encouraged or provoked the dog to attack or menace the person or animal.
- (6) To avoid doubt, the defence provided for in clause (5) is available irrespective of whether the person who invited, encouraged or provoked the dog was the person who was attacked or menaced.
- (7) It is a defence to a prosecution for an offence against clauses (1) and (2) if the owner of the dog proves that the person attacked or menaced was attacked or menaced on premises owned or occupied by the owner and the person was on the premises without reasonable cause.

100 Multiple attacks

- (1) The owner of a dog that attacks or menaces a person or animal more than once in any 12 month period is guilty of an offence.
- (2) To avoid doubt, an offence under clause (1) is separate from and additional to an offence against By-law 99.

101 Attack by declared dog

- (1) The owner of a declared dog that attacks or menaces a person or animal is guilty of an offence.
- (2) To avoid doubt, an offence under clause (1) is separate from an offence against By-law 99.

102 Dog running at or chasing vehicles

- (1) The owner of a dog that runs at or chases a vehicle is guilty of an offence.
- (2) For the purposes of clause (1), **vehicle** includes a bicycle, tricycle and motorised wheelchair.

103 Animal causing nuisance

- (1) The owner of an animal who permits the animal, either by itself or in concert with other animals, to be a nuisance is guilty of an offence.
- (2) For the purposes of clause (1), an animal is a nuisance if it is offensive or endangers the health of any person or animal (other than in the course of droving, working or protecting stock).
- (3) Without limiting the generality of clause (2), a dog is a nuisance if it:
 - (a) makes a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises;
 - (b) repeatedly defecates in a public place as to cause annoyance to a particular person;
 - (c) is habitually at large;
 - (d) chases or runs at any person or animal (other than in the course of droving, working or protecting stock); or
 - (e) damages any property when away from the premises where it is kept.
- (4) As an alternative to prosecution under this By-law 103, an authorised person may serve on the owner of the animal causing the nuisance a notice in writing requiring the owner to have the animal suitably trained to prevent the behaviour constituting the offence.
- (5) The notice referred to in clause (4) must set out the type of training that the animal must undergo and the period in which it must be undertaken.
- (6) A person who does not comply with the notice served under clause (4) is guilty of an offence.

104 Animal at large

- (1) The owner of an animal that is at large is guilty of an offence.
- (2) For the purposes of clause (1), an animal **is at large** where the animal is away from the premises where it is kept and not under effective control.
- (3) Clause (1) does not apply between the hours of 5 am and 8 am and between the hours of 5 pm and 8 pm where a dog is being exercised by its owner on a park or reserve specified in Part A of Schedule 1.
- (4) Additionally, clause (1) does not apply between the hours of 5 am and 8 am where a dog is being exercised by its owner on a sports ground specified in Part B of Schedule 1.
- (5) However, clauses (3) and (4) only apply if the dog is:
 - (a) within 6 metres of the owner; and
 - (b) immediately responsive to the basis voice commands of the owner.

105 Female dog in oestrus

- (1) The owner of a female dog in oestrus that is in a public place is guilty of an offence.
- (2) It is a defence to prosecution under clause (1) that the dog was under effective control and being taken to:
 - (a) a veterinary surgeon for treatment;
 - (b) a kennel for boarding;
 - (c) a stud dog for breeding purposes;
 - (d) a conformation show; or
 - (e) any other event or place approved by the Registrar.

106 Dogs and cats in places with other animals

- (1) The owner of a dog or cat that is in a field, paddock, yard or other place in which another animal is confined is guilty of an offence.

- (2) Clause (1) does not apply:
- (a) where the dog or cat is in the field, paddock, yard or other place with the consent of the owner of the other animal; or
 - (b) where the field, paddock, yard or other place is:
 - (i) owned by the owner of the dog or cat; or
 - (ii) a pound.

Part 5.2 Offences also involving persons

107 Enticing or inducing dog to attack

A person who entices or induces a dog to attack or menace a person or animal is guilty of an offence.

108 Enticing or inducing animal to be in breach

A person who entices or induces an animal to act in a manner or be in a situation that would render its owner to be liable for an offence against these By-laws is guilty of an offence.

109 Failing to contain a dog

- (1) The owner of a dog that is not properly contained at the premises where it is kept is guilty of an offence.
- (2) For the purposes of clause (1), ***properly contained*** means:
 - (a) kept within a fenced area in a manner that does not enable the dog to escape;
 - (b) kept inside a building, vehicle or other enclosure which does not enable the dog to escape; or
 - (c) restrained by a leash or similar restraint which does not enable the dog to break free or attack.
- (3) Clause (1) applies irrespective of the ability or financial capacity of the owner to provide the necessary fencing, containment or restraint.

110 Keeping or permitting animal in animal restriction area

- (1) The owner of an animal that is kept in an animal restriction area where the keeping of the animal is prohibited is guilty of an offence.

- (2) The owner of an animal that is at or in an animal restriction area where the presence of the animal is prohibited is guilty of an offence.
- (3) Clauses (1) and (2) do not apply to a guide dog or a hearing dog.
- (4) For the purposes of clause (3):
 - (a) a **guide dog** means a dog, trained by an approved guide dog association, used as a guide dog by a person who is wholly or partially blind; and
 - (b) a **hearing dog** means a dog, certified as a hearing dog by an approved hearing dog association, used as an aid by a person who is wholly or partially deaf.

111 Abandoning animal

- (1) A person who abandons an animal is guilty of an offence.
- (2) For the purposes of clause (1), **abandon** includes deliberately:
 - (a) leaving an animal at premises other than its usual premises without the consent of the owner or occupier of those premises; and
 - (b) failing to obtain the release of an animal from the pound.

112 Dog faeces

- (1) The owner of a dog that deposits faeces in a public place who fails to immediately remove and dispose of the faeces is guilty of an offence.
- (2) For the purposes of clause (1), the faeces must be disposed of in a receptacle carried for the purpose or on the owner's property.
- (3) To avoid doubt, the faeces may not be disposed of in the gutter of a road.

Chapter 6 Seizure, removal and destruction of animals

Part 6.1 Power of seizure

113 Diseased and like animals

An authorised person may seize an animal that is apparently:

- (a) diseased;
- (b) injured;
- (c) savage;
- (d) destructive; or
- (e) stray.

114 Animal causing nuisance

An authorised person may seize an animal causing a nuisance for the purposes of By-law 103.

115 Animal at large

An authorised person may seize an animal that is at large.

116 Unregistered dog or cat

An authorised person may seize an unregistered dog or unregistered cat that is required to be registered under these By-laws.

117 Animal kept at unlicensed premises

An authorised person may seize an animal kept at premises which are not licensed to permit the keeping of the animal.

118 Declared dog

An authorised person may seize a declared dog where:

- (a) the dog attacks or menaces a person or animal while the declaration is in force;
- (b) the owner of the dog has not complied with a control requirement; or

- (c) the initial declaration fee or the annual declaration fee (as the case may be) applying to the dog has not been paid.

119 Animal trap

An animal may be seized under this Part 6.1 by means of an approved animal trap.

Part 6.2 Requirement to deliver animal to pound

120 General requirement

Subject to By-law 121 and Part 6.3, an authorised person who seizes an animal under Part 6.1 must deliver the animal to the pound as soon as practicable after seizing it.

121 Owner in vicinity

Where the owner is in the vicinity, the authorised person may return the animal to the owner.

Part 6.3 Destruction and removal of animal

122 General power

- (1) Despite By-law 120, an authorised person may destroy a seized animal without delivering it to a pound where the authorised person believes on reasonable grounds:
 - (a) that the animal is a declared dog and the dog has attacked or injured a person or animal; or
 - (b) that it is necessary or humane to do so.
- (2) The power given by clause (1) includes the power to cause the animal to be destroyed.
- (3) No claim or action by the owner of an animal may lie against Council or an authorised person in respect or arising out of an authorised person acting in accordance with clause (1).

123 Removal of carcass

An authorised person may cause the carcass of a dead animal that is found in a public place to be removed and disposed of.

124 Recovery of costs

Council may claim from the owner of the animal the cost of destroying removing and disposing of the animal or carcass under this Part 6.3 as a debt due and owing.

Part 6.4 Requisition to owner or occupier

125 Animal at large in public place

- (1) An authorised person may require the owner of an animal at large in a public place to immediately remove the animal.
- (2) A person who does not comply with clause (1) is guilty of an offence.

126 Diseased, injured, savage, destructive and dead animals

- (1) An authorised person may by notice in writing served on the owner of an animal that is apparently:
 - (a) diseased;
 - (b) injured;
 - (c) savage; or
 - (d) destructive

require the owner to remove and destroy the animal within a specified period.

- (2) Clause (1) applies irrespective of whether the animal is in a public place or on private premises.
- (3) An authorised person may by notice in writing served on the owner or occupier of premises on which the carcass of a dead animal is found, require the owner or occupier to remove and dispose of the carcass within a specified period.
- (4) In the absence of evidence to the contrary, the owner or occupier of premises where an animal or carcass is found is deemed to be the owner of the animal.
- (5) A person who does not comply with clauses (1) or (3) is guilty of an offence.

Chapter 7 Pounds

Part 7.1 Operation of pound

127 Requirement to maintain and operate

Council must at all times maintain and operate a pound in the municipality.

128 Pound manager

- (1) Council must ensure that there is a pound manager or pound managers appointed for the pound at all times.
- (2) A pound manager must be an authorised person.
- (3) A pound manager may be an employee of Council, a contractor of Council or an employee of the contractor.

129 Hours of operation

The pound must be operated for the determined hours.

130 Fees

Council may charge the determined fees for the maintenance and release of animals impounded under Part 7.2.

Part 7.2 Impounding and release of animals

131 Requirement to impound

The pound manager must, subject to this Chapter 7, impound an animal delivered into the care of the pound manager.

132 Notice of impounding

- (1) Where an animal displays a tag or is fitted with an implant, the pound manager must notify, as soon as practicable, either the owner of the animal or the Registrar that the animal has been impounded.
- (2) Where the Registrar is notified that an animal has been impounded under clause (1), the Registrar must, as soon as practicable, notify the owner of the animal accordingly.

- (3) Except as required by clauses (1) or (2), the pound manager or Registrar is not obliged to notify the owner of an animal of the impounding of the animal.

133 Release generally

- (1) The pound manager may release an animal that has been impounded.
- (2) The pound manager must only release the animal to the owner or the owner's agent.
- (3) The onus of proving that the person referred to in clause (2) is authorised to act as agent of the owner lies on the person asserting that fact.
- (4) The animal must not be released unless the applicable maintenance and release fees are paid together with any fees or costs payable under By-law 138.

134 Unregistered dogs and cats

- (1) The pound manager must not release a dog or cat from the pound unless it is registered.
- (2) Clause (1) does not apply where the dog is kept outside the municipality.
- (3) The burden of proving the application of clause (2) lies on the person seeking the release of the dog.

Part 7.3 Diseased animals

135 Requirement to isolate animal

Where an animal at a pound is diseased or is suspected of being diseased, the pound manager must, as soon as practicable, isolate the animal from other animals in the pound.

136 Notice to owner

- (1) Where an animal is isolated under By-law 135, the pound manager must, as soon as practicable, notify either the owner of the animal or the Registrar that the animal is diseased.
- (2) Where the Registrar is notified that an animal has been isolated under clause (1), the Registrar must, as soon as practicable, notify the owner of the animal accordingly.

- (3) Clause (1) only applies where the animal displays a tag or is fitted with an implant.

137 Production of report

- (1) The pound manager may require the owner of a diseased animal at a pound to produce to the pound manager, within the time specified by the pound manager, a report prepared by a veterinary surgeon or by another person specified by the pound manager relating to:
- (a) the diseased animal; and
 - (b) all other animals kept at the premises where the diseased animal is kept.
- (2) A requirement under clause (1) must be in writing and served on the owner of the diseased animal.
- (3) Where a person is served with a notice under clause (2), the person must produce the report within the time specified in the notice.
- (4) A person who fails to comply with clause (3) is guilty of an offence.

138 Recovery of costs

The cost of treatment reasonably provided by a pound manager to a diseased animal, and to any other animal in the pound that was infected or was at risk of being infected by the diseased animal before the pound manager could reasonably isolate it, is a debt due and payable by the owner of the diseased animal to Council.

Part 7.4 Sale

139 Power of sale

Subject to this Part 7.4 and Part 7.7, Council may sell an animal impounded in the pound.

140 Not immediately exercisable

Council may not exercise the power conferred by By-law 139 before the expiration of 3 days from the date the animal was impounded.

141 Surrendered animal

Despite By-law 140, an animal may be sold before the expiration of the period referred to in that By-law where the owner has surrendered the animal to the pound manager and signed a form prescribed by Council for that purpose.

142 Exercisable by pound manager or Registrar

The power conferred by By-law 139 may be exercisable by the pound manager or Registrar.

143 Legal effect of sale

Where an animal is sold under By-law 139:

- (a) ownership of the animal vests in the purchaser of the animal;
- (b) all previous rights of ownership in and to the animal are deemed to have been extinguished; and
- (c) no claim or action may lie against Council or an employee or contractor of Council in respect of or arising out of the sale of the animal.

Part 7.5 Disposal

144 Power of disposal

- (1) Where Council may exercise the power to sell an animal that has been impounded, it may alternatively dispose of the animal.
- (2) For the purposes of clause (1), to dispose of an animal other than by sale includes to destroy the animal or to cause it to be destroyed.

145 Exercisable by pound manager or Registrar

The power conferred by By-law 144 may be exercisable by the pound manager or Registrar.

146 Manner of destruction

Where an animal is to be destroyed under By-law 144(2) or By-law 153(1), it must not be destroyed other than:

- (a) by a veterinary surgeon or a person who is, in the pound manager's opinion, qualified to kill the animal; and
- (b) in a manner that is approved by the Australian Veterinary Association.

147 No liability

No claim or action by the owner of an animal may lie against Council or an authorised person in respect or arising out of an authorised person acting in accordance with this Part 7.5 or Part 7.7.

148 No limitation on By-law 122

Nothing in this Part 7.5 limits the power of an authorised person acting under By-law 122.

Part 7.6 Assignment of rights

149 Power of assignment

- (1) After the expiration of the period referred to in By-law 140, Council may assign its rights in and to the animal to an approved animal welfare organisation.
- (2) Where an animal has been surrendered under By-law 141, Council may make the assignment referred to in clause (1) before the expiration of the period referred to in By-law 140.

150 Sale by animal welfare organisation

- (1) Where the rights in and to an animal have been assigned under By-law 144, the animal welfare organisation may thereafter sell or otherwise dispose of the animal.
- (2) Where an animal welfare organisation sells the animal under clause (1):
 - (a) By-law 143 also applies; and
 - (b) no claim or action by the owner of the animal may lie against the animal welfare organisation or an employee or volunteer of that organisation.

Part 7.7 Declared dogs

151 Prohibition on release

The pound manager must not release a declared dog to its owner.

152 Prohibition on sale

The pound manager must not sell or give away a declared dog.

153 Requirement to destroy

- (1) The pound manager must destroy a declared dog or cause it to be destroyed.
- (2) In complying with clause (1), the pound manager is not limited by By-law 140.

Chapter 8 Enforcement generally

154 Hindering or obstructing

- (1) A person who hinders or obstructs:
 - (a) an authorised person; or
 - (b) an employee or contractor of Councilin the exercise of powers under these By-laws is guilty of an offence.
- (2) To avoid doubt, clause (1) applies to a pound manager.

155 Removing animal from custody

- (1) A person who removes or attempts to remove an animal from the custody of an authorised person is guilty of an offence.
- (2) To avoid doubt, an animal is deemed to be in custody where it is in an authorised animal trap.

156 Removing animal from pound

A person who removes or attempts to remove an animal from a pound except under these By-laws is guilty of an offence.

157 Authorised person requiring information

- (1) Where an authorised person reasonably suspects a person of having committed an offence against these By-laws, the authorised person may require the person to state the person's name, address and date of birth.
- (2) A person who, without reasonable excuse, fails to provide the information required under clause (1) is guilty of an offence.
- (3) A person who provides false information when required to provide information under clause (1) is guilty of an offence.

158 Proof of identity

- (1) Where an authorised person reasonably suspects a person of having committed an offence against these By-laws, the authorised person may require the person to provide further evidence of identity of a specified kind.
- (2) A person who, without reasonable excuse, fails to provide the further proof of identity required under clause (1) is guilty of an offence.
- (3) Where a person has reasonable excuse for failing to provide the further proof of identity required under clause (1), the person must, within 2 business days, provide the further proof of identity at the office of Council.
- (4) A person to whom clause (3) applies who fails to provide the further proof of identity within the specified period is guilty of an offence.

159 False statement in document

A person who makes a false statement in a document required or permitted under these By-laws is guilty of an offence.

160 Proof of sterilisation

- (1) Where it is a requirement of these By-laws that an animal is sterilised, proof that the animal is sterilised may only be provided by a certificate in an approved form signed by a veterinary surgeon to that effect.
- (2) The owner of an animal that is not sterilised is guilty of an offence by stating or holding out, when selling or otherwise disposing of the animal, that the animal is sterilised.

161 Police assistance

- (1) An authorised person may call on a member of the Police Force for assistance in the exercise of powers under these By-laws.
- (2) Without limiting their general power, members of the Police Force may arrest or remove persons offending against these By-laws.

162 Service of notices

A notice Council is required or permitted to serve under these By-laws may be served:

- (1) personally on the person to whom it is addressed;

- (2) by leaving it for the person at the person's place of residence, employment or business; or
- (3) by posting it, addressed to the person, at the person's last known place of residence, employment or business.

163 Regulatory offence

Any offence against these By-laws is a regulatory offence.

164 Penalties

- (1) Subject to clause (2), a person who is guilty of an offence against these By-laws is liable to a penalty not exceeding 30 penalty units and, in addition, to a penalty not exceeding 10 penalty units for each day during which the offence continues.
- (2) Where the offence relates to a declared dog, the person guilty of the offence is liable to a penalty not exceeding 50 penalty units and, in addition, to a penalty not exceeding 10 penalty units for each day during which the offence continues.

165 Infringement notices

- (1) Despite by-law 164, as an alternative to prosecution, a person who is alleged to have contravened or failed to comply with a by-law specified in column 1 of Schedule 2 may be served with an infringement notice under which the person may pay to the Council a sum (in this By-law 165, a **fixed penalty**) in lieu of the penalty by which the infringement of that By-law is otherwise punishable.
- (2) For the purposes of this By-law 165:
 - (a) the sum specified in column 3 of Schedule 2 is the fixed penalty payable under an infringement notice for an infringement of the By-law specified opposite in column 1, and generally described opposite in column 2, of Schedule 2;
 - (b) an infringement notice is to be in a determined form and include:
 - (i) the name of the alleged offender;
 - (ii) in general terms, the nature of the offence alleged to have been committed;
 - (iii) the date, time and place of the alleged offence;
 - (iv) the amount of the fixed penalty; and

- (v) the period within which, and the place where, the fixed penalty may be paid.
 - (c) an infringement notice may be issued and served by an authorised person; and
 - (d) the fixed penalty specified in an infringement notice is to be paid to Council within 14 days of the date on which the infringement notice is served on the alleged offender.
- (3) An infringement notice is to also contain statements to the effect:
- (a) that the alleged offender may expiate the offence and avoid enforcement action under the *Fines and Penalties (Recovery) Act* (in this By-law 170, **the Act**) if he or she pays the fixed penalty to Council within 14 days of service of the infringement notice;
 - (b) that if the alleged offender pays the fixed penalty within the period specified in the infringement notice, Council will take no further action in relation to the offence;
 - (c) that the alleged offender may, if he or she so wishes, be dealt with by a court of competent jurisdiction by electing under section 21 of the Act to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on Council:
 - (i) at any time before a courtesy letter under the Act is served on the alleged offender; or
 - (ii) if a courtesy letter is served on the alleged offender, before the due date specified in that letter;
 - (d) that if the alleged offender does not pay the fixed penalty within the period specified in the infringement notice and does not within that period serve on Council a statement of election under the Act:
 - (i) the Act will apply and the alleged offender may be served with a courtesy letter in accordance with that Act requiring payment of the fixed penalty together with the costs in respect of the issue of that letter; and
 - (ii) if the alleged offender does not make the payment as required by a courtesy letter, enforcement action may be taken against him or her under the Act which, after due process, may result in the suspension of the alleged offender's licence to drive, the seizure of property, the

deduction of wages or salary, the registration of a statutory charge on land, a community work order or imprisonment if a community work order is breached;

- (4) An infringement notice is to also contain a statement of election under the Act that includes the information required by regulation 7(1) of the *Fines and Penalties (Recovery) Regulations*.
- (5) A fixed penalty may be expressed by way of penalty units including fractions of a penalty unit.

Schedule 1

by-law 104(3) and (4)

PART A: Parks and reserves where dogs may be exercised without leash between 5 am and 8 am and 5 pm and 8 pm

<u>Name</u>	<u>Location</u>
Acacia Park	Acacia Street
Ashwin Park	Ashwin Street
Battarbee Park	Battarbee Street
Beefwood Park	Plumbago Crescent, Saltbush Court and Beefwood Court
Bougainvillea Park	Bougainvillea Avenue and Cypress Crescent
Campbell Park	Campbell Street and Lackman Terrace
Chalmers Park	Chalmers Street and Cora Crescent
Davidson Park	Davidson and McKay Streets
Day Park	Day and Nichols Streets
Dixon Park	Dixon Road
Eagle Court Park	Eagle and Moore Courts
Finlayson Park	Finlayson Street and Carruthers Crescent
Forrest Park	Forrest Crescent
Frank McEllister Park	Larapinta Drive
Francis Smith Park	Kurrajong Drive
Gillen Park	Mueller and Goyder Streets
Grey Park	Grey Court and Woods Terrace
Heidenreich Court Park	Heidenreich Court
Kilgariff Park	Kilgariff Crescent and Laver Court
Kunoth Park	Kunoth Street and Woods Terrace

Lewis Gilbert Park	Hillside Gardens
Lyndavale Park	Lyndavale Drive
Maynard Park	Head Street and Lackman Terrace
Newland Park	Milner Road and Newland Street
Noonie Park	Rieff Court
Oleander Park	Oleander Crescent and Banksia Street
Plowman Park	Plowman and Bruce Streets
Prickle Park	Sturt Terrace
Roberts Park	Roberts and Hablett Crescent
Rotoract Park	Madigan Street and Angguna Avenue
Spencer Park	Spencer and Bacon Streets
Spicer Crescent Park	Spicer and Irvine Crescents
Sturt Terrace Park	Sturt Terrace
Tucker Park	Tucker and Cheong Streets
Westland Park	Leichhardt and Wills Terraces

PART B: Sports grounds where dogs may be exercised without leash between 5 am and 8 am

Name	Location
Albrecht Oval	Larapinta Drive and Jamieson Place
Anzac Oval	Wills Terrace
Flynn Oval	Flynn Drive and Adamson Avenue
Larapinta Ovals	Milner Road, Memorial Avenue and Palmer Street
Rhonda Diano Oval	Dixon Road
Ross Park Ovals	Undoolya Road and Winnecke Avenue

Schedule 2By-law 165(1)
and (2)(a)

FIXED PENALTIES

Column 1	Column 2	Column 3
By-law	General Description of Offence	Penalty units
24(2)	Failing to register dog or cat	2
41(1)	Removing tag from dog or cat	1
42(1)	Placing tag on wrong dog or cat	2
43	Dog or cat at large without tag	3
46(2)	Failing to obtain licence for multiple dogs and cats	3
47(2)	Failing to obtain licence for breeding cats	3
74(2)	Failing to fit declared dog with implant	5
75(2)	Failing to sterilise declared dog	5
76(2)	Failing to contain declared dog	10
77(6)	Failing to place sign at premises of declared dog	5
78(3)	Failing to fence premises of declared dog	5
79(3)	Failing to comply with requirement in relation to declared dog	5
81(2)	Failing to ensure that declare dog is under sole charge of person at least 17	6
82(3)	Failing to ensure that declared dog is leashed	6
83(5)	Failing to fit collar to declared dog	6

84(2)	Failing to muzzle declared dog	6
85(2)	Failing to prevent declared dog from being on private, commercial or retail premises	6
86(4)	Failing to give notice of change of premises of declared dog	4
87(4)	Failing to give notice of return of declared dog to municipality	4
88(3)	Failing to give notice of attack or injury by declared dog	10
89(3)	Failing to give notice of allegation of attack or injury by declared dog	10
90(3)	Failing to give notice of disappearance of declared dog	6
91(3)	Failing to give notice of death of declared dog	2
92(2)	Selling or giving declared dog to person under 17	6
93(4)	Failing to give notice of declaration of declared dog to prospective purchaser	8
94(4)	Failing to give notice of change of ownership of declared dog to Registrar	8
99(1)	Dog attacking person	15
99(2)	Dog menacing person	10
99(3)	Dog attacking animal	10
99(4)	Dog menacing animal	6
100(1)	Dog attacking more than once	15
101(1)	Declared dog attacking person or animal	20
102(1)	Dog running at or chasing vehicle	3
103(1)	Animal causing nuisance	4

103(6)	Failing to comply with notice to have animal undergo training	2
104(1)	Animal at large	5
105(1)	Female dog in oestrus in public place	2
106(1)	Permitting dog or cat in place with other animals	2
107	Enticing or inducing dog to attack	10
108	Enticing or inducing animal to be in breach	5
109(1)	Failing to keeping dog contained at premises	2
110(1)	Keeping animal in animal restriction area	2
110(2)	Permitting animal to be present in animal restriction are	2
111(1)	Abandoning animal	5
112(1)	Failing to remove and dispose of dog faeces	2
125(2)	Failing to remove animal from public place	3
126(5)	Failing to remove and destroy animal	3
126(5)	Failing to remove and dispose of carcass	3
137(4)	Failing to produce report to pound manager	3
154(1)	Hindering or obstructing	4
155	Removing animal from custody	4
156	Removing animal from pound	4
157(2)	Failing to provide information	4
157(3)	Providing false information	5
158(2)	Failing to provide proof of identity	4

158(4)	Failing to subsequently provide proof of identity	4
159	Making false declaration in document	5
160(2)	Holding out animal to be sterilised	5

These by-laws were made by special resolution of the Alice Springs Town Council at its Ordinary meeting on the 29th day of September 2008.

Rex Roger Money
CHIEF EXECUTIVE OFFICER

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

Alice Springs (Animal Management) By-Laws 2008 (SL No. 30, 2008)
Notified 19 November 2008
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