

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF ALICE SPRINGS (ANIMAL CONTROL) BY-LAWS

Regulations 2002, No. 63

TABLE OF PROVISIONS

By-law

1. Repeal and substitution
 54. Infringement notice and payment of sum in lieu of penalty
2. Repeal

NORTHERN TERRITORY OF AUSTRALIA

Regulations 2002, No. 63*

By-laws under the *Local Government Act*

The Alice Springs Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 184(3) and (4) of the Act, at a meeting held on 25 November 2002, made the following by-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised Roger Bottrall, the clerk, to sign them.

Dated 13 December 2002.

R. BOTTRALL
Clerk

The common seal of the Alice Springs Town Council is affixed in pursuance of a resolution of the council authorising the seal to be affixed passed on 25 November 2002.

F. KILGARIFF
Mayor

R. BOTTRALL
Clerk

* Notified in the *Northern Territory Government Gazette* on 26 March 2003.

AMENDMENTS OF ALICE SPRINGS (ANIMAL CONTROL) BY-LAWS

1. Repeal and substitution

By-law 54 of the Alice Springs (Animal Control) By-laws is repealed and the following substituted:

"54. Infringement notice and payment of sum in lieu of penalty

"(1) Despite by-law 53, as an alternative to prosecution, a person who is alleged to have contravened or failed to comply with a by-law specified in column 1 of Schedule 1 may be served with an infringement notice under which the person may pay to the Council a sum ('fixed penalty') in lieu of the penalty by which the infringement of that by-law is otherwise punishable.

"(2) For the purposes of this by-law –

- (a) the sum specified in column 3 of Schedule 1 is the fixed penalty payable under an infringement notice for an infringement of the by-law specified opposite in column 1, and generally described opposite in column 2, of that Schedule;
- (b) an infringement notice is to be in a form, approved by the Council in accordance with clause (4), that includes –
 - (i) the information required by section 194(4) of the Act; and
 - (ii) the statements required by clause (3);
- (c) an infringement notice may be issued and served by an authorised person;
- (d) the fixed penalty specified in an infringement notice is to be paid to the Council; and
- (e) the fixed penalty specified in an infringement notice is to be paid within 14 days after the date on which the infringement notice is served on the alleged offender.

"(3) An infringement notice is to contain the following statements:

- (a) a statement to the effect that –
 - (i) the alleged offender may expiate the offence and avoid enforcement action under the *Fines and Penalties (Recovery) Act* if he or she pays the fixed penalty to the Council within 14 days of service of the infringement notice; and

Alice Springs (Animal Control) By-laws

- (ii) if the alleged offender pays the fixed penalty within the period specified in the infringement notice, the Council will take no further action in relation to the offence;
- (b) a statement to the effect that if the alleged offender does not pay the fixed penalty within the period specified in the infringement notice and does not serve on the Council a statement of election to have the matter dealt with by a court (as contained in the infringement notice) –
 - (i) the *Fines and Penalties (Recovery) Act* will apply and the alleged offender may be served with a courtesy letter in accordance with that Act requiring payment of the fixed penalty together with the costs in respect of the issue of that letter; and
 - (ii) if the alleged offender does not make the payment as required by a courtesy letter, enforcement action may be taken against him or her under the *Fines and Penalties (Recovery) Act* which, after due process, may result in the suspension of the alleged offender's licence to drive, the seizure of property, the deduction of wages or salary, the registration of a statutory charge on land, a community work order or imprisonment if a community work order is breached;
- (c) a statement to the effect that the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election (as contained in the infringement notice) and serving it on the Council –
 - (i) at any time before a courtesy letter is served on the alleged offender; or
 - (ii) if a courtesy letter is served on the alleged offender – before the due date specified in that letter;
- (d) a statement of election, for completion by the alleged offender if he or she elects to have the matter dealt with by a court, that includes the information required by regulation 7(1) of the *Fines and Penalties (Recovery) Regulations*.

"(4) For the purposes of clause (2)(b), the form of an infringement notice is to be approved by the Council at a meeting at which not less than two-thirds of the members then in office are present, by resolution carried by a majority of the members then in office."

Alice Springs (Animal Control) By-laws

2. Repeal

Schedule 2 to the Alice Springs (Animal Control) By-laws is repealed.
