

NORTHERN TERRITORY OF AUSTRALIA
COOMALIE (DOG MANAGEMENT) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

By-laws under the *Local Government Act*

The Coomalie Community Government 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 16 July 2002, made the following by-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorised T. Pailthorpe, the clerk, to sign them.

Dated 17 July 2002.

T. PAILTHORPE
Clerk

The common seal of the Coomalie Community Government Council is affixed in pursuance of a resolution of the council authorising the seal to be affixed passed on 16 July 2002.

W. LEACH
President

T. PAILTHORPE
Clerk

Coomalie (Dog Management) By-laws

COOMALIE (DOG MANAGEMENT) BY-LAWS

Regulations 2002, No. 66

PART 1 – PRELIMINARY

1. Citation

These By-laws may be cited as the Coomalie (Dog Management) By-laws.

2. Application

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

3. Purpose

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

4. Crown to be bound

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

5. Interpretation

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

"abandon" includes deliberately leaving a dog at premises or failing to obtain the release of the dog from a pound;

"appropriate fee" means the fee determined by the council 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 council 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, actually touching 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;

"council" means the Coomalie Community Government Council;

"determined" means determined by the council by resolution;

"dog" means an animal of the genus *Canis*;

"dog-tag" means a dog-tag issued under by-law 13;

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"guide dog" means a dog trained by a guide dog training institution approved by the council 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 a dog registered under these By-laws and includes a dog-tag, tattoo or other approved device or mark;

"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 –

- (a) the dog is likely to attack the person or an animal owned by the person or in his or her control; or
- (b) the dog is likely to attack another person or an animal owned by that person or in his or her control,

and includes a reasonable apprehension that the dog may escape, or be released from restraint, to attack a person or animal;

"owner", in relation to a dog, means –

- (a) the registered owner of the dog or the person for the time being in control of the dog;
- (b) the occupier of premises or a part of premises where the dog is usually kept; or
- (c) if the owner has not attained the age of 17 years – a parent or guardian of the owner,

but does not include a person controlling or keeping a dog that is seized or impounded under Part 4, Division 2;

"pound" means –

- (a) a pound established; or
- (b) premises used as a pound,

in accordance with by-law 43;

"pound supervisor" means a pound supervisor appointed under by-law 43(2);

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

"public place" includes –

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- (a) a 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) a place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only;
- (c) a road, street, footway, court, alley, thoroughfare or cul-de-sac that the public are allowed to use, despite that the road, street, footway, court, alley or thoroughfare 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 kept in pursuance of by-law 8;

"registered owner", in relation to a dog –

- (a) means the person specified in the appropriate register as the owner of the dog; and
- (b) if the registration is not current – includes the person last specified in the register as the owner of the dog;

"registrar" means the registrar appointed under by-law 7;

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

(2) A reference in these By-laws to a dog at large means 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 not longer than 2.5 m and held by a person who is over the age of 12 years and competent to restrain the dog; or
- (b) enclosed in a vehicle (including being in 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.

PART 2 – ADMINISTRATION

6. Determinations of council

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

(2) The council may determine the charges, dues and fees in relation to a dog, undertaking, service, matter or thing referred to in these By-laws.

(3) If the council, in exercise of a power or function under these By-laws, whether within or outside the council area –

- (a) supplies a service, product or commodity;
- (b) grants a licence;
- (c) makes a registration;
- (d) furnishes information;
- (e) receives an application;
- (f) permits inspection of a register;
- (g) allows the use of real or personal property of or under its care; or
- (h) 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) If the council makes a determination under this by-law, it is to publish a notice of its making in a newspaper circulating in the council area as soon as practicable after the determination is made.

7. Registrar

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

8. Registers

(1) The registrar must keep a register or registers in the form determined by the council containing details of –

- (a) all dogs registered by the council;
- (b) all licences granted or renewed by the council; and

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- (c) all offences against these By-laws –
 - (i) for which an owner of a dog has been found guilty; or
 - (ii) in relation to which an infringement notice has been issued under these By-laws to the registered owner of a dog or other person.

(2) The registrar may keep the register in any medium or combination of mediums that the registrar thinks fit including but not limited to a computer, microfilm or paper.

9. Matters of evidence

(1) An extract from or copy of an entry in a register purported to be signed by the registrar is to be received in a court, a tribunal or by a person acting judicially as 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 a dog, matter or thing; or
- (b) whether a licence has been granted or renewed or registration has been made or renewed,

is to be received in a court, a 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 council for the purposes of these By-laws, the minutes of a meeting of the council or a document purporting to be a true copy of, or an extract from, the minutes of a meeting of the council signed by the clerk is to be received in a court, a tribunal or by a person acting judicially as evidence of the particulars contained in the minutes, or that extract or copy, without further proof.

PART 3 – REGISTRATION AND LICENCES

Division 1 – Registration of dogs

10. Requirement for registration

(1) A dog that is usually kept within the council area must be registered if the dog is over the age of 3 months.

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(2) The burden of proof that a dog is below the age of 3 months lies on the person charged with an offence under by-law 25.

(3) For the purposes of clause (1), a dog is taken to be usually kept within the council area if it has been kept within the council area for a period of 3 months or more, ignoring temporary absences.

11. Application for registration

(1) The owner of a dog may apply to the council for the registration or renewal of registration of the dog.

(2) An application under clause (1) is to be in the approved form accompanied by –

- (a) the appropriate fee; and
- (b) any other information, relevant to the determination of the application, that the council requires the applicant to provide.

(3) A person who fails to renew the registration of a dog before the registration expires may apply to register the dog under clause (1).

12. Determination of application

(1) The council must, not later than 21 days after receiving an application under by-law 11 –

- (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.

(2) If the council refuses to register or renew the registration of a dog, the council must refund to the applicant the fee that accompanied the application in relation to the dog.

(3) The council may refuse to register or renew the registration of a dog if the owner of the dog commits more than 2 offences against these By-laws during the period of 12 months before the date of the application.

(4) For the purposes of subsection (3), the owner of a dog commits an offence against these By-laws if –

- (a) he or she has been found guilty by a court of an offence against these By-laws;
- (b) a penalty under an infringement notice has been paid in expiation of an alleged offence against these By-laws by the owner; or

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- (c) although the penalty under an infringement notice referred to in paragraph(ii) has not been paid the due date for payment has passed and the owner has not elected to have the matter determined by a court.
- (5) The council 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 –
 - (i) the owner of the dog has been found guilty of an offence against these By-laws;
 - (ii) a penalty under an infringement notice has been paid in expiation of an alleged offence by the owner of the dog against these By-laws; or
 - (iii) although the penalty under an infringement notice referred to in paragraph (ii) has not been paid, the due date for payment has passed and the owner of the dog has not elected to have the matter determined by a court,in relation to more than 2 offences or alleged offences in total;
 - (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;
 - (c) the council is satisfied that the dog is destructive, dangerous, vicious or consistently the cause of nuisance to members of the public;
 - (d) the premises on which the dog is usually kept are not fenced in accordance with a condition of registration of the dog imposed by the council; or
 - (e) within the period of 12 months before the date of the application, 2 or more complaints have been received 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 premises other than the premises where the dog is usually kept.
- (6) The council must refuse to register the dog or renew the registration of a dog if, in keeping the dog on premises on which the dog is usually kept, the applicant would be in breach of by-law 26.

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(7) If the council 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 council must serve on the applicant a statement in writing of the reasons for its decision.

(8) The registered owner of a dog must comply with any conditions imposed on the registration or renewal of registration.

(9) Registration of a dog is not transferable to another dog.

13. Identification device

If the council registers or renews the registration of a dog under by-law 12, the council must issue to the registered owner a dog tag that can be fitted to a collar and worn by the dog (unless the registered owner is exempted by the registrar from the requirement that the dog-tag be worn by the dog).

14. Period of registration

(1) Subject to clause (2), the registration of a dog expires on 30 June each year.

(2) Despite clause (1), the council may determine that in all cases the registration of a dog expires on the anniversary of the initial registration or renewal of registration.

Division 2 – Licensing of premises

15. Council may determine when licence is required

(1) The council may determine –

(a) the number of dogs; or

(b) the number of dogs of a class or classes of dogs,

that may be kept on premises without a licence.

(2) If the number of dogs, or dogs of a class or classes of dogs, that are kept on premises exceeds the number determined under clause (1), the premises are required to be licensed.

16. Application for licence

(1) The occupier of premises may apply to the council for the grant or renewal of a licence to keep on the premises more than the number of dogs determined by the council in accordance with by-law 15.

(2) An application under clause (1) is to be in the approved form accompanied by –

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- (a) the appropriate fee; and
 - (b) any other information, relevant to the determination of the application, that the council requires the applicant to provide.
- (3) A person who fails to renew a licence in respect of premises before the licence expires may apply under clause (1) for a licence in respect of the premises.

17. Determination of application

(1) The council must, not later than 21 days after receiving an application under by-law 16 –

- (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 renew the licence in respect of the premises.

(2) If the council refuses to grant or renew a licence in respect of premises, the council must refund to the applicant the fee that accompanied the application in relation to the premises.

(3) In considering an application under by-law 16, the council 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 residents in the locality where the premises are situated if the licence is granted or renewed.

(4) If the council has determined the manner in which premises are to be fenced, the council must not grant or renew a licence in respect of premises that are not fenced in accordance with the determination.

(5) If an application is for the renewal of a licence and to the council's knowledge –

- (a) no matters have arisen that, if taken into account at the time the licence was granted, would have caused the council to refuse to grant the licence or to grant the licence subject to conditions other than those specified in the licence; or
- (b) the council has not, since the grant of the licence, made a determination under by-law 15 that affects the premises,

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the council may renew the licence without considering the application in the manner specified in clauses (3) and (4).

(6) If the council refuses to grant or renew a licence or grants a licence subject to conditions or renews a licence subject to conditions not imposed on the original licence, the council must serve on the applicant a statement in writing of the reasons for its decision.

(7) A licence in respect of premises is not transferable to other premises.

18. Period of licence

Subject to these By-laws, a licence remains in force for the period, not exceeding 12 months, specified in the licence.

Division 3 – Cancellation, variation etc. of registration and licences

19. Cancellation, variation etc. of registration or licence by request

(1) The council may, on the written application of the registered owner of a dog, by notice in writing served on the registered owner –

- (a) cancel the registration of the dog; or
- (b) vary the conditions to which the registration of the dog is subject,

as requested in the application.

(2) The council may, on the written application of the holder of a licence, by notice in writing served on the holder –

- (a) cancel the licence;
- (b) vary the conditions to which the licence is subject; or
- (c) suspend the licence for the period,

as requested in the application.

20. Cancellation, variation etc. of registration or licence otherwise than by request

(1) The council may, by notice served on the registered owner of a dog, require the registered owner to show cause why the council should not –

- (a) cancel the registration of the dog; or
- (b) vary, in the manner specified in the notice, the conditions to which the registration of the dog is subject.

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(2) The council may, not less than 7 days after serving a notice under clause (1), by another notice in writing served on the registered owner on whom the notice was served under clause (1) –

- (a) cancel the registration of the dog; or
- (b) vary, in the manner specified in the notice, the conditions to which the registration of the dog is subject.

(3) The council may, by notice served on the holder of a licence, require the holder to show cause why the council should not –

- (a) cancel the licence;
- (b) vary, in the manner specified in the notice, the conditions to which the licence is subject; or
- (c) suspend the licence for the period specified in the notice.

(4) The council may, not less than 7 days after serving a notice under clause (1), by another notice in writing served on the holder of the licence on whom the notice was served under clause (1) –

- (a) cancel the licence;
- (b) vary, in the manner specified in the notice, the conditions to which the licence is subject; or
- (c) suspend the licence for the period specified in the notice, being a period not longer than the period specified in the notice served under clause (3).

21. Operation of notice of cancellation etc.

A notice served by the council under by-law 19 or 20(2) or (4) takes effect at the expiration of 7 days after the service of the notice.

Division 4 – Regulatory

22. General penalty

A person who contravenes or fails to comply with these By-laws is liable on a finding of guilt to a penalty not exceeding \$3 000 and, in addition, to a penalty not exceeding \$100 for each day during which the offence continues after the first day on which the offence was committed.

23. Fixed penalties

(1) Despite by-law 22, a person who is alleged to have contravened or failed to comply with these By-laws and on whom a notice of infringement is

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served may pay to the council, as an alternative to prosecution, the sum specified by this by-law instead of the penalty that may otherwise be imposed under these By-laws.

- (2) For the purposes of this by-law –
 - (a) a notice of infringement is to be in the form set out in Schedule 2;
 - (b) a notice of infringement may be issued by an authorised person;
 - (c) the sum specified by this by-law is \$50 or, for a by-law specified in Column 1 of Schedule 3, the sum specified opposite in Column 2 of that Schedule;
 - (d) the sum specified by this by-law may be paid to the clerk or to the person from time to time carrying out the duties of the cashier of the council; and
 - (e) in order to avoid prosecution, the sum specified by this by-law is to be paid not later than 14 days after the date of service of the notice of infringement on the person.

PART 4 – DOG MANAGEMENT

Division 1 – Offences

24. Exemptions

By-laws 25, 26 and 27 do not apply to or in relation to –

- (a) a guide dog; or
- (b) any other dog determined by the council to be exempt from those by-laws.

25. Unregistered dogs

- (1) A person commits an offence if –
 - (a) the person keeps within the council area a dog that is required under by-law 10 to be registered; and
 - (b) the dog is not registered.
- (2) The occupier of premises within the council area commits an offence if –
 - (a) a dog that is required under by-law 10 to be registered is kept on the premises; and

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- (b) the dog is not registered.
- (3) An offence under clause (1) or (2) is a regulatory offence.
- (4) Clause (1) or (2) does not apply to –
 - (a) a pound supervisor keeping a dog in a pound;
 - (b) an approved incorporated body, formed and carried on for purposes that include the provision of services relating to animal welfare, keeping a dog in a refuge maintained by it; or
 - (c) a veterinarian keeping a dog for the purposes of treatment.

26. Unlicensed premises

- (1) The occupier of premises commits an offence if –
 - (a) the number of dogs (or dogs of a class or classes of dogs) kept on the premises exceeds the number of dogs determined by the council under by-law 15(1); and
 - (b) the premises are not licensed.
- (2) Despite subsection (1), the occupier of the premises does not commit an offence if the number of dogs kept on the premises exceeds the permitted number of dogs only because of the presence of dogs that –
 - (a) are under the age of 3 months; or
 - (b) are not usually kept on the premises.

27. Compliance with notice or conditions

- (1) A person on whom a notice is served under these By-laws must comply with a requirement of the notice.
- (2) The holder of a licence granted or renewed under these By-laws must comply with a condition of the licence.
- (3) A registered owner of a dog must comply with a condition of registration of the dog.

28. Offences in relation to identification device

- (1) If a person (who is not the owner of the dog) without reasonable cause removes an identification device from a registered dog, he or she commits an offence.

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(2) If a registered dog is at large without an identification device, the owner of the dog commits an offence.

(3) It is a defence to a prosecution for an offence against clause (2) if the owner of the dog 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.

(4) If a person fits an identification device to a dog that is not the dog for which the identification device was issued, he or she commits an offence.

29. Dogs at large

(1) If a dog is at large and not under effective control, the owner of the dog commits an offence.

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

30. Female dogs in oestrus

(1) Subject to clause (2), the owner of a dog commits an offence if the dog is a female in oestrus and is in a public place.

(2) This by-law does not apply in relation to a female dog that is under effective control and is being taken to –

- (a) a veterinarian for treatment;
- (b) a kennel for boarding;
- (c) a stud dog for breeding purposes;
- (d) a conformation show; or
- (e) another event or place approved by the registrar.

31. Enticement

If a person entices or induces a dog to act in a manner that would render the owner of the dog liable to prosecution for an offence under or against these By-laws, the person commits an offence.

32. Dogs attacking or menacing persons or animals

- (1) If, within the council area, a dog –

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- (a) menaces a person or an animal; or
- (b) attacks a person or an animal,

the owner of the dog commits an offence.

(2) It is a defence to a prosecution for an offence under clause (1) if the owner of the dog proves that –

- (a) a person had, without the owner'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 owner; or
- (c) the person menaced or attacked was menaced or attacked on premises owned or occupied by the owner and the person –
 - (i) was on the premises for an illegal purpose; or
 - (ii) was menaced or attacked other than when proceeding by the shortest practical route from a normal access point on a boundary of the premises to the door of the premises closest to that access point or from the door to the access point.

33. Dogs chasing vehicles

(1) If, within the council area, a dog chases a vehicle (including a bicycle), the owner of the dog commits an offence.

(2) An offence under clause (1) is a regulatory offence.

34. Dogs causing nuisance

(1) If, within the council area, a dog (by itself or together with other dogs) is a nuisance, the owner of the dog commits an offence.

(2) For the purposes of 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 clause (2), a dog is a nuisance if it –

- (a) creates a noise, by barking or otherwise, which 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;

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(b) repeatedly barks or otherwise repeatedly creates a noise 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 or places causing annoyance to a particular person.

(4) For the purposes of clause (3)(c), the dog is taken not to be a nuisance if the owner of the dog promptly removes the faeces and disposes of them in a public garbage receptacle or on his or her own property.

35. Abandoning dogs

A person who abandons a dog in the council area commits an offence.

36. Obstruction of pound supervisor etc.

(1) A person who obstructs or hinders a pound supervisor in the execution of his or her duties commits an offence.

(2) A person commits an offence if he or she –

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

(b) except as provided for in these By-laws – removes or attempts to remove a dog from a pound.

37. Obstruction of officers etc.

A person who obstructs or hinders an authorised person or officer or employee of the council, a contractor or sub-contractor to the council or employee of the contractor or sub-contractor in the proper execution of his or her work or duty under these By-laws commits an offence.

38. Making false statement

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

39. Offence in relation to sterilisation mark

If the council has approved a mark under by-law 49, a person who marks, with the approved mark, a dog that has not been sterilised commits an offence.

40. Selling or disposing of a dog to another person

(1) If a person is selling or disposing of a dog to another person, the person selling or disposing of the dog –

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- (a) must not falsely hold out the dog to be sterilised; and
 - (b) if the dog is held out to be sterilised – must provide proof of the sterilisation if requested.
- (2) A person who contravenes or fails to comply with clause (1) commits an offence.

Division 2 – Enforcement

41. Seizure etc. of dogs

- (1) An authorised person may seize –
 - (a) an apparently dangerous, diseased, injured, savage, destructive, stray or unregistered dog; or
 - (b) a dog that is at large and not under effective control.
- (2) If in the opinion of an authorised person it is necessary to do so, he or she may –
 - (a) destroy a dangerous, diseased, injured, savage, destructive, unclaimed, unregistered or unwanted dog; or
 - (b) apply to the Local Court for an order relating to the destruction of the dog.
- (3) For the purposes of this by-law, an authorised person may set cage traps to trap a dog.
- (4) An authorised person must ensure that any animal trapped in a cage trap referred to in clause (3) is removed from the trap as soon as practicable in order to minimise distress to the animal.

42. Dogs seized to be impounded

- (1) An authorised person who seizes a dog under these By-laws must, as soon as practicable –
 - (a) deliver the dog to a pound; or
 - (b) return the dog to its owner.
- (2) If a dog is returned to its owner in accordance with clause (1)(b), the authorised person must issue a notice of infringement to the owner, unless by-law 31 applies in the circumstances.

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Division 3 – Pounds and impounded dogs

43. Establishment etc. of pounds

- (1) The council may –
 - (a) establish a pound; or
 - (b) make any arrangements that it thinks fit for the use of premises for impounding dogs under these By-laws.
- (2) The council may appoint persons that it thinks fit to be pound supervisors of a pound.

44. Notice of impounding

- (1) If 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) If 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 that address a notice, in the approved form, of the impounding of the dog.
- (3) Except in accordance with clause (1) or (2), the registrar is not obliged to notify the owner of a dog of the impounding of the dog.

45. Release of dogs from pounds

- (1) Subject to by-law 47, an impounded dog must not 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 the appropriate maintenance and release fees are paid to the council.
- (2) Clause (1)(a) does not apply to a dog that is not required under by-law 10 to be registered.
- (3) For the purposes of this by-law –
 - (a) the burden of satisfying a pound supervisor that a person is the owner of the dog (or is authorised to act as the owner's agent) lies on the person; and

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- (b) 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.

46. Diseased dogs

(1) If a pound supervisor who takes custody of a dog that has been seized under these By-laws –

- (a) notices or suspects that the dog is diseased; or
- (b) receives advice from a veterinarian that the dog is, or is suspected of being, diseased,

the pound supervisor must –

- (c) isolate the dog from other dogs in the pound; and
- (d) notify the council of the dog's condition.

(2) The council 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 council –

- (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 council may require the owner of the dog to produce to the council (within the time specified in the notice) a report prepared by a veterinarian or a person specified in the notice relating to –

- (a) if the dog is not required to be destroyed – the diseased dog; or
- (b) all other dogs usually kept at the premises at which the diseased dog is or 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 45 subject to any conditions that the council thinks fit.

(5) 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 pound supervisor could reasonably isolate it, is a debt due and payable by the owner of the diseased dog to the council.

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(6) The owner of a dog who contravenes or fails to comply with a requirement of a notice served on him or her under clause (2), or a condition imposed in accordance with clause (4), commits an offence.

47. Destruction or disposal of impounded dogs

(1) A pound supervisor may arrange for the destruction of an impounded dog if the dog is so diseased or injured that it is humane to destroy it.

(2) A pound supervisor may arrange for the destruction of an impounded dog at the expiration of the number of days or hours determined by the council.

(3) A pound supervisor may, instead of causing a dog to be destroyed under clause (2) –

- (a) sell the dog – providing all appropriate maintenance costs incurred for the keeping of that dog are recovered in the sale; or
- (b) pass the property in the dog to an approved incorporated body that is formed and carried on for purposes that include the provision of services relating to animal welfare and sell or dispose of the dog as agent for that body.

48. Method of destruction of impounded dogs

A dog in a pound must not be destroyed other than –

- (a) by a veterinarian or a person who is, in the opinion of a pound supervisor, qualified to destroy the dog; and
- (b) in a humane manner that causes the dog to die quickly and without unnecessary suffering.

PART 5 – MISCELLANEOUS

49. Sterilisation

(1) The council may approve a mark to be used to identify a dog that has been sterilised.

(2) The council may approve a certificate of sterilisation to be issued to the owner of a dog that has been sterilised.

(3) If the council has approved a form of certificate of sterilisation under clause (2), a veterinarian who sterilises a dog must give a certificate in the approved form to the owner of the dog.

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50. Change of ownership of dog

(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 person who was registered as the owner of the dog; and
- (c) the registration number of the dog.

(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.

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

(4) A person who fails to comply with clause (1) or (2) commits an offence.

51. Dog races etc.

(1) The council may, by notice in writing, exempt a person or body from the operations of by-law 28 or 29 (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 while using a dog to drive cattle or stock on a road or for any other purpose or event that the council determines.

(2) An exemption under clause (1) may relate to a particular event or to a class of events and is subject to the conditions, if any, that the council thinks fit.

52. Publication of By-laws

(1) Section 57 of the *Interpretation Act* does not apply to these By-laws.

(2) Copies of these By-laws are to be available for inspection or purchase by members of the public during office hours at the office of the council.

SCHEDULE 1

By-law 6

DETERMINATIONS

Column 1	Column 2
Determinations	Matters to be taken into account

Registration

(1) By-law 11(2)

Application fee for registration or renewal of registration

Fee may vary in respect of matters including the following:

- (a) the date of the application;
- (b) whether the owner presents (or presented at the time of initial registration or a subsequent renewal) a certificate of sterilisation in relation to the dog;
- (c) whether or not the applicant is a pensioner.

(2) By-law 12(3)(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 the size and breed of the dog to be registered.

Licences

(1) By-law 16

Application fee for a licence or a renewal of a licence

Fee may vary in respect of matters including the following:

- (a) the date of the application; or
- (b) whether or not the applicant is a pensioner.

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(2) By-law 17(4)

Manner in which premises are to fenced Manner may vary by reference to the size or breed or both the size and breed of the dogs to be kept on the premises.

(3) By-law 15

Number of –

(a) dogs; or

(b) dogs of a class of dogs

that may be kept on premises without the licensing of 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 council area

Maintenance and Release Fees

By-law 45(1)(c)

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 47(2)

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

Other Determinations

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

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SCHEDULE 2

By-law 23

Local Government Act

Coomalie (Dog Management) By-laws

NOTICE OF INFRINGEMENT

COOMALIE COMMUNITY GOVERNMENT COUNCIL

To: D.O.B.:

(name of alleged offender)

of:

(address of alleged offender)

It is alleged that at _____ at _____ am/pm on _____ 20
(place) (time) (date)

you committed an offence as indicated below against the Coomalie (Dog Management) By-laws:

By-law:

Offence:

(nature of offence)

Amount: \$

In pursuance of by-law 23 of the Coomalie (Dog Management) By-laws you may pay to the council, instead of the penalty by which the offence is otherwise punishable, the amount shown above to the person at the address shown on the reverse of this notice, not later than 14 days after the date of service of this notice, in order to avoid prosecution.

Dated _____ 20 .

Authorised person

THIS NOTICE MUST ACCOMPANY PAYMENT

PLEASE SEE REVERSE FOR IMPORTANT INFORMATION ABOUT THIS NOTICE

Coomalie (Dog Management) By-laws

(Reverse side of form)

If you wish to pay the amount shown on the front of this notice, complete the following and return it and the amount in person or by post to the clerk or cashier (see addresses and payment options below). On payment, you will not be liable for a penalty or costs for this offence. Payment in full must be made within 14 days after this notice is served on you and must be accompanied by this notice.

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 Coomalie Community Government Council for this offence.

Signed: _____ Date: _____ 20 .

If you wish to be dealt with by a court in relation to this offence, do not pay the amount shown on the front of this notice but complete the following and return it in person to the Clerk or by post to the Clerk (see addresses below). A summons may then be issued requiring you to appear before the Court of Summary Jurisdiction to be dealt with in relation to this offence.

I, _____ of _____

wish to be dealt with by a court in relation to this offence and, for that reason, have not paid the amount shown on the front of this notice.

Signed: _____ Date: _____ 20 .

Addresses:

in person – To the Cashier
Coomalie Community Government Council
141 Cameron Road
BATCHELOR NT 0845

by post – To the Clerk
Coomalie Community Government Council
PO Box 20
BATCHELOR NT 0845

If you do nothing in response to this notice, one of the following may happen.

EITHER

A courtesy letter may be sent to you giving you a further 28 days from the date of the letter in which to pay the amount shown on the front of this notice. If you do not respond to the courtesy letter, a summons may be issued

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requiring you to appear before the Court of Summary Jurisdiction to be dealt with in relation to this offence.

OR

You may not be given further time for payment. Instead, a summons may be issued requiring you to appear before the Court of Summary Jurisdiction to be dealt with in relation to this offence.

SCHEDULE 3

By-law 23

Column 1 By-law	Column 2 Amount \$
26(1)	100
29(1)	100
30(1)	100
31	100
32(1)(a)	100
32(1)(b)	250
33	100
34(1)	100
