

**NORTHERN TERRITORY OF AUSTRALIA**

**TENNANT CREEK (CONTROL OF DOGS) BY-LAWS**

As in force at 14 December 2005

**Table of provisions**

<b>Part 1</b>	<b>Preliminary</b>	
1	Citation .....	1
2	Purpose .....	1
3	Interpretation .....	1
4	Application .....	3
5	Exemptions .....	3
<b>Part 2</b>	<b>Administration</b>	
6	Registrar .....	3
7	Register .....	3
8	Delegation .....	4
9	Resolutions .....	4
<b>Part 3</b>	<b>Registration and licences</b>	
<b>Division 1</b>	<b>Registration of dogs</b>	
10	Application for registration .....	5
11	Determination of application .....	5
12	Dog-tags .....	7
13	Period of registration .....	7
<b>Division 2</b>	<b>Licences</b>	
14	Application for licence .....	7
15	Determination of application .....	8
<b>Division 3</b>	<b>Renewal, cancellation, &amp;c. of registration and licences</b>	
16	Application for and determination of renewal of registration or licence .....	9
17	Cancellation of registration or licence by request .....	9
18	Cancellation of registration or licence otherwise than by request .....	9
19	Operation of notice of cancellation .....	10

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<b>Division 4</b>	<b>Dog exercise areas and dog restriction areas</b>	
20	Dog exercise areas and dog restriction areas .....	10
<b>Part 4</b>	<b>Control of dogs</b>	
<b>Division 1</b>	<b>Offences</b>	
21	Unregistered dogs .....	11
22	Conditions of registration or licence to be observed .....	11
23	Requirement for licence .....	12
24	Keeping dogs in dog restriction area .....	12
25	Removal of identification device .....	12
26	Dogs at large .....	13
27	Enticement.....	13
28	Dogs in enclosed place with other animals.....	13
29	Dogs attacking or menacing persons or animals.....	13
30	Dogs chasing vehicles.....	14
31	Dogs causing nuisance .....	14
32	Abandoning dogs.....	15
33	Obstruction of manager of pound, &c. ....	15
34	Sterilization marks and certificates .....	15
35	False information .....	16
<b>Division 2</b>	<b>Enforcement</b>	
36	Seizure, &c., of dogs .....	16
37	Dogs seized to be impounded .....	16
<b>Division 3</b>	<b>Pound</b>	
38	Establishment, &c. of pound.....	16
39	Notice of impounding.....	17
40	Release of dogs from pound.....	17
41	Destruction of impounded dogs .....	17
42	Diseased dogs.....	18
43	Method of destruction of impounded dogs.....	19
<b>Part 5</b>	<b>Miscellaneous</b>	
44	Change of ownership of dogs .....	19
45	Dog races, &c. ....	20
46	Fixed penalties .....	20

## Schedule

### ENDNOTES

# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the By-laws as in force at 14 December 2005. Any amendments that commence after that date are not included.

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## TENNANT CREEK (CONTROL OF DOGS) BY-LAWS

### By-laws under the *Local Government Act*

#### Part 1 Preliminary

##### 1 Citation

These By-laws may be cited as the *Tennant Creek (Control of Dogs) By-laws*.

##### 2 Purpose

The purpose of these By-laws is to provide for the keeping of dogs as companion animals within the Municipality in a manner which is compatible with the enjoyment by residents of a congenial residential environment.

##### 3 Interpretation

(1) In these By-laws, unless the contrary intention appears:

***attack***, in relation to the actions of a dog, means any action which causes injury or damage to any other animal or to any person or property, and includes any physical contact between the dog and another animal or a person or property whether or not any injury or damage results from the physical contact.

***Council*** means the Tennant Creek Town Council.

***dog*** means an animal which is of the genus *Canis*.

***dog exercise area*** means an area set aside under by-law 20 as a dog exercise area.

***dog restriction area*** means an area set aside under by-law 20 as a dog restriction area.

***dog-tag*** means a dog-tag issued under by-law 12.

**dog-trader** means a person who buys or sells dogs in the course of his or her business.

**guide-dog** means a dog trained by a training institution approved by the Council by resolution and used by a person who is wholly or partially blind or deaf.

**identification device** means a dog-tag or a permanent electronic subcutaneous implant.

**licence** means a licence granted or renewed under these By-laws.

**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 or another person or an animal owned or in the control of the person or other person, and includes a reasonable apprehension that the dog may escape, or be released from restraint, to attack a person or animal.

**Municipality** means the municipality of Tennant Creek.

**pound** means the pound established under these By-laws.

**premises** includes land and buildings.

**register** means the register kept under by-law 7.

**registered** means registered under these By-laws.

**registered owner**, in relation to a dog, means the person appearing in the register as the owner of the dog.

**Registrar** means the Registrar appointed under by-law 6.

**Repealed Act** has the same meaning as in the *Dog Act Repeal Act*.

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

- (2) A reference in these By-laws to the owner (other than a reference to the registered owner) of a dog, unless the contrary intention appears, includes a reference to:
- (a) the person for the time being under whose control the dog is; and
  - (b) the occupier of premises or a part of premises where the dog is ordinarily kept,

but does not include a person controlling or keeping a dog under Part 4 Division 2 or 3.

- (3) 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 authorized person or in the pound, which is in a place other than a place owned or occupied by the owner of the dog.
- (4) For the purposes of these By-laws, a dog is under effective control where the dog is:
  - (a) restrained by a leash, cord, chain or similar device, not longer than 2.5m in length, held by a person who has attained the age of 10 years and who is competent to restrain the dog;
  - (b) enclosed in a vehicle; or
  - (c) in a dog exercise area in accordance with the conditions, if any, to which use of that area is subject.

#### **4 Application**

Unless the contrary intention appears, these By-laws apply to all areas within the Municipality.

#### **5 Exemptions**

By-laws 22, 23, 24, 25 and 26 do not apply to or in relation to guide dogs.

## **Part 2 Administration**

#### **6 Registrar**

The Council may appoint an authorized person to be the Registrar for the purposes of these By-laws.

#### **7 Register**

- (1) The Registrar shall keep a register showing the following details:
  - (a) all dogs registered under these By-laws;
  - (b) all licences granted under these By-laws; and
  - (c) all offences, known to the Registrar, against these By-laws or against the Repealed Act:
    - (i) for which a registered owner has been convicted; or

- (ii) in relation to which a registered owner has paid a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.
- (2) The Registrar shall keep, as part of the register, the register referred to in section 5(d) of the *Dog Act Repeal Act*.
- (3) The Registrar may keep the register in such medium or combination of mediums as the Registrar thinks fit including, but not limited to:
  - (a) a computer;
  - (b) micro film; or
  - (c) paper.

## **8 Delegation**

- (1) Subject to this by-law, an officer or employee of the Council may, for the purposes of these By-laws, exercise all or any of the following powers:
  - (a) sign, seal or sign and seal notices, orders and agreements which the Council is entitled to issue, sign, seal, revoke or cancel;
  - (b) sign letters, receipts and other documents;
  - (c) do or perform an act, deed or thing necessary, ancillary or incidental to the exercise of the functions of the Council under these By-laws.
- (2) An officer or employee of the Council shall exercise a power conferred by clause (1) only on the resolution of the Council and in accordance with the conditions, if any, imposed by the Council.
- (3) A determination under clause (2) may be of a general nature or for a class or classes of cases or be with respect to a particular case.
- (4) A power or function delegated under this by-law, when exercised or performed by the delegate, shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the Council.

## **9 Resolutions**

Notice of a resolution made by the Council under these By-laws (other than by-law 8) shall be published in a newspaper circulating in the Municipality not later than 21 days after the making of the resolution.

## **Part 3 Registration and licences**

### **Division 1 Registration of dogs**

#### **10 Application for registration**

- (1) The owner of a dog may apply to the Registrar to register the dog.
- (2) An application under clause (1) shall be in accordance with Form 1 accompanied by:
  - (a) the application fee determined under clause (3);
  - (b) written evidence that the owner of the dog is the owner of the premises on which the dog is or is to be ordinarily kept or, if not the owner of the premises, that the owner of the premises, or that owner's agent, permits the owner of the dog to keep the dog on the premises; and
  - (c) such further information, relevant to the determination of the application, that the Registrar requires the owner of the dog to provide.
- (3) The Council may, by resolution, determine the fee to be paid to register a dog and the fee may vary in respect of matters including but not limited to:
  - (a) whether or not the dog is sterilised;
  - (b) the area in which the premises on which the dog is normally kept are located;
  - (c) the manner in which the premises on which the dog is ordinarily kept are fenced;
  - (d) the breed of the dog; and
  - (e) whether or not the owner of the dog is a pensioner.
- (4) The Council may, by resolution, require an application under this by-law to register a dog to be accompanied by a photograph of the dog.

#### **11 Determination of application**

- (1) Subject to these By-laws, the Registrar shall, not later than 14 days after receiving an application under by-law 10:
  - (a) register the dog, either conditionally or unconditionally; or

- (b) refuse to register the dog.
- (2) The Registrar may refuse to register a dog if, within the period of 3 years before the date of the application:
- (a) the owner of the dog has been convicted of more than 2 offences against these By-laws or the Repealed Act; or
  - (b) the dog has been impounded under these By-laws or the Repealed Act on more than 2 occasions.
- (3) The Registrar shall refuse to register a dog:
- (a) if the dog, other than a dog referred to in by-law 24(2), is ordinarily kept on premises within a dog restriction area;
  - (b) if the owner of the dog fails to provide to the Registrar the written evidence referred to in by-law 10(2)(b);
  - (c) if the Registrar is satisfied that the dog is destructive, dangerous, vicious or consistently the cause of nuisance to members of the public;
  - (d) if the person applying for the registration has not, if so required by the Council by resolution, completed a dog obedience course or dog training course referred to in clause (4); or
  - (e) if the premises on which the dog is ordinarily to be kept are not fenced in accordance with the manner, if any, determined by the Council under clause (5).
- (4) The Council may, by resolution, approve a dog obedience course or dog training course for the purpose of clause (3)(d) and by-law 15(3).
- (5) The Council may, for the purposes of clause (3) (e) and by-law 15(3) determine, by resolution, the manner of fencing premises and may make a determination by reference to the size or breed or both the size and breed of a dog which is ordinarily to be kept on the premises.
- (6) If the Registrar refuses to register a dog or imposes conditions on the registration of a dog under clause (1), the Registrar shall serve on to the applicant a statement in writing of the reasons for the decision.
- (7) For the purposes of clause (2)(a), a conviction for an offence includes the payment of a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.

**12 Dog-tags**

The Registrar shall, on registering a dog under by-law 11, unless the dog is fitted with a permanent electronic subcutaneous implant, issue to the person who made the application a dog-tag in the form and type approved by the Council.

**13 Period of registration**

- (1) Subject to these By-laws, the registration of a dog remains in force for the period, not exceeding 12 months, specified:
  - (a) on the dog-tag issued in respect of the dog when it is registered; or
  - (b) where the dog is fitted with a permanent electronic subcutaneous implant, in the certificate issued in pursuance of clause (2).
- (2) Where a dog is fitted with a permanent electronic subcutaneous implant, the Registrar shall, on registering the dog, issue to the person who made the application a certificate in accordance with Form 2 stating the period for which the dog is registered.

**Division 2 Licences**

**14 Application for licence**

- (1) The occupier of premises may apply to the Registrar for a licence in respect of the premises.
- (2) An application under clause (1) shall be in accordance with Form 3 accompanied by:
  - (a) the fee determined by the Council by resolution;
  - (b) written evidence that the applicant is the owner of the premises or that the owner of the premises or the owner's agent permits the applicant to keep the dog or the number of dogs specified in the application on the premises; and
  - (c) such further information, relevant to the determination of the application, that the Registrar requires the applicant to provide.

## **15 Determination of application**

- (1) Subject to these By-laws, the Registrar shall, not later than 14 days after receiving an application under by-law 14:
  - (a) grant a licence in respect of the premises, either conditionally or unconditionally; or
  - (b) refuse to grant a licence in respect of the premises.
- (2) The Registrar shall, in considering an application under by-law 14, take into account any matter which, in the Registrar's opinion, is relevant and in particular:
  - (a) the facilities for controlling dogs at the premises specified in the application;
  - (b) the number of dogs kept or to be kept on the premises; and
  - (c) the likely impact, if the licence is granted, on residents in the locality where the premises are situated.
- (3) The Registrar shall not grant a licence if:
  - (a) the applicant has not, if so required by the Council by resolution, completed a dog obedience course or dog training course referred to in by-law 11(4);
  - (b) the premises in respect of which the application relates are not fenced in accordance with a determination of the Council under by-law 11(5); or
  - (c) the applicant fails to provide the written evidence referred to in by-law 14(2)(b).
- (4) If the Registrar under clause (1) refuses to grant a licence or grants a licence subject to conditions, the Registrar shall serve on the applicant a statement in writing of the reasons for the decision.
- (5) Subject to these By-laws, a licence remains in force for the period, not exceeding 12 months, specified in the licence.

### **Division 3 Renewal, cancellation, &c. of registration and licences**

#### **16 Application for and determination of renewal of registration or licence**

- (1) A person may, before the expiration of the registration of a dog or a licence, apply to the Registrar for the renewal of the registration of the dog or the renewal of the licence in the same manner as an application is made for the registration of a dog or for the grant of a licence.
- (2) An application under clause (1) shall be determined by the Registrar in the same manner as an application for the registration of a dog or the grant of a licence is determined.

#### **17 Cancellation of registration or licence by request**

The Registrar may, on application made in writing by the registered owner of a dog or the holder of a licence, by notice in writing served on the owner or holder:

- (a) cancel the registration or licence;
- (b) vary the conditions to which the registration of the dog or the licence is subject; or
- (c) in the case of a licence, suspend the licence for a period, as specified in the application.

#### **18 Cancellation of registration or licence otherwise than by request**

- (1) The Registrar may, by notice in writing served on the registered owner of a dog or the holder of a licence, require the owner or holder to show cause why:
  - (a) the registration of the dog or the licence should not be cancelled;
  - (b) the registration of the dog or the licence should not be subject to the conditions specified in the notice; or
  - (c) in the case of a licence, the licence should not be suspended for the period specified in the notice.

- (2) The Registrar may, not less than 14 days after the date of service of the notice under clause (1), by notice in writing served on the registered owner or the holder of the licence on whom the first-mentioned notice was served, if the first-mentioned notice was a notice referred to in:
- (a) clause (1)(a), cancel the registration of the dog or the licence;
  - (b) clause (1)(b), subject the registration of the dog or the licence to the conditions specified in the notice; or
  - (c) clause (1)(c), suspend the licence for the period specified in the notice, being a period not longer than the period specified in the first-mentioned notice.

#### **19 Operation of notice of cancellation**

A notice served by the Registrar under by-law 17 or 18(2) takes effect at the expiration of 21 days after the service of the notice.

### **Division 4 Dog exercise areas and dog restriction areas**

#### **20 Dog exercise areas and dog restriction areas**

- (1) Subject to these By-laws, the Council may, by resolution, declare an area within the Municipality to be a dog exercise area and may specify the times when a dog may be exercised in the area and the conditions, if any, to apply to the exercising of a dog in the area.
- (2) Subject to these By-laws, the Council may, by resolution, declare an area within the Municipality to be a dog restriction area and may prohibit the keeping of:
- (a) all dogs;
  - (b) more than a specified number of dogs; or
  - (c) all, or more than a specified number of, dogs of a specified breed,
- in the area.
- (3) The Council shall, not less than 21 days before declaring an area to be a dog exercise area or dog restriction area, publish a notice of the proposed dog exercise area or dog restriction area in a newspaper circulating in the Municipality.

## **Part 4 Control of dogs**

### **Division 1 Offences**

#### **21 Unregistered dogs**

- (1) Subject to this by-law, a person who keeps an unregistered dog in the Municipality is guilty of an offence.

Penalty: \$200.

- (1A) An offence under clause (1) is a regulatory offence.
- (2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog had not been usually kept within the Municipality for a period of 3 consecutive months before the date of the alleged offence.
- (3) Clause (1) and by-law 22 do not apply to:
- (a) the manager of the pound keeping a dog in the pound;
  - (b) the Registrar, in the course of the exercise or performance of the Registrar's powers or functions under these By-laws;
  - (c) a person boarding a dog for the owner of the dog for less than 3 months;
  - (ca) a dog under the age of 3 months;
  - (d) the Society for the Prevention of Cruelty to Animals (N.T.) Incorporated keeping a dog in a refuge maintained by it; or
  - (e) a veterinarian keeping a dog for the purposes of treatment.

#### **22 Conditions of registration or licence to be observed**

Subject to these By-laws, a person who contravenes or fails to comply with a condition to which the registration of a dog or a licence is subject is guilty of an offence.

Penalty: \$200.

## **23 Requirement for licence**

- (1) The occupier of premises where more than the number of dogs, or the number of dogs of a class of dog or classes of dogs, as determined under clause (2), are kept is guilty of an offence unless the premises are licensed.

Penalty: \$200.

- (2) The Council may, by resolution, determine the number of dogs, or the number of dogs of a class of dog or classes of dogs, which may be kept on premises without the premises being licensed, and the Council may make different determinations in respect of different areas within the Municipality.
- (3) It is a defence to a prosecution for an offence against clause (1) if the occupier of the premises proves that the dog in respect of which the alleged offence occurred had, at the time of the alleged offence, not attained the age of 3 months.

## **24 Keeping dogs in dog restriction area**

- (1) Subject to these By-laws, a person who keeps a dog in a dog restriction area where the keeping of the dog is prohibited is guilty of an offence.

Penalty: \$200.

- (2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog at the date of the making of the resolution declaring the dog restriction area:
- (a) was owned by the person;
  - (b) was usually kept at premises in the dog restriction area; and
  - (c) if required by these By-laws to be registered, was registered.

## **25 Removal of identification device**

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

Penalty: \$200.

- (2) Subject to clause (3), the registered owner of a dog which is at large without an identification device is guilty of an offence.

Penalty: \$200.

- (3) It is a defence to a prosecution for an offence against clause (2) if the registered owner proves that the identification device had been removed:
- (a) by a person without the owner's permission and the owner had not had a sufficient opportunity to replace the identification device; or
  - (b) for a reasonable cause and the cause was still existent.

**26            Dogs at large**

Subject to these By-laws, the owner of a dog which is at large and not under effective control is guilty of an offence.

Penalty:        \$200.

**27            Enticement**

A person who, with intent to commit an offence against these By-laws or to cause such an offence to be committed, entices or induces a dog to enter a place in which it is at large is guilty of an offence.

Penalty:        \$200.

**28            Dogs in enclosed place with other animals**

Subject to these By-laws, a person who, without the consent of the owner of the animal or bird, permits a dog to be in an enclosed field, paddock, yard or other place (other than a place owned or occupied by the person or the pound) in which an animal or bird owned by another person is confined is guilty of an offence.

Penalty:        \$200.

**29            Dogs attacking or menacing persons or animals**

- (1) Subject to these By-laws, the owner of a dog which:
- (a) attacks a person or animal; or
  - (b) menaces a person or animal,
- is guilty of an offence.

Penalty:        \$500.

- (1A) An offence under clause (1) is a regulatory offence.

- (2) A person who invites, encourages or provokes a dog to do an act referred to in clause (1) is guilty of an offence.
- (3) It is a defence to a prosecution for an offence against clause (1) if the owner of the dog proves that:
  - (a) a person had, without the owner's permission, invited, encouraged or provoked the dog to attack or menace the person or animal; or
  - (b) the person or animal attacked or menaced was attacked or menaced when on premises owned or occupied by the owner of the dog.

### **30        Dogs chasing vehicles**

The owner of a dog which chases a vehicle (including a bicycle) is guilty of an offence.

Penalty:        \$200.

### **31        Dogs causing nuisance**

- (1) The owner of a dog who permits that dog, either by itself or in concert with other dogs, to become a nuisance is guilty of an offence.

Penalty:        \$200.

- (2) For the purpose of this by-law, a dog is a nuisance if it:
  - (a) is injurious or dangerous to the health of the community;
  - (b) creates a noise, by barking or otherwise, which is frequent and produces a noise level greater than 5 dBA above ambient on that part of another property ordinarily used for domestic activities;
  - (c) consistently barks when people or vehicles use a road in the vicinity of the premises where the dog is kept;
  - (d) behaves consistently in a manner contrary to the general interest of the community; or
  - (e) subject to this by-law, when on a road where there is a constructed curb and gutter, urinates or defecates other than in that gutter.

- (3) The owner of a dog is not guilty of an offence against this by-law, by reason of the dog being a nuisance by defecating in circumstances referred to in clause (2)(e), if the owner immediately removes the faeces and disposes of it in the gutter of the road, a public garbage receptacle or on his or her own property.

**32            Abandoning dogs**

A person who abandons a dog in the Municipality is guilty of an offence.

Penalty:        \$500.

**33            Obstruction of manager of pound, &c.**

- (1) A person who obstructs or hinders the manager of the pound in the execution of his or her duties under these By-laws is guilty of an offence.

Penalty:        \$200.

- (2) A person who:

- (a) removes or attempts to remove a dog from the custody of an authorized person; or
- (b) except in pursuance of these By-laws, removes or attempts to remove a dog from the pound,

is guilty of an offence.

Penalty:        \$200.

**34            Sterilization marks and certificates**

- (1) A person who sterilizes a dog and who fails to:

- (a) tattoo the left ear of the dog in the manner determined by the Council; or
- (b) provide the owner of the dog with a certificate in accordance with Form 4,

is guilty of an offence.

Penalty:        \$200.

- (2) A person who tattoos a dog which has not been sterilised with a tattoo referred to in clause (1) is guilty of an offence.

Penalty:        \$200.

- (3) A dog trader who, on the sale of a dog:
- (a) fails, where the dog has been sterilized, to supply; or
  - (b) supplies, where the dog has not been sterilized,
- a certificate in accordance with Form 4 is guilty of an offence.
- Penalty:       \$200.

**35            False information**

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

Penalty:       \$200.

**Division 2            Enforcement**

**36            Seizure, &c., of dogs**

An authorized person may:

- (a) seize:
  - (i) an apparently diseased, injured, savage, destructive or stray animal; or
  - (ii) an animal that is at large; and
- (b) where, in the opinion of an authorized person it is necessary to do so, destroy a diseased, injured, savage, destructive, unclaimed or unwanted animal.

**37            Dogs seized to be impounded**

A person who seizes a dog in pursuance of these By-laws shall, as soon as practicable after seizing the dog, deliver the dog to the pound.

**Division 3            Pound**

**38            Establishment, &c. of pound**

- (1) The Council shall establish a pound.
- (2) The Council shall appoint a person to be the manager of the pound.

- (3) The pound shall remain open on such days and between such hours as the Council, by resolution, determines.

**39            Notice of impounding**

- (1) Where a registered dog with an identification device is delivered to the pound, the manager of the pound shall, as soon as possible, serve on the registered owner a notice in accordance with Form 5 of the impounding of the dog.
- (2) Where a dog that is registered outside the Municipality is delivered to the pound, and the address of the owner of the dog is apparent to the manager of the pound, the manager shall serve at that address notice in accordance with Form 6 of the impounding of the dog.
- (3) Except in accordance with clause (1) or (2), the manager of the pound is not required to give notice of the impounding of a dog to its owner.

**40            Release of dogs from pound**

- (1) A dog in the pound shall not be released from the pound:
- (a) subject to clause (3), unless it is registered;
  - (b) other than to the owner of the dog or to a person authorised in writing by the owner to act as the owner's agent; and
  - (c) unless there is paid to the manager of the pound the maintenance and release fees fixed under clause (2).
- (2) The Council may, by resolution, determine the amount of a daily fee to be paid in relation to the maintenance of a dog in the pound and a fee to be paid on the release of a dog from the pound.
- (3) Clause (1) does not apply to a dog which has not been usually kept within the Municipality for 3 consecutive months immediately preceding the date of its release from the pound.

**41            Destruction of impounded dogs**

- (1) Subject to these By-laws, the manager of a pound may destroy a dog impounded in the pound.

- (2) The manager of the pound shall not destroy a dog impounded in the pound before the expiration of the number of days or hours determined by the Council by resolution:
  - (a) in the case of a dog referred to in by-law 44(1) and (2), after the time when the notice sent under that by-law would have been delivered in the ordinary course of post; or
  - (b) in the case of any other dog, after the impounding of the dog.

#### **42            Diseased dogs**

- (1) A person who seizes a dog under these By-laws that is diseased, or a veterinarian or the Registrar (with the advice of a veterinarian if available) who examines an impounded dog and finds the dog to be diseased, shall notify the manager of the pound that the dog is diseased.
- (2) The manager of the pound, on being notified under clause (1) or on noticing that a dog is diseased shall immediately:
  - (a) isolate the dog from the other dogs in the pound; and
  - (b) by notice in writing served on the owner, if known, of the diseased dog advise the owner that the dog is or is suspected of being diseased and require the dog:
    - (i) to be destroyed; or
    - (ii) to undergo a course of treatment specified in the notice.
- (3) In addition to clause (2)(b), the manager of the pound may, in the notice served under that clause, require the owner to produce to the manager of the pound, within the time specified in the notice, a report prepared by a veterinarian or person specified in the notice relating to:
  - (a) the diseased dog, where the dog is not required to be destroyed; or
  - (b) all other dogs ordinarily kept at the premises at which the diseased dog was kept.
- (3) A dog the subject of a notice under this by-law may be released from the pound in accordance with by-law 40 subject to such conditions, if any, as the Registrar thinks fit.

- (4) The owner of a dog who contravenes or fails to comply with a requirement contained in a notice served on the owner under clause (2) or a condition subject to which the dog is released under clause (3) is guilty of an offence.

Penalty: \$200.

- (5) Notwithstanding anything to the contrary in these By-laws, the manager of the pound may destroy a dog in the pound:
- (a) if the dog is so diseased or injured that it is humane to destroy it; or
  - (b) with the approval of a veterinarian.
- (6) The cost of treatment reasonably provided by the manager of the pound to a diseased and to any other dog in the pound that was infected or was at risk of being infected by the diseased dog before the manager could reasonably isolate it, is a debt due and payable by the owner of the diseased dog to the Council.

#### **43 Method of destruction of impounded dogs**

Subject to these By-laws, a dog in the pound shall not be destroyed other than:

- (a) by a veterinarian or a person who, in the opinion of the manager of the pound, is qualified to destroy the dog; and
- (b) in a manner approved by the Australian Veterinary Association.

### **Part 5 Miscellaneous**

#### **44 Change of ownership of dogs**

- (1) A person who acquires ownership of a registered dog and does not, within 14 days of acquiring ownership of the dog, notify the Registrar of:
- (a) the person's name and address;
  - (b) the name of the registered owner; and
  - (c) the registration number of the dog,
- is guilty of an offence.

Penalty: \$50.

- (2) The registered owner of a dog who changes his or her address and does not, within 14 days of the change, notify the Registrar of his or her new address is guilty of an offence.

Penalty: \$50.

- (3) The Registrar, on being notified of a change of ownership under clause (1) or address under clause (2) shall amend the register accordingly.

#### **45 Dog races, &c.**

- (1) The Council may, by notice in writing, exempt a person or body of persons from by-law 25 or 26, or both, for the purposes of a dog race, dog trial, dog show or dog obedience training or while using the dog to drive cattle or stock on a road or for such other event or purpose as the Council may, from time to time, determine.
- (2) An exemption under clause (1) may relate to a particular event or purpose or to a class of events or purposes and may be subject to such conditions, if any, as the Council thinks fit.

#### **46 Fixed penalties**

- (1) A person who is alleged to have contravened or failed to comply with these By-laws, and on whom a notice of infringement is served, may pay to the Council, as an alternative to prosecution, the sum specified by this by-law in lieu of the penalty which may otherwise be imposed under these By-laws.
- (2) For the purposes of this by-law:
- (a) the sum specified by this by-law is \$50;
  - (b) a notice of infringement shall be in accordance with Form 7;
  - (c) a notice of infringement may be issued by an authorized person;
  - (d) the sum specified by this by-law may be paid to the Registrar or to the Town Manager; and
  - (e) in order to avoid prosecution, the sum specified by this by-law shall be paid not later than 14 days after the date of the service of the notice of infringement on the person.

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**Schedule**

FORM 1

by-law 10(2)

*Local Government Act*

TENNANT CREEK (CONTROL OF DOGS) BY-LAWS

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION

To the Registrar at Tennant Creek

PARTICULARS OF OWNER

I, (Surname) (Given names)

of (Street Address)

(Postal Address)

(phone No.)

hereby apply for registration/renewal of registration(1) of my dog to 30 June 199...

PARTICULARS OF DOG

Breed(2):

Colour:

Markings:

Sex:

Male/Female(2)

Whole/Sterilised(2)

Age:

Name:

Address where dog normally kept:

DECLARATION

I declare the particulars set out to be true and apply for registration/renewal of registration(1) of my dog in accordance with the *Tennant Creek (Control of Dogs) By-laws*.

.....  
Signature of applicant

.....  
Date

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NOTES: If the owner is under 18 years of age, the applicant for registration must be the occupier of the premises or the part of the premises where the dog is ordinarily kept.

- (1) Delete if inapplicable
- (2) If cross-breed, give details (eg Mastiff X Great Dane, German Shepherd X, etc.)

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OFFICE USE ONLY

Disc No.            Ref. No.            Amount Paid            Entered Computer

Disc No.	Ref. No.	Amount Paid	Entered Computer



FORM 3

by-law 14(2)

*Local Government Act*

TENNANT CREEK (CONTROL OF DOGS) BY-LAWS  
APPLICATION FOR LICENCE/RENEWAL OF LICENCE

To the Registrar at Tennant Creek

1. Particulars of applicant:

Name (Surname) (Given Names)

Address (Residential address)

(Postal address)

2. Particulars of premises#:

Location of premises

Description of facilities at premises

3. Particulars of number and breed of dogs#

Number

Breed/s

Declaration

I declare the particulars set out to be true and apply for a licence/renewal of licence\* for the period from .../.../...

.....  
Signature of applicant

.....  
Date

\* Delete if inapplicable

# If insufficient space, attach extra sheet

OFFICE USE ONLY

Disc No. Ref. No. Amount Paid Entered Computer

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FORM 4

by-law 34(2)

*Local Government Act*

TENNANT CREEK (CONTROL OF DOGS) BY-LAWS

CERTIFICATE OF STERILIZATION

I certify that I have carried out a sterilization procedure on a dog of the following description.

Breed(1):

Colour:

Markings:

Sex:

Age:

Name:

.....

Veterinarian

.....

Date

Certificate delivered to the purchaser:

.....

Dog trader

.....

Date

- (1) If cross breed, give details (eg. Mastiff X Great Dane, German Shepherd X, etc)





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FORM 7

by-law 46

*Local Government Act*

TENNANT CREEK (CONTROL OF DOGS) BY-LAWS

NOTICE OF INFRINGEMENT

To

of

It is alleged that at

am/pm on

at

, Tennant Creek,

you committed the following offence:

In pursuance of by-law 46 of the *Tennant Creek (Control of Dogs) By-laws* you may pay to the Council, as an alternative to prosecution, the sum of \$50 (Fifty Dollars) in lieu of the penalty by which the offence against these By-laws is otherwise punishable at the address shown on the reverse of this notice, not later than 14 days after the date of service of this notice of infringement, in order to avoid prosecution.

Dated

19 .

Authorized Person

(Back of form)

If you do not wish the offence alleged on the front of this notice of infringement to be dealt with by the Court of Summary Jurisdiction you should read and complete the following:

I, \_\_\_\_\_ of \_\_\_\_\_, tender the amount shown on the front of this notice, being assured that on payment of that amount no further action will be taken by the Council for this offence.

Payment of the amount in full must be made not later that 14 days after the date of service of this notice of infringement and must be accompanied by this notice.

Payment may be made between 8.30 am and 4.45 pm, Monday to Friday (except Public Holidays):

IN PERSON – To the Registrar, Tennant Creek Town Council, Peko Road, Tennant Creek.

BY POST – To the Town Manager, Tennant Creek Town Council, PO Box 821, Tennant Creek, NT, 0861.

Telephone enquiries to the Town Manager, phone 62 2401.

On payment of the penalty, you will not be liable for any further penalty or costs in this matter.

If you do wish the offence alleged on the front of this notice of infringement to be dealt with by the Court of Summary Jurisdiction you need not take any further action in respect of this notice and proceedings will issue against you in due course.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Tennant Creek (Control of Dogs) By-laws (SL No. 34, 1992)***

Notified	15 July 1992
Commenced	15 July 1992

***Amendments of Tennant Creek (Control of Dogs) By-laws (SL No. 1, 1995)***

Notified	31 January 1995
Commenced	31 January 1995

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

**3****LIST OF AMENDMENTS**

bl 3	amd No. 1, 1995, bl 1; Act No. 44, 2005, s 23
bl 21	amd No. 1, 1995, bl 2; Act No. 44, 2005, s 23
bl 29	amd No. 1, 1995, bl 3
bl 42 – 43	amd Act No. 44, 2005, s 23
sch	amd Act No. 44, 2005, s 23