

NORTHERN TERRITORY OF AUSTRALIA

NHULUNBUY (ANIMAL CONTROL) AMENDMENT BY-LAWS 2022

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Subordinate Legislation No. 27 of 2022

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# NORTHERN TERRITORY OF AUSTRALIA

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## Subordinate Legislation No. 27 of 2022\*

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### ***Nhulunbuy (Animal Control) Amendment By-laws 2022***

Nhulunbuy Corporation Limited ACN 009 596 598, at a meeting held on 23 November 2022, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised Maxwell Duncan, the Chief Executive Officer, to sign them.

Dated 22 December 2022

M. DUNCAN  
Chief Executive Officer

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\* Notified in the *Northern Territory Government Gazette* on 2 February 2023.

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## 1 Title

These By-laws may be cited as the *Nhulunbuy (Animal Control) Amendment By-laws 2022*.

## 2 Commencement

These By-laws commence on the day on which they are notified in the *Gazette*.

## 3 By-laws amended

These By-laws amend the *Nhulunbuy (Animal Control) By-laws 1998*.

## 4 By-law 4 amended (Interpretation)

(1) By-law 4(1)

*omit*

, unless the contrary intention appears

(2) By-law 4(1), definition ***abandon, declared dog, guide dog, licence, owner*** and ***prescribed breed***

*omit*

(3) By-law 4(1)

*insert*

***assistance dog*** means a dog:

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

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

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

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

***owner***, see by-law 4AA.

- 
- (4) By-law 4(1), definition **appropriate fee**  
*omit (all references)*  
licence,
- (5) By-law 4(1), definition **pound**  
*omit*  
in accordance with Division 8 of Part 3 of these By-laws  
*insert*  
under by-law 19H
- (6) By-law 4(1), definition **pound supervisor**  
*omit*  
44(2)  
*insert*  
19H(2)

## **5 By-law 4AA inserted**

After by-law 4

*insert*

### **4AA Meaning of owner**

- (1) In relation to a dog, **owner** means any of the following:
- (a) the person who is registered as the owner of the dog;
  - (b) the person for the time being in control or possession of the dog;
  - (c) the occupier of premises or a part of premises where the dog is usually kept or kept for the time being.
- (2) In relation to any other animal, **owner** means any of the following:
- (a) the person for the time being in control or possession of the animal;
  - (b) the occupier of premises or a part of premises where the animal is usually kept or kept for the time being.

- 
- (3) If an owner under clause (1) or (2) is under the age of 18 years, any parent or guardian of the owner is taken to be the **owner** of the dog or other animal.
- (4) Despite clause (1)(b) and (c), **owner** does not include a person controlling or keeping a dog under by-law 19B, 19F, 19G or 19H.

**6 By-law 5 amended (Determinations, including determinations of charges)**

By-law 5(3)(b)

*omit*

**7 By-law 7 amended (Registers)**

(1) By-law 7(2)

*omit*

mediums

*insert*

media

(2) By-law 7(3)(a), at the end

*insert*

and

(3) By-law 7(3)(b)

*omit, insert*

(b) all licences granted by the Corporation under these By-laws before the day the *Nhulunbuy (Animal Control) Amendment By-laws 2022* commenced; and

**8 By-law 8 amended (Matters of evidence)**

By-law 8(2)(b)

*omit*

licence or

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**9 Part 1, Division 2 replaced**

Part 1, Division 2

*repeal, insert*

**Division 2 Livestock**

**9 Livestock**

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

**10 Cancellation or variation of permit by request**

- (1) The holder of a permit to keep chickens on premises may apply in writing to the Corporation for:
  - (a) the cancellation of the permit; or

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

## **11 Cancellation or variation of permit other than by request**

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

## **12 Offence related to livestock**

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

Maximum penalty: 20 penalty units.



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

*Note for clause (3)*

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

## **10 By-law 18 amended (Diseased and injured animals and animals at large)**

(1) By-law 18(1)

*omit*

(1)

(2) By-law 18(2)

*omit*

## **11 By-laws 19A to 19K inserted**

After by-law 19

*insert*

### **19A Animal causing nuisance**

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

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**19B Seizure and impounding**

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

**19C Destruction of seized animal**

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

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

**19D Release of animals from pounds**

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

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

**19E Notice of impounding registered dogs**

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

**19F Diseased dogs that have been impounded**

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

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

*Note for clause (10)*

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

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**19G Destruction or disposal of unclaimed impounded animal**

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

**19H Pounds**

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

**19J Humane destruction of animals**

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

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**19K      Emergency destruction of animal**

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

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

**12      By-law 21 repealed**

By-law 21

*repeal*

**13      By-law 22 amended (Exemptions)**

(1) By-law 22

*omit*

, 31

(2) By-law 22(a)

*omit*

guide

*insert*

assistance

**14      By-laws 23 and 23A replaced**

By-laws 23 and 23A

*repeal, insert*

**22A      Application for registration**

- (1) A person may apply to the Corporation for the registration of a dog under these By-laws.

- 
- (2) An application must be:
    - (a) in the approved form; and
    - (b) accompanied by the appropriate fee; and
    - (c) accompanied by any other documents, specifications or particulars that the Corporation may require.
  - (3) An application for the renewal of a registration must be made to the Corporation not less than 14 days before the expiry of the registration.
  - (4) A person must not apply for registration for more than 2 dogs.
  - (5) The Corporation may waive the requirement in clause (4) if the Corporation thinks it reasonable in the circumstances.

## **22B Grant of registration**

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

- 
- (e) the premises on which the dog is usually kept are not fenced in the manner determined by the Corporation; or
  - (f) within the period of 12 months before the date of the application the Corporation received a complaint relating to:
    - (i) the state of (including odour emanating from) the premises where the dog is usually kept caused by or as a result of keeping the dog; or
    - (ii) the unauthorised presence of the dog on land or premises other than the land or premises where the dog is usually kept.
- (3) The Corporation must refuse to register or renew the registration of a dog if the dog is usually kept on premises within a dog restriction area.
- (4) Despite clause (3) the Corporation may renew the registration of a dog usually kept on premises within a dog restriction area if:
- (a) the dog was owned by the applicant immediately before the area became a dog restriction area; and
  - (b) the dog is usually kept at premises in the dog restriction area; and
  - (c) the dog is registered.
- (5) If the Corporation refuses to register or renew the registration of a dog or imposes conditions on the registration or renewal of the registration of a dog, the Corporation must serve on the applicant a written statement of the reasons for its decision.

## **23 Conditions of registration**

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



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

**23A Registration of certain dog breeds**

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

**15 Part 3, Divisions 3 and 4 replaced**

Part 3, Divisions 3 and 4

*repeal, insert*

**Division 4 Cancellation or variation of registration**

**26 Cancellation or variation of registration by request**

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

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**27 Cancellation or variation of registration otherwise than by request**

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

**16 Part 3, Division 4A heading amended (Declared dogs)**

Part 3, Division 4A, heading

*omit*

**Declared**

*insert*

**Dangerous**

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**17 By-law 28A replaced**

By-law 28A

*repeal, insert*

**28A Dangerous dog**

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

**18 By-law 28B amended (Revocation of declaration)**

By-law 28B(1)

*omit (all references)*

declared

*insert*

dangerous

**19 By-law 28C replaced**

By-law 28C

*repeal, insert*

**28C Registration of dangerous dog**

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

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

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

**20 By-law 29 amended (Dog exercise areas and dog restriction areas)**

- (1) By-law 29(2)(a), at the end  
*insert*  
or
- (2) By-law 29(3)  
*omit, insert*
- (3) If the Corporation intends to declare a dog exercise area or dog restriction area, the Corporation must:
  - (a) publish a notice in a newspaper circulating in the corporation area not less than 28 days before making the declaration stating it intends to declare a dog exercise area or dog restriction area (as the case requires); and
  - (b) include in the notice a description of the intended location of the dog exercise area or dog restriction area; and
  - (c) in the notice, invite comment from the public.
- (4) In making a resolution to declare an area within the corporation area to be a dog exercise area under clause (1) or a dog restriction area under clause (2), the Corporation must consider any response provided within the period of 28 days after the date of the publication of the notice in a newspaper under clause (3).

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**21 By-law 30 amended (Unregistered dogs)**

(1) By-law 30(4)(a), at the end

*insert*

or

(2) By-law 30(4)(b)

*omit, insert*

(b) an approved incorporated body that provides animal welfare services; or

**22 By-law 31 repealed**

By-law 31

*repeal*

**23 By-law 34 amended (Dogs at large)**

By-law 34(3)

*omit, insert*

- (3) It is a defence to a prosecution for an offence against clause (1) if:
- (a) the dog, when at large, was in a dog exercise area in compliance with the conditions of exercising a dog in the dog exercise area; or
  - (b) another person had, without the defendant's permission, caused the dog to be at large.

*Note for clause (3)*

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

**24 By-law 39 replaced**

By-law 39

*repeal, insert*

**39 Dogs causing nuisance**

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

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Maximum penalty: 20 penalty units.

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

*Note for clause (3)*

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

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

#### **25 By-law 41 amended (Removal of dog from custody)**

By-law 41(1)(b)

*omit*

46

*insert*

19D

#### **26 By-law 42 amended (Sterilisation marks and certificates)**

By-law 42(5), penalty provision

*omit*

1

*insert*

20

#### **27 Part 3, Divisions 7 and 8 repealed**

Part 3, Divisions 7 and 8

*repeal*

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**28 By-law 49 amended (Change of details)**

By-law 49(3)

*omit*

**29 Part 3A inserted**

After by-law 50

*insert*

**Part 3A Review of decisions**

**50A Reviewable decisions**

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

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

*Note for by-law 50A*

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



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**30 Schedule 2 and 3 replaced**

Schedule 2 and 3

*repeal, insert*

## **Schedule 2 Determinations**

by-law 5(4)

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Column 1  
Determinations

Column 2  
Matters to be taken into account

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### *Registration*

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

Application fee for

(a) registration

Fee may vary in respect of matters including:

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

(b) renewal of registration

Fee may vary in respect of matters including:

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

- 
- (c) whether or not the dog is a dangerous dog.

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

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

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

*Dog Restriction Areas*

By-law 29(2)

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

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

*Maintenance and Release Fees*

By-law 19D(1)

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

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

*Destruction of Impounded Animals*

By-law 19G(1)

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

*Registration of dangerous dog*

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

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

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

*Other Determinations*

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

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

by-law 16

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

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#### **31     Repeal of By-laws**

These By-laws are repealed on the day after they commence.