

NORTHERN TERRITORY OF AUSTRALIA

NHULUNBUY (ANIMAL CONTROL) BY-LAWS 1998

As in force at 2 February 2023

Table of provisions

Part 1	Preliminary matters	
Division 1	General matters	
1	Citation	1
2	Application and purpose	1
3	Crown to be bound	1
4	Interpretation	2
4AA	Meaning of <i>owner</i>	5
4A	Application of Criminal Code	5
5	Determinations, including determinations of charges	6
6	Registrar	6
7	Registers	6
8	Matters of evidence	7
Division 2	Livestock	
9	Livestock.....	8
10	Cancellation or variation of permit by request.....	8
11	Cancellation or variation of permit other than by request	9
12	Offence related to livestock	9
Division 3	Regulatory matters	
13	Compliance with notices	10
14	Obstruction of officers.....	10
15	Misleading information.....	10
Part 1A	Infringement notice offences	
16	Infringement notice offence and prescribed amount payable	11
17	When infringement notice may be given.....	12
17A	Contents of infringement notice	12
17B	Payment by cheque.....	13
17C	Withdrawal of infringement notice.....	13
17D	Application of Part	13
Part 2	Animals generally	
18	Diseased and injured animals and animals at large	14
19	Removal, destruction or disposal of animal	14

19A	Animal causing nuisance	14
19B	Seizure and impounding	15
19C	Destruction of seized animal.....	15
19D	Release of animals from pounds	15
19E	Notice of impounding registered dogs	16
19F	Diseased dogs that have been impounded	16
19G	Destruction or disposal of unclaimed impounded animal.....	18
19H	Pounds	18
19J	Humane destruction of animals	18
19K	Emergency destruction of animal	19
20	Occupier is taken to be owner	19

Part 3 Control of dogs

Division 1 Preliminary matters

22	Exemptions.....	19
----	-----------------	----

Division 2 Registration of dogs

22A	Application for registration	19
22B	Grant of registration	20
23	Conditions of registration	21
23A	Registration of certain dog breeds	22
24	Identification device	22

Division 4 Cancellation or variation of registration

26	Cancellation or variation of registration by request.....	22
27	Cancellation or variation of registration otherwise than by request	23

Division 4A Dangerous dogs

28A	Dangerous dog	24
28B	Revocation of declaration	24
28C	Registration of dangerous dog.....	24

Division 5 Dog exercise areas and dog restriction areas

29	Dog exercise areas and dog restriction areas	26
----	--	----

Division 6 Offences

30	Unregistered dogs	27
30A	Failure to comply with a condition of registration	27
32	Keeping dogs in dog restriction area	28
33	Removal of identification device	28
33A	Dog at large without identification device	29

33B	Identification device fitted to incorrect dog.....	29
34	Dogs at large	29
35	Female dog in oestrus	30
36	Enticement.....	30
37	Dogs attacking or menacing persons or animals.....	31
38	Dog chasing vehicle	31
39	Dogs causing nuisance	32
40	Abandoning dog	32
41	Removal of dog from custody	32
42	Sterilisation marks and certificates	33

Division 9 Miscellaneous matters

49	Change of details.....	34
50	Exemptions.....	34

Part 3A Review of decisions

50A	Reviewable decisions	35
-----	----------------------------	----

**Part 4 Transitional matters for Nhulunbuy
(Animal Control) Amendment By-laws 2015**

51	Definition.....	35
52	CEO of Corporation	35

Schedule 1

Schedule 2 Determinations

**Schedule 3 Infringement notice offences and
prescribed amounts**

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 February 2023

NHULUNBUY (ANIMAL CONTROL) BY-LAWS 1998

By-laws under the *Local Government Act 2019*

Part 1 Preliminary matters

Division 1 General matters

1 Citation

These By-laws may be cited as the *Nhulunbuy (Animal Control) By-laws 1998*.

2 Application and purpose

- (1) These By-laws apply to and are in force within the whole of the area described in the Schedule to the instrument made under section 128(1) of the Act (for the purpose of extending to the Corporation the functions, by-law making powers and enforcement powers of a municipal council in relation to Animal Control and Animal Impounding) and published in *Gazette* No. G50 dated 17 December 1997, a copy of which is set out in Schedule 1.

Note for clause (1)

These By-laws were made under the Local Government Act 1993 (Act No. 83 of 1993) and continued in force by:

- (a) *section 270(1)(b) of the Local Government Act 2008 (Act No. 12 of 2008);*
and
- (b) *section 355(1)(b) of the Local Government Act 2019.*
- (2) The purpose of these By-laws is to provide for the keeping of animals within the corporation area in a manner compatible with the enjoyment by residents of a congenial living environment.

3 Crown to be bound

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

4 Interpretation

(1) In these By-laws:

animal means an animal that is kept on private premises in the corporation area, and includes dogs, cats, birds and reptiles.

appropriate fee means the fee determined by the Corporation to be the fee for a registration or other matter or for a class of registration or other matter.

approved means approved by the Corporation by resolution.

assistance dog means a dog:

- (a) trained and assessed by a training institution recognised by the Corporation; and
- (b) used by a person to alleviate the effects of a diagnosed disability, whether physical, sensory or psychological.

attack, in relation to the actions of a dog, means an action of a dog that involves the dog rushing at, biting, chasing, menacing or worrying a person or another animal and, in so doing, the dog actually touches the person or animal or the clothing or other property in the immediate possession or under the immediate control of the person, whether or not any injury or damage occurs to the person, animal or property.

authorised person means an authorised person as defined in section 7 of the *Local Government Act 2019*.

CEO means the person who is responsible for exercising the powers and performing the functions under and in relation to these By-laws that, if the Corporation was a shire council and the corporation area was a local government area, the CEO of the shire council would be exercising or performing.

Corporation means the Nhulunbuy Corporation Limited ACN 009 596 598.

corporation area means the areas described in the Schedule to the instrument referred to in by-law 2(1), a copy of which is set out in Schedule 1.

dangerous dog means a dog declared to be dangerous under by-law 28A.

determined means determined by the Corporation by resolution.

dog means an animal of the genus *Canis*.

dog exercise area means a dog exercise area declared under by-law 29.

dog restriction area means a dog restriction area declared under by-law 29.

dog-tag means a dog-tag issued under by-law 24.

identification device means a device or mark used for identifying an animal registered under these By-laws and includes a dog-tag, permanent electronic subcutaneous implant, tattoo or other approved device or mark.

infringement notice, see by-law 16.

infringement notice offence, see by-law 16(1).

livestock includes crocodiles, cattle, buffalo, horses, camels, sheep, goats, pigs (including wild pigs), deer, alpacas, poultry llamas and honey bees.

menace, in relation to the actions of a dog, means an action that creates a reasonable apprehension in a person that the dog is likely to attack the person, another person or an animal owned or in the control of the first-mentioned person, and includes a reasonable apprehension that the dog may escape or be released from restraint to attack a person or the animal.

nuisance, see by-law 19A(2).

officer means the following:

- (a) an authorised person;
- (b) an officer or employee of the Corporation.

owner, see by-law 4AA.

permanent electronic subcutaneous implant means an electronic device that can be implanted into the tissue of a dog for the purpose of identifying the dog.

pound means a pound established or maintained under by-law 19H.

pound supervisor means a person appointed to be a supervisor of a pound under by-law 19H(2).

premises includes a building and land (whether built on or not).

prescribed amount, see by-law 16(2).

public place includes:

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

register means a register established in pursuance of by-law 7.

registered, in relation to a dog, means registered under these By-laws.

registrar means the person appointed under by-law 6 to be the registrar.

registered owner, in relation to a dog, means the person specified in the appropriate register as the owner of the dog.

vehicle means a conveyance or other device designed to be propelled or drawn by any means and includes a bicycle, tricycle, motor vehicle, wheelchair and an animal being driven or ridden.

veterinarian means a registered veterinarian within the meaning of the *Veterinarians Act 1994*.

- (2) A reference in these By-laws to a dog at large is a reference to a dog, other than a dog in the custody of an authorised person or in a pound, in a place other than premises owned or occupied by the owner of the dog.

- (3) For the purposes of these By-laws, a dog is under effective control if the dog is:
- (a) restrained by a leash, cord, chain or similar device that is not longer than 3 metres and that is held by a person who has attained the age of 12 years and is competent to restrain the dog;
 - (b) enclosed in a vehicle (which includes being in or on the back of a flat topped, tray backed or well bodied vehicle) in such a manner that no part of the dog is projecting from the vehicle;
or
 - (c) in a dog exercise area in accordance with the conditions, if any, to which use of the area is subject and the dog is not a female dog in oestrus.

4AA Meaning of owner

- (1) In relation to a dog, **owner** means any of the following:
- (a) the person who is registered as the owner of the dog;
 - (b) the person for the time being in control or possession of the dog;
 - (c) the occupier of premises or a part of premises where the dog is usually kept or kept for the time being.
- (2) In relation to any other animal, **owner** means any of the following:
- (a) the person for the time being in control or possession of the animal;
 - (b) the occupier of premises or a part of premises where the animal is usually kept or kept for the time being.
- (3) If an owner under clause (1) or (2) is under the age of 18 years, any parent or guardian of the owner is taken to be the **owner** of the dog or other animal.
- (4) Despite clause (1)(b) and (c), **owner** does not include a person controlling or keeping a dog under by-law 19B, 19F, 19G or 19H.

4A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against these By-laws.

Note for by-law 4A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

5 Determinations, including determinations of charges

- (1) Where the Corporation makes a determination under this By-law, it is to publish a notice of its making in a newspaper circulating in the corporation area as soon as reasonably possible after the determination is made.
- (2) The Corporation may determine the charges, dues and fees in relation to an animal, undertaking, service, matter or thing referred to in these By-laws.
- (3) Where the Corporation, in the exercise of a power or the performance of a function under these By-laws:
 - (a) supplies a service, product or commodity;
 - (c) makes a registration;
 - (d) furnishes information;
 - (f) receives an application;
 - (g) permits inspection of a register;
 - (h) allows the use of real or personal property of or under its care;
or
 - (j) takes any other action in relation to which a determination is made,

it may demand and recover the relevant amount determined under clause (2).

- (4) The Corporation may make determinations in relation to a matter or thing set out in Column 1 of Schedule 2 and, for that purpose, may take into account a matter specified in Column 2 of that Schedule.

6 Registrar

The Corporation may appoint a person to be the registrar for the purposes of these By-laws.

7 Registers

- (1) The registrar is to keep the number of registers as the Corporation determines.

- (2) The registrar may keep a register in the medium or combination of media as the registrar thinks fit, including a computer, microfilm or paper.
- (3) The information recorded in the register or registers kept under these By-laws is to include the particulars of:
 - (a) all dogs registered by the Corporation; and
 - (b) all licences granted by the Corporation under these By-laws before the day the *Nhulunbuy (Animal Control) Amendment By-laws 2022* commenced; and
 - (c) all offences against these By-laws:
 - (i) for which a registered owner of a dog has been convicted; or
 - (ii) in respect of which a registered owner of a dog has paid a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.

8 Matters of evidence

- (1) An extract from or copy of an entry in a register purported to be signed by the registrar is, in all courts and on all occasions, evidence of the signature of the registrar and of the particulars contained in the entry without requiring the production of the register.
- (2) A statement signed by the registrar concerning particulars of entries in a register, including:
 - (a) whether the name of a person was entered in a register in relation to an animal, matter or thing; or
 - (b) whether a registration had been issued,is to be received in a court, the Tribunal or by a person acting judicially as evidence of the signature of the registrar and of those particulars without requiring the production of the register.
- (3) In relation to the making of a resolution by the Corporation for the purposes of these By-laws, the minutes of a meeting of the Corporation or a document purporting to be a true copy of, or an extract from, the minutes of a meeting of the Corporation signed by the CEO is to be received in a court, the Tribunal or by a person acting judicially as evidence of the particulars contained in the minutes, or that extract or copy, without further proof.

Division 2 Livestock

9 Livestock

- (1) All livestock is prohibited from being kept in the Corporation area, unless allowed under this by-law.
- (2) Chickens (other than roosters) may be kept if:
 - (a) they are properly contained on premises; and
 - (b) no more than 5 chickens are kept on the same premises; and
 - (c) the owner holds a permit to keep chickens on the premises.
- (3) A person may apply to the Corporation for a permit to keep chickens on premises.
- (4) An application under clause (3) must be:
 - (a) in the approved form; and
 - (b) accompanied by the appropriate fee; and
 - (c) accompanied by any other documents, specifications or particulars that the Corporation may require.
- (5) On application under clause (3), the Corporation may grant or renew, or refuse to grant or renew, a permit to keep chickens on premises.
- (6) The permit remains in force for the period specified in the permit by the Corporation.
- (7) The permit may be subject to the conditions the Corporation thinks fit and specifies in the permit including conditions that may lead to immediate revocation of the permit if they are not complied with.

10 Cancellation or variation of permit by request

- (1) The holder of a permit to keep chickens on premises may apply in writing to the Corporation for:
 - (a) the cancellation of the permit; or
 - (b) a variation to the conditions the permit is subject to.
- (2) On an application under clause (1), the Corporation may, by written notice served on the applicant, cancel or vary the permit in the manner requested in the application.

- (3) A notice served by the Corporation under clause (2) takes effect on the day 14 days after the service of the notice.

11 Cancellation or variation of permit other than by request

- (1) The Corporation may, in accordance with this by-law, cancel a permit to keep chickens on premises or vary the permit (including any conditions of the permit) if the holder of the permit:
- (a) obtained the permit improperly; or
 - (b) failed to comply with these By-laws or a condition of the permit.
- (2) Before making a decision to cancel or vary the permit, the Corporation must give the holder a written notice:
- (a) stating that the Corporation proposes to cancel or vary the permit; and
 - (b) stating the grounds for the intended cancellation or variation; and
 - (c) inviting the holder to show cause why the Corporation should not cancel the permit or vary the permit.
- (3) The Corporation may, not less than 14 days after the date of the notice under clause (2), cancel the permit or vary the permit (including any conditions of the permit).
- (4) In making a decision to cancel or vary a permit under clause (3), the Corporation must consider any response provided by the holder within the period of 14 days after the date of the notice under clause (2).
- (5) The Corporation must give written notice to the holder of the permit of the decision under clause (3).

12 Offence related to livestock

- (1) A person commits an offence if the person keeps livestock contrary to by-law 9.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (3)

The defendant has an evidential burden in relation to the matters in clause (3) (see section 43BU of the Criminal Code).

Division 3 Regulatory matters

13 Compliance with notices

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

14 Obstruction of officers

- (1) A person commits an offence if:
- (a) the person obstructs another person; and
 - (b) the other person is one of the following:
 - (i) an officer;
 - (ii) an employee of a contractor or subcontractor of the Corporation; and
 - (c) the other person is acting in an official capacity.

Maximum penalty: 20 penalty units

- (2) An offence against clause (1) is an offence of strict liability.
- (3) In this by-law:

acting in an official capacity, in relation to a person mentioned in clause (1)(b), means the person is exercising powers or performing functions under, or otherwise related to the administration of, these By-laws.

obstruct includes hinder and resist.

15 Misleading information

- (1) A person commits an offence if:
- (a) the person intentionally gives information to another person; and
 - (b) the other person is an officer; and

- (c) the person knows the information is misleading; and
- (d) the person knows the officer is acting in an official capacity.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if:

- (a) the person intentionally gives a document to another person; and
- (b) the other person is an officer; and
- (c) the person knows the document contains misleading information; and
- (d) the person knows the officer is acting in an official capacity.

Maximum penalty: 20 penalty units.

(3) Strict liability applies to clauses (1)(b) and (2)(b).

(4) Clause (2) does not apply if the person, when giving the document:

- (a) draws the misleading aspect of the document to the officer's attention; and
- (b) to the extent to which the person can reasonably do so – gives the officer the information necessary to remedy the misleading aspect of the document.

(5) In this by-law:

acting in an official capacity, in relation to an officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, these By-laws.

misleading information means information that is misleading in a material particular or because of the omission of a material particular.

Part 1A Infringement notice offences

16 Infringement notice offence and prescribed amount payable

- (1) An infringement notice offence is an offence against a provision specified in Schedule 3.

- (2) The prescribed amount for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 3.

17 When infringement notice may be given

If an authorised person reasonably believes a person has committed an infringement notice offence, the person may give a notice (an infringement notice) to the person.

17A Contents of infringement notice

- (1) The infringement notice must specify the following:
- (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;

- (iv) registering a statutory charge on land owned by the person;
 - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b).

17B Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

17C Withdrawal of infringement notice

- (1) The Corporation may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
- (a) within 28 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

17D Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
- (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 2 Animals generally

18 Diseased and injured animals and animals at large

The Corporation may, by notice in writing, require the owner of:

- (a) a diseased, injured, savage or destructive animal (whether it is on private premises or in a public place); or
- (b) an animal at large in a public place that, if left at large, is likely to be a danger to the safety of the public,

to immediately remove or otherwise dispose of the animal and may, if it is reasonable to do so, require the destruction of the animal.

19 Removal, destruction or disposal of animal

- (1) The Corporation may cause the carcass of a dead animal that is found in a public place to be removed or disposed of.
- (2) The Corporation may, without notice to the owner of a dead, diseased or injured animal that is likely to be a danger to the safety of the public, cause the carcass or the animal to be removed or destroyed and disposed of.
- (3) Where the Corporation incurs expense in removing, destroying or disposing of an animal or a dead animal, the Corporation may recover the expense from the owner of the animal as a debt due and payable to the Corporation.

19A Animal causing nuisance

- (1) The owner of an animal must ensure that the animal is not a nuisance to people or other animals.
- (2) An animal is a ***nuisance*** if the animal:
 - (a) is injurious or dangerous to the health of the community or another person; or
 - (b) behaves repeatedly in a manner contrary to the general interest of the community or specific interests of another person; or
 - (c) creates a noise of a degree or extent that disturbs the reasonable mental, physical or social well-being of a person other than its owner; or
 - (d) defecates to a degree or extent that causes annoyance to a person other than its owner.

19B Seizure and impounding

- (1) An authorised person may seize:
 - (a) an animal that appears to be diseased, injured, savage, destructive, stray or not permitted to be in the corporation area under these By-laws; or
 - (b) an animal that is at large; or
 - (c) an animal that is abandoned; or
 - (d) an animal that is a nuisance to people or other animals on more than one occasion; or
 - (e) a dangerous dog the owner of which has not complied with the conditions of the dog's registration.
- (2) As soon as practicable after seizing an animal, the authorised person must:
 - (a) impound the animal in a pound; or
 - (b) return the animal to its owner; or
 - (c) destroy the animal in accordance with by-law 19C.

19C Destruction of seized animal

An authorised person may, without prior notice to the owner of an animal, destroy the animal seized under by-law 19B if:

- (a) the animal is diseased, injured, savage or destructive; and
- (b) the authorised person believes on reasonable grounds that it is necessary to destroy the animal.

19D Release of animals from pounds

- (1) An animal impounded under by-law 19B(2)(a) must not be released from the pound unless:
 - (a) it is to the owner of the animal or to a person authorised to act on behalf of the owner; and
 - (b) the Corporation is paid any maintenance and release fees that the Corporation requires to be paid; and
 - (c) in the case of a dog – the dog is registered.

- (2) A person collecting an animal from a pound must provide evidence that the person is the owner of the animal or is authorised to act on behalf of the owner.

19E Notice of impounding registered dogs

- (1) A pound supervisor must notify the registrar if:
- (a) a registered dog with an identification device is seized or delivered to a pound; or
 - (b) a dog with a collar on which the address of its owner is displayed is seized or delivered to a pound.
- (2) On being notified under clause (1), the registrar must serve on the registered owner of the dog a notice, in the approved form, of the impounding of the dog.
- (3) Except as required by clause (2), the registrar is not obliged to notify the owner of a dog of the impounding of the dog.

19F Diseased dogs that have been impounded

- (1) This clause applies to a dog if:
- (a) a pound supervisor takes custody of the dog after it is seized under these By-laws; and
 - (b) the pound supervisor:
 - (i) receives advice from a veterinarian that the dog is, or is suspected of being, diseased; or
 - (ii) notices or suspects that the dog is diseased.
- (2) The pound supervisor must:
- (a) isolate the dog from other dogs in the pound; and
 - (b) notify the Corporation of the dog's condition.
- (3) The Corporation must serve on the owner, if known, of a dog isolated under clause (2) written notice that the dog is, or is suspected of being, diseased and that the Corporation:
- (a) requires the dog to be destroyed; or
 - (b) requires the dog to undergo a course of treatment specified in the notice.

- (4) In a notice served under clause (3), the Corporation may require the owner of the dog to produce to the Corporation, within the time specified in the notice, a report prepared by a veterinarian or other person specified in the notice relating to:
- (a) if the dog is not required to be destroyed – the disease of the dog; and
 - (b) in any other case – all other dogs usually kept at the premises where the dog was kept.
- (5) A dog the subject of a notice under this by-law may be released from the pound in accordance with by-law 19D, subject to any conditions the Corporation thinks fit to impose.
- (6) A pound supervisor may, without prior notice to the owner of a dog in a pound, destroy the dog if the dog is so diseased or injured that it is humane to destroy it.
- (7) The cost of treatment reasonably provided by a pound supervisor to a diseased dog, and to any other dog in the pound that was infected or was at risk of being infected by the diseased dog before the supervisor could reasonably isolate it, is a debt due and payable by the owner of the diseased dog to the Corporation.
- (8) An owner of a dog commits an offence if the owner:
- (a) fails to comply with a requirement of a notice imposed under clause (4); or
 - (b) fails to comply with a condition imposed under clause (5).
- Maximum penalty: 20 penalty units.
- (9) An offence against clause (8) is an offence of strict liability.
- (10) It is a defence to a prosecution for an offence against clause (8) if the defendant has a reasonable excuse.

Note for clause (10)

The defendant has an evidential burden in relation to the matters in clause (10) (see section 43BU of the Criminal Code).

19G Destruction or disposal of unclaimed impounded animal

- (1) Despite by-law 19D and subject to clause (2), if an animal impounded under by-law 19B is not claimed by the owner of the animal or a person authorised to act on behalf of the owner within a period of time determined by the Corporation, the Corporation may:
 - (a) destroy the animal; or
 - (b) transfer the animal to an approved incorporated body that provides animal welfare services.
- (2) If the animal impounded under by-law 19B is a dog the pound supervisor may:
 - (a) arrange for the destruction of the dog delivered to a pound on the expiry of the number of days or hours determined by the Corporation; or
 - (b) instead of destroying the dog under paragraph (a), transfer the dog to an approved incorporated body that provides animal welfare services.

19H Pounds

- (1) The Corporation may:
 - (a) establish a pound; or
 - (b) make any arrangements the Corporation thinks fit for use of premises for impounding animals under these By-laws.
- (2) The Corporation may appoint a person to be the supervisor of a pound.

19J Humane destruction of animals

- (1) An animal in a pound must not be destroyed other than:
 - (a) by a veterinarian or another person who is, in the opinion of a pound supervisor, qualified to destroy the animal; and
 - (b) in a manner that is approved by the Australian Veterinary Association.
- (2) An animal that is not in a pound and is destroyed under these By-laws must be destroyed in a manner that is approved by the Australian Veterinary Association.

19K Emergency destruction of animal

The Corporation may, without prior notice to the owner of an animal, destroy the animal if:

- (a) the animal is:
 - (i) diseased, injured, savage or destructive; or
 - (ii) surrendered by the owner to the Corporation for destruction; and
- (b) the Corporation believes on reasonable grounds that it is necessary to immediately destroy the animal.

20 Occupier is taken to be owner

For this Part, in the absence of evidence to the contrary the occupier of land where an animal or a dead animal is found is to be taken to be the owner of the animal.

Part 3 Control of dogs

Division 1 Preliminary matters

22 Exemptions

By-laws 30 and 32 do not apply to or in relation to:

- (a) a assistance dog; or
- (b) any other dog that the Corporation determines is exempt from those By-laws.

Division 2 Registration of dogs

22A Application for registration

- (1) A person may apply to the Corporation for the registration of a dog under these By-laws.
- (2) An application must be:
 - (a) in the approved form; and
 - (b) accompanied by the appropriate fee; and
 - (c) accompanied by any other documents, specifications or particulars that the Corporation may require.

- (3) An application for the renewal of a registration must be made to the Corporation not less than 14 days before the expiry of the registration.
- (4) A person must not apply for registration for more than 2 dogs.
- (5) The Corporation may waive the requirement in clause (4) if the Corporation thinks it reasonable in the circumstances.

22B Grant of registration

- (1) The Corporation must, not later than 14 days after receiving an application for the registration of a dog:
 - (a) register or renew the registration of the dog, either conditionally or unconditionally; or
 - (b) refuse to register or renew the registration of the dog and refund to the applicant the fee accompanying the application.
- (2) The Corporation may refuse to register or renew the registration of a dog if:
 - (a) within the period of 12 months before the date of the application the owner of the dog:
 - (i) was convicted of an offence against these By-laws; or
 - (ii) made a payment of a sum specified in by-law 16(2) in accordance with a notice of infringement issued under these By-laws; or
 - (b) the dog is a dangerous dog and within the period of 12 months before the date of the application the owner of the dog contravened by-law 28C(1) more than once; or
 - (c) within the period of 12 months before the date of the application the dog was impounded under these By-laws; or
 - (d) the Corporation is satisfied that the dog is destructive, dangerous, savage or consistently the cause of nuisance to members of the public; or
 - (e) the premises on which the dog is usually kept are not fenced in the manner determined by the Corporation; or

- (f) within the period of 12 months before the date of the application the Corporation received a complaint relating to:
 - (i) the state of (including odour emanating from) the premises where the dog is usually kept caused by or as a result of keeping the dog; or
 - (ii) the unauthorised presence of the dog on land or premises other than the land or premises where the dog is usually kept.
- (3) The Corporation must refuse to register or renew the registration of a dog if the dog is usually kept on premises within a dog restriction area.
- (4) Despite clause (3) the Corporation may renew the registration of a dog usually kept on premises within a dog restriction area if:
 - (a) the dog was owned by the applicant immediately before the area became a dog restriction area; and
 - (b) the dog is usually kept at premises in the dog restriction area; and
 - (c) the dog is registered.
- (5) If the Corporation refuses to register or renew the registration of a dog or imposes conditions on the registration or renewal of the registration of a dog, the Corporation must serve on the applicant a written statement of the reasons for its decision.

23 Conditions of registration

- (1) A registration remains in force for the period of time specified in the registration.
- (2) The Corporation may register or renew the registration of a dog for one of the following periods:
 - (a) the period of 12 months commencing on the date of the grant or renewal of the registration;
 - (b) a period of less than 12 months;
 - (c) if the dog is sterilised and fitted with an identification device – the remainder of the lifetime of the dog.

- (3) A registration may be subject to the conditions the Corporation thinks fit and specifies in the registration including conditions that may lead to immediate revocation of the registration if they are breached or not complied with.
- (4) A registration is not transferable.
- (5) A person must comply with the registration.

23A Registration of certain dog breeds

- (1) It is a condition of registration of a dog of a breed specified by the Corporation that the owner of the dog must, at all times when the dog is outside premises where it is usually kept:
 - (a) ensure the dog is controlled by a suitable leash; and
 - (b) keep the dog muzzled.
- (2) For clause (1), the Corporation may specify any breed of dog.

24 Identification device

- (1) Where the Corporation registers or renews the registration of a dog under by-law 23, it must, unless the dog is fitted with a permanent electronic subcutaneous implant issued by the Corporation, issue to the person who made the application a dog-tag for fitting to the dog.
- (2) Where the Corporation issues a dog-tag to the owner of a dog, the owner, unless exempted by the Registrar, must ensure that:
 - (a) the tag is fixed to a collar on the dog; and
 - (b) the tag remains displayed on a collar on the dog,while the registration of the dog remains in force.
- (3) Where the Corporation issues to the owner of a dog a permanent electronic subcutaneous implant, the owner must cause the dog to be implanted with the device by a veterinarian not later than 14 days after the date of registration of the animal.

Division 4 Cancellation or variation of registration

26 Cancellation or variation of registration by request

- (1) The registered owner of a dog may apply, in writing, to the Corporation for:
 - (a) the cancellation of registration of the dog; or

- (b) a variation to the conditions to which the registration of the dog is subject.
- (2) On an application under clause (1), the Corporation may, by written notice served on the applicant, cancel or vary the registration in the manner requested in the application.
- (3) A notice served by the Corporation under clause (2) takes effect on the day 14 days after the service of the notice.

27 Cancellation or variation of registration otherwise than by request

- (1) The Corporation may, in accordance with this by-law, cancel the registration of a dog or vary the registration (including any conditions of the registration) if the holder of the registration:
 - (a) obtained the registration improperly; or
 - (b) failed to comply with these By-laws or a condition of the registration.
- (2) Before making a decision to cancel or vary the registration, the Corporation must give the holder of the registration a written notice:
 - (a) stating that the Corporation proposes to cancel or vary the registration; and
 - (b) stating the grounds for the intended cancellation or variation; and
 - (c) inviting the holder to show cause why the Corporation should not cancel or vary the registration.
- (3) The Corporation may, not less than 14 days after the date of the notice under clause (2), cancel or vary the registration (including any conditions of the registration).
- (4) In making a decision to cancel or vary a registration under clause (3), the Corporation must consider any response provided by the registered owner within the period of 14 days after the date of the notice under clause (2).
- (5) The Corporation must give written notice to the registered owner of the decision under clause (3).

Division 4A Dangerous dogs

28A Dangerous dog

- (1) An authorised person may declare a dog to be a dangerous dog if any of the following occur:
 - (a) the dog attacks a person or animal;
 - (b) the dog menaces a person or animal;
 - (c) the authorised person believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.
- (2) If an authorised person declares a dog to be a dangerous dog, the authorised person must serve a notice of the declaration on the owner of the dog.

28B Revocation of declaration

- (1) The owner of a dangerous dog may apply to the Corporation for the revocation of the declaration of a dangerous dog.
- (2) The Corporation may:
 - (a) revoke the declaration; or
 - (b) refuse the application to revoke the declaration.
- (3) The Corporation must give written notice of a decision under clause (2) to the owner of the dog.
- (4) A revocation under clause (2)(a) takes effect from the date the Corporation notifies the owner of the revocation.
- (5) If the Corporation refuses an application made under clause (1), the registrar is not required to consider an application made under clause (1) in relation to the same dog within six months of the refusal.

28C Registration of dangerous dog

- (1) As a condition of registration of a dangerous dog, the registered owner of the dog must:
 - (a) ensure the dog is under the effective control of a person who is at least 18 years of age at all times when the dog is outside the premises where the dog is usually kept; and

- (b) ensure the dog is controlled by a suitable leash at all times when:
 - (i) the dog is outside the premises where the dog is usually kept; or
 - (ii) the dog is kept on premises that are not fenced in a manner determined by the Corporation; and
 - (c) keep the dog muzzled at all times when the dog is outside the premises where it is usually kept; and
 - (d) ensure the dog is sterilised; and
 - (e) inform any prospective purchaser or owner of the dog that it is a dangerous dog; and
 - (f) if ownership of the dog is transferred – notify the Corporation of the name and address of the new owner within 24 hours after the transfer; and
 - (g) if the registered owner intends to keep the dog at a location different to the premises where the dog is usually kept for a period exceeding 14 days – notify the Corporation of the new address within 24 hours after the dog is relocated; and
 - (h) if the dog attacks, or is alleged to have attacked, a person or animal – notify the Corporation of the attack, or alleged attack, within 24 hours after the earlier of:
 - (i) the attack, or alleged attack; or
 - (ii) the time the registered owner is made aware of the attack, or alleged attack; and
 - (i) if the dog is missing – notify the Corporation within 24 hours after the registered owner becomes aware the dog is missing; and
 - (j) if the dog dies – notify the Corporation within 14 days after its death.
- (2) If the registered owner of a dangerous dog contravenes clause (1) more than once in a 12 month period, the Corporation may, by written notice served on the registered owner of the dog, require the registered owner to show cause why the Corporation should not cancel the registration of the dog.

- (3) The Corporation may, not less than 14 days after the day a notice under clause (2) is served, by written notice served on the registered owner:
 - (a) cancel the registration of the dog; or
 - (b) impose additional conditions on the registration of the dog.
- (4) In making a decision to cancel the registration of a dog or impose additional conditions on the registration of a dog under clause (3), the Corporation must consider any response provided by the registered owner of the dog within the period of 14 days after the date of service of the notice under clause (2).

Division 5 Dog exercise areas and dog restriction areas

29 Dog exercise areas and dog restriction areas

- (1) The Corporation may, by resolution, declare an area within the corporation area to be a dog exercise area and, in doing so, must specify the times when a dog may be exercised in the area and the other conditions, if any, to apply to the exercising of a dog in the area.
- (2) The Corporation may, by resolution, declare an area within the corporation area to be a dog restriction area and may prohibit the keeping in the area of:
 - (a) all dogs; or
 - (b) more than a specified number of dogs; or
 - (c) all or more than a specified number of dogs of a specified breed.
- (3) If the Corporation intends to declare a dog exercise area or dog restriction area, the Corporation must:
 - (a) publish a notice in a newspaper circulating in the corporation area not less than 28 days before making the declaration stating it intends to declare a dog exercise area or dog restriction area (as the case requires); and
 - (b) include in the notice a description of the intended location of the dog exercise area or dog restriction area; and
 - (c) in the notice, invite comment from the public.

- (4) In making a resolution to declare an area within the corporation area to be a dog exercise area under clause (1) or a dog restriction area under clause (2), the Corporation must consider any response provided within the period of 28 days after the date of the publication of the notice in a newspaper under clause (3).

Division 6 Offences

30 Unregistered dogs

- (1) A person commits an offence if:
- (a) the person keeps a dog within the corporation area; and
 - (b) the dog is not registered.
- Maximum penalty: 20 penalty units
- (2) An offence against clause (1) is an offence of strict liability.
- (2A) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 1 penalty unit for each day during which the offence continues after the day the offence is committed.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant proves that the dog had not been usually kept in the corporation area for a period of 3 months or more immediately before the date of the alleged offence or for periods totalling 3 months during the 6 month period immediately before that date.
- (4) Clause (1) does not apply to:
- (a) a pound supervisor keeping a dog in a pound; or
 - (b) an approved incorporated body that provides animal welfare services; or
 - (c) a veterinarian keeping a dog for the purposes of treatment; or
 - (d) a dog under the age of 3 months.
- (5) The burden of proof as to whether a dog is under the age of 3 months lies on the person averring the age of the dog.

30A Failure to comply with a condition of registration

- (1) A registered owner of a dog commits an offence if:
- (a) the dog has been registered subject to conditions; and

(b) a condition of the registration is contravened.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 1 penalty unit for each day during which the offence continues after the day the offence is committed.
- (4) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

32 Keeping dogs in dog restriction area

- (1) A person who keeps a dog in a dog restriction area where keeping the dog is prohibited commits an offence.

Maximum penalty: 20 penalty units.

- (2) If a dog is present in a dog restriction area and the presence of the dog is prohibited, the owner of the dog commits an offence.

Maximum penalty: 20 penalty units.

- (3) An offence against clause (1) or (2) is an offence of strict liability.
- (3A) The court may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 1 penalty unit for each day during which the offence continues after the day the offence is committed.
- (4) It is a defence to a prosecution for an offence against clause (1) or (2) if the defendant proves that, at the date of the making of the resolution declaring the dog restriction area, the dog:
- (a) was owned by the person; and
 - (b) was usually kept at premises in the dog restriction area; and
 - (c) if required by these By-laws to be registered, was registered.

33 Removal of identification device

- (1) A person, other than the owner of a dog, who without reasonable cause removes an identification device from a registered dog commits an offence.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

33A Dog at large without identification device

- (1) The owner of a registered dog who permits the dog to be at large without an identification device commits an offence.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant proves that the identification device was removed:
- (a) without the owner's permission and the owner had not had sufficient opportunity to replace the identification device; or
 - (b) for a reasonable cause and the cause was still existent at the date of the alleged offence.

33B Identification device fitted to incorrect dog

- (1) A person must not fit an identification device on a dog that is not the dog for which the device was issued.

- (2) A person commits an offence if the person contravenes clause (1).

Maximum penalty: 20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.

34 Dogs at large

- (1) An owner of a dog commits an offence if the dog, when at large, is not under effective control.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if:
- (a) the dog, when at large, was in a dog exercise area in compliance with the conditions of exercising a dog in the dog exercise area; or

- (b) another person had, without the defendant's permission, caused the dog to be at large.

Note for clause (3)

The defendant has an evidential burden in relation to the matters in clause (3) (see section 43BU of the Criminal Code).

35 Female dog in oestrus

- (1) The owner of a female dog must ensure the dog is not in a public place if the dog is in oestrus.
- (2) A person commits an offence if the person fails to comply with clause (1).

Maximum penalty: 20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.
- (5) Without limiting clause (4), it is a reasonable excuse if the female dog is:
 - (a) under effective control; and
 - (b) being taken to one of the following:
 - (i) a veterinarian for treatment;
 - (ii) a kennel for boarding;
 - (iii) a stud dog for breeding purposes;
 - (iv) a conformation show;
 - (v) any other event or place approved by the registrar.

36 Enticement

A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the person is reckless as to whether the conduct results in the owner of a dog being liable to prosecution for an offence against these By-laws.

Maximum penalty: 20 penalty units.

37 Dogs attacking or menacing persons or animals

- (1) An owner of a dog must ensure that the dog does not:
 - (a) menace a person or animal; or
 - (b) attack a person or animal.
- (2) An owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 20 penalty units.
- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes any of the following:
 - (a) another person had, without the defendant's permission, enticed the dog to menace or attack the person or animal;
 - (b) the animal menaced or attacked was menaced or attacked on premises owned or occupied by the defendant;
 - (c) the person menaced or attacked was menaced or attacked on premises owned or occupied by the defendant, and the person:
 - (i) was not proceeding by the shortest practical route from a boundary of the premises to the door of the premises closest to the boundary or from the door to the boundary; or
 - (ii) was on the premises for an unlawful purpose.
- (5) If a court finds a person guilty of an offence against clause (2), the court may make one or both of the following orders:
 - (a) order the person to pay the costs and expenses of, and incidental to, the impounding of the dog;
 - (b) order the destruction of the dog in addition to, or instead of, the penalty for that offence.

38 Dog chasing vehicle

- (1) An owner of a dog must ensure the dog does not chase a vehicle.

- (2) An owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.

39 Dogs causing nuisance

- (1) A person commits an offence if the person fails to comply with by-law 19A(1).

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (3)

The defendant has an evidential burden in relation to the matters in clause (3) (see section 43BU of the Criminal Code).

- (4) The owner of a dog does not commit an offence against clause (1) consisting of failing to prevent a dog repeatedly defecating in a place that causes annoyance to other persons if the owner immediately removes and disposes of the faeces in a sanitary manner.

40 Abandoning dog

- (1) A person commits an offence if the person abandons a dog in the corporation area.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

41 Removal of dog from custody

- (1) A person commits an offence if the person:

- (a) removes or attempts to remove a dog from the custody of an authorised person; or

- (b) except under by-law 19D, removes or attempts to remove a dog from a pound.

Maximum penalty: 20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

42 Sterilisation marks and certificates

- (1) The Corporation may approve:
 - (a) a certificate of sterilisation to be issued to the owner of a sterilised dog; and
 - (b) a mark to be used to identify a dog that has been sterilised.
- (2) Where the Corporation has approved a certificate of sterilisation under clause (1), a veterinarian must, on sterilising a dog, issue such a certificate to the owner of the dog.
- (3) Where the Corporation has approved a mark under clause (1), a person must not mark a dog that has not been sterilised with the approved mark.
- (4) A person selling or disposing of a dog to another person, must not:
 - (a) if the dog has been sterilised – fail to supply to the other person the proof that the dog has been sterilised; or
 - (b) if the dog has not been sterilised – state or hold out that the dog is sterilised.
- (5) A person who contravenes or fails to comply with clause (2), (3) or (4) commits an offence.

Maximum penalty: 20 penalty unit.

- (6) An offence against clause (5) is an offence of strict liability.
- (7) It is a defence to a prosecution for an offence against clause (5) if the defendant has a reasonable excuse.

Division 9 Miscellaneous matters

49 Change of details

- (1) A person who acquires ownership of a registered dog must, not later than 14 days after acquiring ownership, notify the registrar of:
- (a) the person's name and address;
 - (b) the name of the registered owner from whom the person acquired the dog; and
 - (c) the registration number of the dog.
- (1A) A person who fails to comply with clause (1) commits an offence.
Maximum penalty: 1 penalty unit.
- (1B) An offence against clause (1A) is an offence of strict liability.
- (1C) It is a defence to a prosecution for an offence against clause (1A) if the defendant has a reasonable excuse.
- (2) The registered owner of a dog who changes his or her address must, not later than 14 days after the change, notify the registrar of the new address.
- (2A) A person who fails to comply with clause (2) commits an offence.
Maximum penalty: 1 penalty unit.
- (2B) An offence against clause (2A) is an offence of strict liability.
- (2C) It is a defence to a prosecution for an offence against clause (2A) if the defendant has a reasonable excuse.

50 Exemptions

- (1) The Corporation may, by notice in writing, exempt a person or body from by-law 33 or 34, or both, for the purposes of a dog race, dog trial, dog show, or while taking part in the activities of a dog obedience club or using a dog to drive cattle or stock on a road, or for any other purpose or event as the Corporation may determine.
- (2) An exemption under clause (1) may relate to a particular event or to a class of events and may be subject to the conditions the Corporation thinks fit.

Part 3A Review of decisions

50A Reviewable decisions

For Part 18.1 of the Act, the following decisions are designated as reviewable:

- (a) a decision to destroy an animal under by-law 19C or 19G(1)(a) or (2)(a);
- (b) a decision to refuse to register or renew the registration of a dog under by-law 22B(2);
- (c) a decision to cancel the registration of a dangerous dog or impose additional conditions on the registration under by-law 28C(3).

Note for by-law 50A

Part 18.1 of the Act provides the details of the process for the review of these decisions.

Part 4 Transitional matters for Nhulunbuy (Animal Control) Amendment By-laws 2015

51 Definition

In this Part:

commencement means the day on which the *Nhulunbuy (Animal Control) Amendment By-laws 2015* commence.

52 CEO of Corporation

The person who was referred to as the Town Administrator immediately before the commencement is the CEO for these By-laws.

Schedule 1

by-law 2(1)

COPY OF INSTRUMENT UNDER SECTION 128(1) OF LOCAL GOVERNMENT ACT 2008

"NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2008

EXTENSION OF ANIMAL CONTROL POWERS TO NHULUNBUY CORPORATION LIMITED

I, TIMOTHY DENNEY BALDWIN, the Minister for Local Government, in pursuance of section 128(1) of the *Local Government Act 2008*, declare the Nhulunbuy Corporation Limited ACN 009 596 598 (a body which in my opinion is capable of performing relevant functions of a local government nature) to be a body to which section 128 of the Act applies in relation to the area, not being a council area, described in the Schedule.

Dated 27 October, 1997.

T.D. BALDWIN

Minister for Local Government

NOTE: On this declaration taking effect, the Nhulunbuy Corporation Limited has in the area described in the Schedule the functions that a municipal council has under the Act in relation to Animal Control and Animal Impounding, and has in relation to those functions the same by-law making and enforcing powers as a municipal council has in relation to its municipality.

SCHEDULE

All those parcels of land at Nhulunbuy in the Northern Territory of Australia containing a total area of 679.83 hectares more or less, being Northern Territory Portions 1192 and 1316 (which include the town centre, the main residential areas and the main industrial area) and being more particularly delineated on Survey Plans A708 and A952 lodged with the Surveyor General, Darwin."

Schedule 2 Determinations

by-law 5(4)

Column 1
Determinations

Column 2
Matters to be taken into account

Registration

(1) By-law 5(3)(c)

Application fee for

(a) registration

Fee may vary in respect of matters including:

- (a) the date of the application;
- (b) whether or not the owner presents a sterilisation certificate in relation to the dog;
- (c) whether or not the applicant is a pensioner;
- (d) whether or not the dog is a dangerous dog.

(b) renewal of registration

Fee may vary in respect of matters including:

- (a) whether or not the owner presents or has, on making application for the initial registration, presented a sterilisation certificate in relation to the dog;
- (b) whether or not the applicant is a pensioner;
- (c) whether or not the dog is a dangerous dog.

(2) By-law 22B(2)(e)

Manner in which premises on which the dog is usually kept are to be fenced.

Manner may vary by reference to the size or breed, or both, of the dog to be registered.

Dog Restriction Areas

By-law 29(2)

Prohibiting the keeping of any of the following within a specified area of the corporation area:

- (a) all dogs;
- (b) more than a specified number of dogs;
- (c) all or more than a specified number of dogs of a specified breed.

Maintenance and Release Fees

By-law 19D(1)

Daily fee to be paid in relation to the maintenance of an animal in a pound.

Fee to be paid on the release of an animal from a pound.

Destruction of Impounded Animals

By-law 19G(1)

Number of days or hours on the expiry of which the pound supervisor may arrange for the destruction of an animal.

Registration of dangerous dog

By-law 28C(1)(b)(ii)

Manner in which premises on which the dangerous dog is usually kept are to be fenced.

Manner may vary by reference to the size or breed, or both, of the dangerous dog to be registered.

Other Determinations

The purposes for which and the conditions on which the Corporation will grant registrations not otherwise specifically dealt with in these By-laws.

Schedule 3 Infringement notice offences and prescribed amounts

by-law 16

Provision	Prescribed amount in penalty units
by-laws 12(1), 14(1), 15(1) and (2), 33(1), 33A(1), 36, 40(1) and 41(2)	2
by-laws 19F(8), 30(1), 30A(1), 32(1) and (2), 33B(2), 34(1), 35(2), 38(2), 39(1), 42(5) and 49(1A) and (2A)	1
by-law 37(2)	7

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Nhulunbuy (Animal Control) By-laws (SL No. 33, 1998)***

Notified	26 August 1998
Commenced	26 August 1998

Amendment of Nhulunbuy (Animal Control) By-laws (SL No. 9, 2000)

Notified	10 February 2000
Commenced	10 February 2000

Amendment of Nhulunbuy (Animal Control) By-laws (SL No. 23, 2000)

Notified	4 May 2000
Commenced	4 May 2000

Amendment of Nhulunbuy (Animal Control) By-laws (SL No. 44, 2000)

Notified	23 August 2000
Commenced	23 August 2000

Amendment of Nhulunbuy (Animal Control) By-laws (SL No. 28, 2015)

Notified	24 November 2015
Commenced	24 November 2015

Local Government Act 2019 (Act No. 39, 2019)

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (Gaz S27, 30 June 2021)

Amending Legislation***Statute Law Revision Act 2020 (Act No. 26, 2020)***

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Local Government Amendment Act 2021 (Act No. 15, 2021)

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

Nhulunbuy (Animal Control) Amendment By-laws (SL No. 27, 2022)

Notified	2 February 2023
Commenced	2 February 2023

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1, 2, 4 and 17A and sch 1.

4 LIST OF AMENDMENTS

pt 1 hdg	amd No. 28, 2015, bl 24
pt 1	
div 1 hdg	amd No. 28, 2015, bl 24
bl 2	amd No. 28, 2015, bl 3; Act No. 39, 2019, s 370
bl 4	amd No. 28, 2015, bl 4; Act No. 39, 2019, s 370; No. 27, 2022, bl 4
bl 4A	ins No. 28, 2015, bl 5
bl 4AA	ins No. 27, 2022, bl 5
bl 5	amd No. 28, 2015, bl 24, No. 27, 2022, bl 6
bl 7	amd No. 27, 2022, bl 7
bl 8	amd No. 28, 2015, bl 24; No. 27, 2022, bl 8
pt 1	
div 2 hdg	sub No. 27, 2022, bl 9
bl 9 – 10	sub No. 27, 2022, bl 9
bl 11	amd No. 28, 2015, bl 24 sub No. 27, 2022, bl 9
bl 12	sub No. 27, 2022, bl 9
pt 1	
div 3 hdg	amd No. 28, 2015, bl 24
bl 14 – 15	sub No. 28, 2015, bl 6
bl 16 – 17	rep No. 28, 2015, bl 6
bl 18	amd No. 27, 2022, bl 10
bl 19	amd No. 28, 2015, bl 24
bl 19A – 19K	ins No. 27, 2022, bl 11
bl 20	amd No. 28, 2015, bl 24
pt 3	
div 1 hdg	amd No. 28, 2015, bl 24
bl 21	amd No. 28, 2015, bl 24 rep No. 27, 2022, bl 12
bl 22	amd No. 27, 2022, bl 13
bl 22A – 22B	ins No. 27, 2022, bl 14
bl 23	amd No. 28, 2015, bl 7
bl 23	sub No. 27, 2022, bl 14
bl 23A	ins No. 28, 2015, bl 8 sub No. 27, 2022, bl 14
pt 3	
div 3 hdg	rep No. 27, 2022, bl 15
bl 25	rep No. 27, 2022, bl 15

ENDNOTES

pt 3	
div 4 hdg	amd No. 28, 2015, bl 24 sub No. 27, 2022, bl 15
bl 26 hdg	amd No. 28, 2015, bl 24
bl 26	sub No. 27, 2022, bl 15
bl 27 hdg	amd No. 28, 2015, bl 24
bl 27	amd No. 27, 2022, bl 15
pt 3	
div 4A hdg	ins No. 28, 2015, bl 9 amd No. 27, 2022, bl 16
bl 28A	ins No. 28, 2015, bl 9 sub No. 27, 2022, r 17
bl 28B	ins No. 28, 2015, bl 9 amd No. 27, 2022, bl 18
bl 28C	ins No. 28, 2015, bl 9 sub No. 27, 2022, bl 19
bl 29	amd No. 27, 2022, bl 20
bl 30	amd No. 28, 2015, bl 10; No. 27, 2022, bl 21
bl 30A	ins No. 28, 2015, bl 11
bl 31	sub No. 28, 2015, bl 11 rep No. 27, 2022, bl 22
bl 32	amd No. 28, 2015, bl 12
bl 33	sub No. 28, 2015, bl 13
bl 33A – 33B	ins No. 28, 2015, bl 13
bl 34	amd No. 28, 2015, bl 14; No. 27, 2022, bl 23
bl 35 – 38	sub No. 28, 2015, bl 15
bl 39	amd No. 28, 2015, bl 16 sub No. 27, 2022, bl 24
bl 40	sub No. 28, 2015, bl 17
bl 41	sub No. 28, 2015, bl 17 amd No. 27, 2022, bl 25
bl 42	amd No. 28, 2015, bl 18; No. 27, 2022, bl 26
pt 3	
div 7 hdg	rep No. 27, 2022, bl 27
bl 43	rep No. 27, 2022, bl 27
pt 3	
div 8 hdg	rep No. 27, 2022, bl 27
bl 44 hdg	sub No. 28, 2015, bl 24
bl 44 – 45	rep No. 27, 2022, bl 27
bl 46	amd No. 28, 2015, bl 19 rep No. 27, 2022, bl 27
bl 47	amd No. 28, 2015, bl 20 rep No. 27, 2022, bl 27
bl 48	rep No. 27, 2022, bl 27
pt 3	
div 9 hdg	amd No. 28, 2015, bl 24
bl 49	amd No. 28, 2015, bl 21; No. 27, 2022, bl 28
bl 50 hdg	sub No. 28, 2015, bl 24
pt 3A hdg	ins No. 27, 2022, bl 29
bl 50A	ins No. 27, 2022, bl 29
pt 4 hdg	ins No. 28, 2015, bl 22
bl 51 – 52	ins No. 28, 2015, bl 22
sch 2	sub No. 27, 2022, bl 30
sch 3	sub No. 9, 2000; No. 23, 2000; No. 44, 2000; No. 28, 2015, bl 24; No. 27, 2022, bl 30
sch 4	rep No. 28, 2015, bl 24