

**NORTHERN TERRITORY OF AUSTRALIA**

**NHULUNBUY (ANIMAL CONTROL) BY-LAWS 1998**

As in force at 1 July 2021

**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
4A	Application of Criminal Code .....	5
5	Determinations, including determinations of charges .....	5
6	Registrar .....	6
7	Registers .....	6
8	Matters of evidence .....	7

**Division 2 Licences and registrations**

9	Definition.....	7
10	Application for licences.....	7
11	Licence .....	8
12	Compliance with licence .....	8

**Division 3 Regulatory matters**

13	Compliance with notices .....	8
14	Obstruction of officers.....	8
15	Misleading information.....	9

**Part 1A Infringement notice offences**

16	Infringement notice offence and prescribed amount payable .....	10
17	When infringement notice may be given.....	10
17A	Contents of infringement notice .....	10
17B	Payment by cheque.....	11
17C	Withdrawal of infringement notice.....	11
17D	Application of Part .....	12

**Part 2 Animals generally**

18	Diseased and injured animals and animals at large .....	12
19	Removal, destruction or disposal of animal .....	13
20	Occupier is taken to be owner .....	13

---

<b>Part 3</b>	<b>Control of dogs</b>	
<b>Division 1</b>	<b>Preliminary matters</b>	
21	Interpretation .....	13
22	Exemptions.....	14
<b>Division 2</b>	<b>Registration of dogs</b>	
23	Special considerations in determination of application for registration.....	14
23A	Registration of dog that is a prescribed breed .....	15
24	Identification device .....	15
<b>Division 3</b>	<b>Licensing of premises</b>	
25	Licensing premises.....	16
<b>Division 4</b>	<b>Cancellation, variation or suspension of registration or licences</b>	
26	Cancellation, variation, or suspension of registration or licence by request.....	17
27	Cancellation, variation, or suspension of registration or licence otherwise than by request.....	17
28	Operation of notice of cancellation .....	18
<b>Division 4A</b>	<b>Declared dogs</b>	
28A	Declared dog .....	18
28B	Revocation of declaration .....	18
28C	Registration of declared dog.....	19
<b>Division 5</b>	<b>Dog exercise areas and dog restriction areas</b>	
29	Dog exercise areas and dog restriction areas .....	20
<b>Division 6</b>	<b>Offences</b>	
30	Unregistered dogs .....	21
30A	Failure to comply with a condition of registration .....	21
31	Requirement for licence.....	22
32	Keeping dogs in dog restriction area .....	22
33	Removal of identification device .....	23
33A	Dog at large without identification device .....	23
33B	Identification device fitted to incorrect dog.....	24
34	Dogs at large .....	24
35	Female dog in oestrus .....	24
36	Enticement.....	25

---

37	Dogs attacking or menacing persons or animals .....	25
38	Dog chasing vehicle .....	26
39	Dogs causing nuisance .....	26
40	Abandoning dog .....	27
41	Removal of dog from custody .....	27
42	Sterilisation marks and certificates .....	28

**Division 7      Enforcement**

43	Seizure of dogs.....	28
----	----------------------	----

**Division 8      Pounds**

44	Pounds .....	29
45	Notice of impounding.....	29
46	Release of dogs from pounds.....	29
47	Diseased dogs.....	30
48	Sale or disposal of impounded dogs.....	31

**Division 9      Miscellaneous matters**

49	Change of details.....	32
50	Exemptions.....	32

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

51	Definition.....	33
52	CEO of Corporation .....	33

**Schedule 1**

**Schedule 2      Determinations**

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

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 1 July 2021

---

## 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, unless the contrary intention appears:

**abandon**, in relation to a dog, includes deliberately leaving the dog at premises or failing to obtain the release of the dog from a pound.

**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 licence, registration or other matter or for a class of licence, registration or other matter.

**approved** means approved by the Corporation by resolution.

**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.

**declared dog** means a dog declared 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.

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

**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).

**licence** means a licence granted under these By-laws for the keeping of dogs on the premises in respect of which the licence is granted, and includes a renewal of a licence.

**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.

**officer** means the following:

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

**owner**, in relation to:

- (a) an animal (except a dog), means, in the absence of proof to the contrary, the person for the time being in control of the animal; and
- (b) a dog, means the person whose name appears in the appropriate register as the owner of the dog or the person for the time being in control of the dog.

**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 in accordance with Division 8 of Part 3 of these By-laws.

**pound supervisor** means a person appointed to be a supervisor of a pound under by-law 44(2).

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

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

**prescribed breed**, of a dog, means a breed of dog specified in Schedule 1 to the *Customs (Prohibited Imports) Regulations 1956* (Cth).

**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.

#### **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;
  - (b) grants a licence;

- (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 mediums 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;
  - (b) all licences granted by the Corporation; 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 licence or 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 Licences and registrations**

### **9 Definition**

In this Division, *licence* includes registration.

### **10 Application for licences**

- (1) A person may apply to the Corporation for the grant of a licence required under these By-laws.
- (2) An application is to be:
  - (a) in the approved form;
  - (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 licence is to be made to the Corporation not less than 14 days before the expiration of the licence.

## **11 Licence**

- (1) The Corporation may grant or renew, or refuse to grant or renew, a licence.
- (2) A licence remains in force for:
- (a) the period of 12 months commencing on the date of the grant or renewal of the licence; or
  - (b) if a period of less than 12 months is endorsed on the licence – that period.
- (3) A licence may be subject to the conditions the Corporation thinks fit and endorses on the licence including conditions that may lead to immediate revocation of the licence if they are breached or not complied with.
- (4) A licence is not transferable.

## **12 Compliance with licence**

A licence is to be complied with and not contravened by the person to whom it is granted.

## **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**

- (1) 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.
- (2) Notwithstanding clause (1), an authorised person may:
  - (a) seize an animal:
    - (i) that the authorised person believes on reasonable grounds to be diseased, injured, savage, destructive, stray or unregistered; or
    - (ii) that is at large; or



- (b) where, in the opinion of an authorised person it is necessary to do so:
  - (i) destroy an animal that the authorised person believes on reasonable grounds to be diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; or
  - (ii) apply to the Local Court for an order relating to 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.

## **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**

### **21            Interpretation**

A reference in this Part to the owner of a dog (other than to the registered owner) includes:

- (a) the person for the time being under whose control the dog is;
- (b) the occupier of premises or a part of premises where the dog is usually kept; and
- (c) if the owner is under the age of 17 years, a parent or guardian of the owner,

but does not include a person controlling or keeping a dog under Division 7 or 8.

## **22            Exemptions**

By-laws 30, 31 and 32 do not apply to or in relation to:

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

## **Division 2            Registration of dogs**

### **23            Special considerations in determination of application for 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 has been convicted of more than 2 offences against these By-laws; or
  - (aa) the dog is a declared dog and within the period of 12 months before the date of the application the owner of the dog has contravened by-law 28C(1) more than once; or
  - (b) within the period of 12 months before the date of the application the dog has been impounded under these By-laws on more than 2 occasions; or
  - (c) the Corporation is satisfied that the dog is destructive, dangerous, savage or consistently the cause of nuisance to members of the public; or
  - (d) the premises on which the dog is usually kept are not fenced in the manner determined by the Corporation; or

- (e) within the period of 12 months before the date of the application the Corporation received 2 or more complaints 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:
  - (a) in keeping the dog on the premises on which the dog is usually kept, the applicant would be in breach of by-law 31; or
  - (b) the dog, other than a dog referred to in by-law 32(4), is usually kept on premises within a dog restriction area.
- (4) 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 statement in writing of the reasons for its decision.
- (5) For the purposes of clause (2)(a), a conviction for an offence includes the payment of a sum specified in by-law 17(2)(c) in pursuance of a notice of infringement issued under these By-laws.

### **23A Registration of dog that is a prescribed breed**

It is a condition of registration of a dog of a prescribed breed, that the owner of the dog must, at all times when the dog is outside the premises where it is usually kept:

- (a) ensure the dog is controlled by a suitable leash; and
- (b) keep the dog muzzled.

### **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 3            Licensing of premises**

#### **25            Licensing premises**

- (1) The Corporation must, not later than 14 days after receiving an application for the licensing of premises for the keeping of dogs:
  - (a) grant a licence or renew the licence in respect of the premises, either conditionally or unconditionally; or
  - (b) refuse to grant a licence or to renew the licence in respect of the premises and refund to the applicant the fee accompanying the application.
- (2) In considering an application under clause (1), the Corporation may take into account any matter that is in its opinion relevant, including:
  - (a) the facilities for controlling dogs at the premises specified in the application;
  - (b) the number of dogs kept or to be kept at the premises; and
  - (c) the likely impact on the residents in the locality where the premises are situated if the licence is granted or renewed.
- (3) Where the Corporation determines the manner in which premises are to be fenced, the Corporation must not grant or renew a licence for premises if the premises are not fenced in accordance with the determination.

- (4) Where an application is for the renewal of a licence and to the Corporation's knowledge:
- (a) no matters have arisen that, if taken into account at the time the licence was granted, would have caused the Corporation to refuse to grant the licence or to grant the licence subject to conditions other than those specified in the licence; or
  - (b) the Corporation has not, since the grant of the licence, made a determination referred to in by-law 31 that affects the premises,
- the Corporation may renew the licence without considering the application in the manner specified in clauses (2) and (3).
- (5) If the Corporation refuses to grant or renew a licence, grants a licence subject to conditions or renews a licence subject to conditions not imposed on the original licence, the Corporation must serve on the applicant a statement in writing of the reasons for its decision.

#### **Division 4 Cancellation, variation or suspension of registration or licences**

##### **26 Cancellation, variation, or suspension of registration or licence by request**

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

- (a) cancel the registration of the dog or the 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 the period, as requested in the application.

##### **27 Cancellation, variation, or suspension of registration or licence otherwise than by request**

- (1) The Corporation may, by notice served on the registered owner of a dog or the holder of a licence, require the registered owner or holder to show cause why the Corporation should not:
- (a) cancel the registration of the dog or the licence;

- (b) vary, in the manner specified in the notice, the conditions to which the registration or the licence is subject; or
  - (c) in the case of a licence – suspend the licence for the period specified in the notice.
- (2) The Corporation may, not less than 14 days after the date of service of a notice under clause (1), by another notice in writing served on the registered owner or the holder of the licence on whom the notice was served under clause (1):
- (a) cancel the registration of the dog or cancel the licence;
  - (b) vary, in the manner specified in the notice, the conditions to which the registration of the dog or the licence is subject; or
  - (c) suspend the licence for the period specified in the notice (which is not to be longer than the period specified in the notice served under clause (1)).

## **28            Operation of notice of cancellation**

A notice served by the Corporation under by-law 26 or 27(2) takes effect on the expiry of 14 days after the service of the notice.

## **Division 4A       Declared dogs**

### **28A           Declared dog**

- (1) An authorised person may declare a dog to be a declared dog if:
- (a) the dog attacks a person or animal; or
  - (b) the dog menaces a person or animal; or
  - (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 declared dog, the Corporation must serve a notice of the declaration on the owner of the dog.

### **28B           Revocation of declaration**

- (1) The owner of a declared dog may apply to the Corporation for the revocation of the declaration of a declared 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 declared dog**

- (1) As a condition of registration of a declared dog, the 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) inform a prospective purchaser or owner of the dog that it is a declared dog; and
  - (e) 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
  - (f) if the owner intends to keep the dog at a different location 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

- (g) 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 owner is made aware of the attack, or alleged attack; and
  - (h) if the dog is missing – notify the Corporation within 24 hours after the owner becomes aware the dog is missing; and
  - (i) if the dog has died – notify the Corporation within 14 days after its death; and
  - (j) comply with any other condition imposed by the Corporation.
- (2) If the owner of a declared dog contravenes clause (1) more than once in a 12 month period, the Corporation may, by notice served on the owner of the dog, require the 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 notice in writing served on the owner, do one or both of the following:
- (a) cancel the registration of the dog;
  - (b) impose additional conditions on the registration of the dog.

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



- (3) The Corporation must publish a notice of its intention to declare a dog exercise area or dog restriction area in a newspaper circulating in the corporation area not less than 21 days before making the declaration.

## **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;
  - (b) the RSPCA (N.T.) Incorporated keeping a dog in a refuge maintained by it;
  - (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.

### **31 Requirement for licence**

(1) The Corporation may determine a maximum number of dogs, or dogs of a class of dog, that may be kept on premises without a licence.

(2) An occupier of premises commits an offence if the occupier keeps dogs on the premises in contravention of clause (1).

Maximum penalty: 20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) 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.
- (5) It is a defence to a prosecution for an offence against clause (2) if:
  - (a) the defendant has a reasonable excuse; or
  - (b) the defendant proves that the dogs or the dogs of the class of dog had not been usually kept on the premises:
    - (i) for a period of 3 months or more immediately before the date of the alleged offence; or
    - (ii) for periods totalling 3 months or more during the 6 month period immediately before the date of the alleged offence.

### **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 the defendant proves:
  - (a) that the dog, when at large, was properly in a dog exercise area; and
  - (b) that the person was not in breach of a condition applying to the exercising of the dog in the dog exercise area.

**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) An owner of a dog must ensure that the dog, either by itself or in concert with other dogs, is not a nuisance.
- (1A) An owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 20 penalty units.
- (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) For this by-law, a dog is a nuisance if it is injurious or dangerous to the health of the community or an individual, or behaves repeatedly in a manner contrary to the general interest of the community or an individual.

- (3) Without limiting the generality of clause (2), a dog is a nuisance if it:
- (a) creates a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that has a disturbing effect on the state of reasonable mental, physical or social well-being of a person;
  - (b) repeatedly barks when people or vehicles use a public place in the vicinity of the premises where the dog is kept; or
  - (c) repeatedly defecates in a place causing annoyance to a particular person.
- (4) The owner of a dog does not commit an offence against this by-law by reason of the actions of the dog referred to in clause (3)(c) if the owner immediately removes the faeces and disposes of it in a public garbage receptacle or on his or her own property.

#### **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 46, 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:        1 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 7            Enforcement**

### **43            Seizure of dogs**

An authorised person who seizes a dog must as soon as practicable:

- (a) deliver the dog to a pound; or
- (b) return the dog to its owner:
  - (i) at the time of issuing a notice of infringement to the owner; or



- (ii) in the case of a dog referred to in by-law 36, without issuing a notice of infringement.

## **Division 8            Pounds**

### **44            Pounds**

- (1) The Corporation may:
  - (a) establish a pound; or
  - (b) make such arrangements as it thinks fit for the use of premises for impounding dogs under this Part.
- (2) The Corporation may appoint the persons it thinks fit to be pound supervisors of a pound.

### **45            Notice of impounding**

- (1) Where a registered dog with an identification device is delivered to a pound, a pound supervisor must notify the registrar who must serve on the registered owner a notice, in the approved form, of the impounding of the dog.
- (2) Where a dog with a collar on which the address of its owner is displayed is delivered to a pound, a pound supervisor must notify the registrar who may serve at the address a notice, in the approved form, of the impounding of the dog.
- (3) Except as required by clause (1) or (2), the registrar is not obliged to notify the owner of a dog of the impounding of the dog.

### **46            Release of dogs from pounds**

- (1) An impounded dog is not to be released from the pound:
  - (a) unless it is registered;
  - (b) other than to the owner of the dog or to a person authorised to act as the owner's agent; and
  - (c) unless there is paid to the Corporation the appropriate maintenance and release fees.
- (2) The burden of proof as to whether a person is the owner of a dog or a person authorised to act as the owner's agent lies on the person.

#### **47        Diseased dogs**

- (1) Where a pound supervisor who takes custody of a dog that has been seized under these By-laws:
  - (a) receives advice from a veterinarian that the dog is, or is suspected of being, diseased; or
  - (b) notices or suspects that the dog is diseased,the pound supervisor must:
  - (c) isolate the dog from other dogs in the pound; and
  - (d) notify the Corporation of the dog's condition.
- (2) The Corporation must serve on the owner, if known, of a dog isolated under clause (1) 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.
- (3) In a notice served under clause (2), 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; or
  - (b) all other dogs usually kept at the premises where the dog was kept.
- (4) A dog the subject of a notice under this by-law may be released from the pound in accordance with by-law 46 subject to the conditions the Corporation thinks fit.
- (5) A pound supervisor may destroy a dog in a pound if the dog is so diseased or injured that it is humane to destroy it.
- (6) 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.

- (7) An owner of a dog commits an offence if the owner:
- (a) fails to comply with a requirement of a notice under clause (2);  
or
  - (b) fails to comply with a condition imposed under clause (4).

Maximum penalty:        20 penalty units.

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

#### **48        Sale or disposal of impounded dogs**

- (1) A pound supervisor may arrange for the destruction of a dog delivered to a pound on the expiry of the number of days or hours determined by the Corporation.
- (2) A dog in a pound is not to be destroyed other than:
- (a) by a veterinarian or another person who is, in the opinion of a pound supervisor, qualified to destroy the dog; and
  - (b) in a manner that is approved by the Australian Veterinary Association.
- (3) Subject to this Part, a pound supervisor may, instead of destroying a dog under clause (1):
- (a) sell or dispose of the dog; or
  - (b) pass the property in the dog to the RSPCA (N.T.) Incorporated and sell or dispose of the dog as agent for that association.
- (4) If a dog sold under clause (3) has not been sterilised, the Corporation may require that the dog is to be sterilised before it is released into the custody of the person who purchased it.
- (5) The cost of the sterilisation of the dog under clause (4) is a debt due and payable by the purchaser of the dog.

## **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.
- (3) The registrar must, on being notified of a change of ownership under clause (1) or of an address under clause (2), amend the register accordingly.

### **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 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.

(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.

(2) By-law 23(2)(d)

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.

*Licences*

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

Application fee for:

- |                             |  |
|-----------------------------|--|
| (a) a licence               | Fee may vary in respect of matters including:<br><br>(a) the date of the application; or<br><br>(b) whether or not the applicant is a pensioner. |
| (b) a renewal of a licence. | Fee may vary in respect of matters including:<br><br>(a) the date of the application; or<br><br>(b) whether or not the applicant is a pensioner. |

(2) By-law 25(3)

Manner in which premises are to be fenced.

Manner may vary by reference to the size or breed, or both, of the dogs to be kept on the premises.

(3) By-law 31

Number of:

- (a) dogs; or
- (b) dogs of a class of dog

that may be kept on premises without licensing the premises.

Determinations may be made under both paragraphs (a) and (b) and different determinations may be made in respect of different areas within the corporation area.



### *Dog Restriction Areas*

#### By-law 29(2)

Prohibiting 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,

within a specified area of the corporation area.

### *Maintenance and Release Fees*

#### By-law 46(1)

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

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

### *Destruction of Impounded Dogs*

#### By-law 48(1)

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

### *Other Determinations*

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

---

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

by-law 16

<b>Provision</b>	<b>Prescribed amount in penalty units</b>
by-laws 14(1), 15(1) and (2), 33(1), 33A(1), 36, 40(1) and 41(2)	2
by-laws 30(1), 30A(1), 31(2), 32(1) and (2), 33B(2), 34(1), 35(2), 38(2), 39(1A), 42(5), 47(7) and 49(1A) and (2A)	1
by-law 37(2)	7

---

**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*****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)

**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
bl 4A	ins No. 28, 2015, bl 5
bl 5	amd No. 28, 2015, bl 24
bl 8	amd No. 28, 2015, bl 24
bl 11 hdg	amd No. 28, 2015, bl 24
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 19 – 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
bl 23	amd No. 28, 2015, bl 7
bl 23A	ins No. 28, 2015, bl 8
pt 3	
div 4 hdg	amd No. 28, 2015, bl 24
bl 26 – 27 hdg	amd No. 28, 2015, bl 24
pt 3	
div 4A hdg	ins No. 28, 2015, bl 9
bl 28A – 28C	ins No. 28, 2015, bl 9
bl 30	amd No. 28, 2015, bl 10
bl 30A	ins No. 28, 2015, bl 11
bl 31	sub No. 28, 2015, bl 11
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
bl 35 – 38	sub No. 28, 2015, bl 15
bl 39	amd No. 28, 2015, bl 16
bl 40 – 41	sub No. 28, 2015, bl 17
bl 42	amd No. 28, 2015, bl 18
bl 44 hdg	sub No. 28, 2015, bl 24
bl 46	amd No. 28, 2015, bl 19
bl 47	amd No. 28, 2015, bl 20
pt 3	
div 9 hdg	amd No. 28, 2015, bl 24
bl 49	amd No. 28, 2015, bl 21
bl 50 hdg	sub No. 28, 2015, bl 24

## ENDNOTES

---

pt 4 hdg	ins No. 28, 2015, bl 22
bl 51 – 52	ins No. 28, 2015, bl 22
sch 3	sub No. 9, 2000; No. 23, 2000; No. 44, 2000; No. 28, 2015, bl 24
sch 4	rep No. 28, 2015, bl 24