

NORTHERN TERRITORY OF AUSTRALIA
BORROLOOLA COMMUNITY GOVERNMENT COUNCIL (CONTROL OF
DOGS) BY-LAWS

As in force at 14 December 2005

TABLE OF PROVISIONS

By-law

PART 1 – PRELIMINARY

1. Citation
2. Purpose
3. Interpretation
4. Application
5. Exemptions

PART 2 – ADMINISTRATION

6. Registrar
7. Register
8. Delegation

PART 3 – REGISTRATION AND LICENCES

Division 1 – Registration of Dogs

9. Application for registration
10. Determination of application
11. Identification device
12. Period of registration

Division 2 – Licences

13. Application for licence
14. Determination of application
15. Period of licence

Division 3 – Cancellation, Variation, &c., of Registration and Licences

16. Cancellation, variation, &c., of registration or licence by request
17. Cancellation, variation, &c., of registration or licence otherwise than by request
18. Operation of notice of cancellation, &c.

Division 4 – Dog Exercise Areas and Dog Restriction Areas

19. Dog exercise areas and dog restriction areas

PART 4 – CONTROL OF DOGS

Division 1 – Offences

20. Unregistered dogs
21. Conditions of registration or licence to be observed
22. Requirement for licence
23. Keeping of dogs in dog restriction area
24. Removal of identification device
25. Dogs at large
26. Enticement
27. Dogs attacking or menacing persons or animals
28. Dogs chasing vehicles
29. Dogs causing nuisance
30. Abandoning dogs
31. Obstruction of officers
32. Sterilisation marks and certificates
33. False information

Division 2 – Enforcement

34. Seizure, &c., of dogs
35. Dogs seized to be impounded

Division 3 – Pounds

36. Establishment, &c., of pounds
37. Notice of impounding
38. Release of dogs from pounds
39. Destruction of impounded dogs
40. Diseased dogs
41. Method of destruction of impounded dogs

PART 5 – MISCELLANEOUS

42. Change of ownership of dog
43. Dog races, &c.
44. Penalties
45. Fixed penalties
46. Matters of evidence
47. Appeals
48. Publication of By-laws

SCHEDULE 1

SCHEDULE 2

Notes

Table of Amendments

NORTHERN TERRITORY OF AUSTRALIA

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

BORROLOOLA COMMUNITY GOVERNMENT COUNCIL (CONTROL OF DOGS) BY-LAWS

By-laws under the *Local Government Act*

PART 1 – PRELIMINARY

1. Citation

These By-laws may be cited as the *Borroloola Community Government Council (Control of Dogs) By-laws*. (See back note 1)

2. Purpose

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

3. Interpretation

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

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

"approved" means approved by the Council by resolution;

"Borroloola" means the Borroloola community government area as described in clause 3 of the Borroloola Community Government Scheme;

"Council" means the Borroloola Community Government Council;

"determined by the Council" means determined by the Council by resolution;

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

Borrooloola Community Government Council (Control of Dogs) By-laws

- "dog exercise area" means a dog exercise area declared under by-law 19;
- "dog restriction area" means a dog restriction area declared under by-law 19;
- "dog-tag" means a dog-tag issued under by-law 11;
- "guide dog" means a dog trained by a guide dog training institution recognised by the Guide Dogs for the Blind Association of South Australia and the Northern Territory Incorporated and used as a guide by a person who is wholly or partially blind;
- "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;
- "licence" means a licence granted or renewed under these By-laws;
- "menace", in relation to the actions of a dog, means an action that creates a reasonable apprehension in a person that the dog is likely to attack the person or an animal owned or in the control of the person, and includes a reasonable apprehension that the dog may escape, or be released from restraint, to attack the person or animal;
- "permanent electronic subcutaneous implant" means an electronic device that can be implanted into the tissue of a dog for the purposes of identification;
- "pound" means a pound established under by-law 36(1)(a) or premises referred to in by-law 36(1)(b);
- "pound manager" means a pound manager appointed under by-law 36(2);
- "premises" includes land and buildings;
- "public place" means a place open to or used by the public or to which the public is permitted to have access, whether on payment of a fee or otherwise, and includes a road;
- "register" means the register kept under by-law 7;
- "registered" means registered under these By-laws;
- "registered owner", in relation to a dog, means the person appearing in the register as the owner of the dog;
- "Registrar" means the Registrar appointed under by-law 6;

Borrooloola Community Government Council (Control of Dogs) By-laws

"Repealed Act" has the same meaning as in the *Dog Act Repeal Act*;

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

(2) Unless the contrary intention appears, a reference in these By-laws 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) where 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 under Part 4 Division 2 or 3.

(3) A reference in these By-laws to a dog at large is a reference to a dog, other than a dog in the custody of an authorized person or in a pound, in a place other than premises owned or occupied by the owner of the dog.

(4) 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 in length, held by a person who is competent to restrain the dog;
- (b) enclosed in a 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.

4. Application

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

5. Exemptions

By-laws 20, 21 and 23 do not apply to or in relation to a guide dog.

PART 2 – ADMINISTRATION

6. Registrar

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

7. Register

(1) The Registrar shall keep a register in the form determined by the Council containing details of –

- (a) all dogs registered by the Council;
- (b) all licences granted by the Council; and
- (c) all offences, known to the Council, against these By-laws or the Repealed Act –
 - (i) for which a registered owner has been convicted; or
 - (ii) in relation to which a registered owner has paid a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.

(2) The Registrar shall keep, as part of the register, the register referred to in section 5(d) of the *Dog Act Repeal Act*.

(3) The Registrar may keep the register in such medium or combination of mediums as the Registrar thinks fit including, but not limited to –

- (a) a computer;
- (b) micro film; or
- (c) paper.

8. Delegation

(1) Subject to this by-law, an officer or employee of the Council may, for the purposes of these By-laws, exercise all or any of the following powers:

- (a) sign, seal or sign and seal notices, orders and agreements which the Council is entitled to issue, sign, seal, revoke or cancel;
- (b) sign letters, receipts and other documents;
- (c) do or perform an act, deed or thing necessary, ancillary or incidental to the exercise of the functions of the Council under these By-laws.

(2) An officer or employee of the Council shall exercise a power conferred by clause (1) only on the resolution of the Council and in accordance with the conditions, if any, imposed by the Council.

(3) A determination under clause (2) may be of a general nature or for a class or classes of cases or be with respect to a particular case.

(4) A power or function delegated under this by-law, when exercised or performed by the delegate, shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the Council.

PART 3 – REGISTRATION AND LICENCES

Division 1 – Registration of Dogs

9. Application for registration

- (1) The owner of a dog may apply to the Council –
- (a) to register; or
 - (b) where the dog is registered, before the expiration of the registration, for a renewal of the registration of,

the dog.

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

- (a) the application fee determined by the Council; and
- (b) such 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)(a).

10. Determination of application

(1) The Council shall, not later than 21 days after receiving an application under by-law 9 –

- (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, in which case the Council shall refund to the applicant the fee accompanying the application.

Borroloola Community Government Council (Control of Dogs) By-laws

(2) The Council may refuse to register or renew the registration of a dog –

- (a) if, 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 the Repealed Act;
- (b) if, within the period of 12 months before the date of the application, the dog has been impounded under these By-laws or the Repealed Act on more than 2 occasions;
- (c) if the Council is satisfied that the dog is destructive, dangerous, vicious or consistently the cause of nuisance to members of the public; or
- (d) if the premises on which the dog is usually kept are not fenced in the manner determined by the Council.

(3) The Council shall refuse to register or renew the registration of a dog –

- (a) if, in keeping the dog on the premises on which the dog is usually kept, the applicant would be in breach of by-law 22; or
- (b) if the dog, other than a dog referred to in by-law 23(2), is usually kept on premises within a dog restriction area.

(4) 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 shall 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 by these By-laws in pursuance of a notice of infringement issued under these By-laws.

11. Identification device

Where the Council registers or renews the registration of a dog under by-law 10, the Council shall, unless the dog is fitted with a permanent electronic subcutaneous implant, issue a dog-tag to the person who made the application.

12. Period of registration

Subject to these By-laws, the registration or renewal of the registration of a dog remains in force until and including 30 June next after the registration or renewal of the registration.

Division 2 – Licences

13. Application for licence

- (1) The occupier of premises may apply to the Council –
 - (a) for a licence; or
 - (b) where the premises are licensed, before the expiration of the licence, for a renewal of the licence,

in respect of the premises.

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

- (a) the application fee determined by the Council; and
- (b) such 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)(a) for a licence in respect of the premises.

14. Determination of application

(1) The Council shall, not later than 21 days after receiving an application under by-law 13 –

- (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, in which case the Council shall refund to the applicant the application fee accompanying the application.

(2) The Council may take into account, in considering an application under by-law 13, any matter that is, in its opinion, relevant and in particular may take into account –

- (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, if the licence is granted or renewed, on the residents in the locality where the premises are situated.

(3) The Council shall not grant or renew a licence in respect of premises, where the Council has made a determination in respect of the manner in which premises are to be fenced, if the premises are not fenced in accordance with that determination.

(4) Where 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 resolution under by-law 10(4) that affects the premises,

the Council may renew the licence without considering the application in the manner specified in clauses (2) and (3).

(5) 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 shall serve on the applicant a statement in writing of the reasons for its decision.

15. PERIOD OF LICENCE

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

Division 3 – Cancellation, Variation, &c., of Registration and Licences

16. Cancellation, variation, &c., of registration or licence by request

The Council 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.

17. Cancellation, variation, &c., of registration or licence otherwise than by request

(1) The Council 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 Council 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 of the dog 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 Council may, not less than 7 days after the date of service of the notice under clause (1), by notice in writing served on the registered owner or the holder of the licence on whom the first-mentioned notice was served –

- (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 of the dog or 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 first-mentioned notice.

18. Operation of notice of cancellation, &c.

A notice served by the Council under by-law 16 or 17(2) takes effect at the expiration of 7 days after the service of the notice.

Division 4 – Dog Exercise Areas and Dog Restriction Areas

19. Dog exercise areas and dog restriction areas

(1) Subject to these By-laws, the Council may, by resolution, declare an area within Borroloola be a dog exercise area and may specify the times when a dog may be exercised in the area and the conditions, if any, to apply to the exercising of a dog in the area.

(2) Subject to these By-laws, the Council may, by resolution, declare an area within Borroloola to be a dog restriction area and may prohibit the keeping of –

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

(c) all, or more than a specified number of, dogs of a specified breed,
in the area.

(3) The Council shall, not less than 21 days before declaring an area to be a dog exercise area or dog restriction area –

- (a) publish a notice of the proposed dog exercise area or dog restriction area in a newspaper circulating in Borroloola; and
- (b) serve a copy of the notice referred to in paragraph (a) on the owners of premises adjacent to the proposed dog exercise area or dog restriction area.

PART 4 – CONTROL OF DOGS

Division 1 – Offences

20. Unregistered dogs

(1) Subject to this by-law, a person who keeps a dog within Borroloola that is not registered is guilty of an offence.

(2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog had not been usually kept within Borroloola for a period of 4 consecutive months before the date of the alleged offence.

(3) Clause (1) does not apply to –

- (a) a pound manager keeping a dog in a pound;
- (b) the Society for the Prevention of Cruelty to Animals (N.T.) Incorporated keeping a dog in a refuge maintained by it; or
- (c) a veterinarian keeping a dog for the purposes of treatment.

21. Conditions of registration or licence to be observed

A person who contravenes or fails to comply with a condition to which the registration of a dog or a licence is subject is guilty of an offence.

22. Requirement for licence

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

(2) It is a defence to a prosecution for an offence against clause (1) if the occupier of the premises proves that the dogs or the dogs of the class of dog or

classes of dogs had not been kept at the premises for a period of 3 consecutive months before the date of the alleged offence.

23. Keeping of dogs in dog restriction area

(1) Subject to clause (2), a person who keeps a dog in a dog restriction area where the keeping of the dog is prohibited is guilty of an offence.

(2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog at the date of the making of the resolution declaring the dog restriction area –

- (a) was owned by the person;
- (b) was usually kept at premises in the dog restriction area; and
- (c) if required by these By-laws to be registered, was registered.

24. Removal of identification device

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

(2) Subject to these By-laws, the owner of a registered dog that is at large without an identification device is guilty of 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.

25. Dogs at large

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

(2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that –

- (a) the dog, when at large, was in a dog exercise area during a time specified under by-law 19; and
- (b) the person was not in breach of a condition applying to the exercising of the dog in the dog exercise area.

26. Enticement

A person who entices or induces a dog to act in a manner that would render the owner of the dog liable to prosecution for an offence against these By-laws is guilty of an offence.

27. Dogs attacking or menacing persons or animals

- (1) The owner of a dog that –
 - (a) attacks a person or animal; or
 - (b) menaces a person or animal,

is guilty of an offence.

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

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

28. Dogs chasing vehicles

The owner of a dog that chases a vehicle, including a bicycle, is guilty of an offence.

29. Dogs causing nuisance

(1) The owner of a dog that, either by itself or in concert with other dogs, is a nuisance is guilty of 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 of 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, which persistently occurs or continues to a degree or extent which 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) subject to these By-laws, repeatedly defecates in such a place as to cause annoyance to a particular person.

(4) The owner of a dog is not guilty of 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 the gutter of a road with a constructed curb, a public garbage receptacle or on his or her own property.

30. Abandoning dogs

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

31. Obstruction of officers

(1) A person who obstructs or hinders the Registrar or a pound manager in the execution of his or her duties is guilty of an offence.

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

is guilty of an offence.

32. Sterilisation marks and certificates

(1) The Council may approve a certificate of sterilisation to be issued to the owner of a sterilised dog.

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

(3) Where the Council has approved a mark under clause (2), a person who marks, with the approved mark, a dog that has not been sterilised is guilty of an offence.

(4) Where the Council has approved a certificate of sterilisation under clause (1), a veterinarian shall, on sterilising a dog, issue to the owner of the dog such a certificate.

(5) A person, on the sale or disposal of a dog to another person, who fails, where the dog has been sterilised, to supply to that other person proof that the dog has been sterilised is guilty of an offence.

(6) A person, on the sale or disposal of a dog that is not sterilised to another person, who states or holds out that the dog is sterilised is guilty of an offence.

33. False information

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

Division 2 – Enforcement

34. Seizure, &c., of dogs

An authorized person may –

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

35. Dogs seized to be impounded

(1) A person who seizes a dog in pursuance of these By-laws shall, subject to clause (2), deliver the dog to a pound as soon as practicable after seizing it.

(2) Notwithstanding clause (1), an authorized person who seizes a dog under these By-laws may return the dog to its owner –

- (a) on issuing a notice of infringement to the owner; or
- (b) in the case of a dog referred to in by-law 26, without issuing a notice of infringement to the owner.

Division 3 – Pounds

36. Establishment, &c., of pounds

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

37. Notice of impounding

- (1) Where a registered dog with an identification device is delivered to a pound, a pound manager shall notify the Registrar who shall 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 manager shall 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.

38. Release of dogs from pounds

- (1) A dog in a pound shall not be released from the pound –
 - (a) subject to clause (2), 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 Council the maintenance and release fees as determined by the Council.
- (2) Clause (1)(a) does not apply to a dog that has not been usually kept within Borroloola for 3 consecutive months immediately preceding the date of its release from the pound.
- (3) The burden of proof as to whether a person is the owner of the dog or a person authorised to act as the owner's agent lies on the person.
- (4) The burden of proof in relation to a matter referred to in clause (2) lies on the owner of the dog or the owner's agent.

39. Destruction of impounded dogs

Subject to these By-laws, a pound manager may arrange for the destruction of a dog delivered to a pound at the expiration of the number of days or hours as are determined, from time to time, by the Council.

40. Diseased dogs

(1) Where a pound manager 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 manager shall –

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

(2) The Council shall 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 addition to clause (2), the Council may, in the notice served under that clause, 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) the diseased dog, where the dog is not required to be destroyed; or
- (b) all other dogs usually kept at the premises at which the diseased 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 38 subject to such conditions as the Council thinks fit.

(5) 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 subject to which the dog is released under clause (4), is guilty of an offence.

(6) Notwithstanding anything to the contrary in these By-laws, a pound manager may destroy a dog in a pound 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 manager to a diseased animal, and to any other animal in the pound that was infected or was at risk of being infected by the diseased animal before the manager could reasonably isolate it, is a debt due and payable by the owner of the diseased animal to the Council.

41. Method of destruction of impounded dogs

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

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

PART 5 – MISCELLANEOUS

42. Change of ownership of dog

(1) A person who acquires ownership of a registered dog shall, not later than 14 days after acquiring ownership of the dog, notify the Registrar of –

- (a) the person's name and address;
- (b) the name of the registered owner; and
- (c) the registration number of the dog.

(2) The registered owner of a dog who changes his or her address shall, not later than 14 days after the change, notify the Registrar of his or her new address.

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

43. Dog races, &c.

(1) The Council may, by notice in writing, exempt a person or body from by-law 24 or 25, 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 such other purpose or event as the Council may, from time to time, determine.

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

44. Penalties

A person who contravenes or fails to comply with these By-laws is guilty of an offence and is liable on conviction to a penalty not exceeding \$2,000 and, in addition, to a penalty not exceeding \$100 for each day during which the offence continues.

45. Fixed penalties

(1) Notwithstanding by-law 44, a person who is alleged to have contravened or failed to comply with these By-laws, and on whom a notice of infringement is served, may pay to the Council, as an alternative to prosecution, the sum specified by this by-law in lieu of the penalty which may otherwise be imposed under by-law 44.

(2) For the purposes of this by-law –

- (a) the sum specified by this by-law is \$50 or, in respect of a by-law specified in column 1 of Schedule 1, the sum specified opposite the by-law in column 2 of the Schedule;
- (b) a notice of infringement shall be in the form specified in Schedule 2;
- (c) a notice of infringement may be issued by an authorized person;
- (d) the sum specified by this by-law may be paid to the clerk of the Council or to the person from time to time performing or carrying out the duties of the cashier of the Council; and
- (e) in order to avoid prosecution, the sum specified by this by-law shall be paid not later than 14 days after the date of the service of the notice of infringement on the person.

46. Matters of evidence

(1) An extract from, or copy of, an entry in the register purported to be signed by the Registrar shall, in all courts and on all occasions, be prima facie 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 –
 - (a) that a person does not appear in the register as the owner of a dog or that a person appears in the register as the owner of no more than a specified number of dogs; or
 - (b) that no licence has been issued in respect of premises,

shall, in all courts and on all occasions, be prima facie evidence of the signature of the Registrar and of those matters 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, an extract from, or copy of, the minutes of a meeting of the Council purported to be signed by the clerk shall, in all courts and upon all occasions, be prima facie evidence of all particulars contained in the minutes without requiring the production of the minutes from which the copy or extract was made and of the signature of the clerk.

47. Appeals

A person aggrieved by a decision of the Council made or taken under these By-laws (not being a decision made or taken to commence proceedings for an offence against, under or in relation to these By-laws) may make an application of appeal, in a form approved by the President of the Tribunal, to the Tribunal against the decision.

48. Publication of By-laws

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

(2) Copies of these By-laws shall be available for inspection by members of the public during office hours at the office of the Council.

SCHEDULE 1

By-law 45

Column 1 By-law	Column 2 Amount
	\$
24(2)	25
26	100
27(1)(a)	100
27(1)(b)	75
28	75

SCHEDULE 2

By-law 45

Local Government Act

Borrooloola (Control of Dogs) By-laws

NOTICE OF INFRINGEMENT

BORROLOOLA COMMUNITY GOVERNMENT COUNCIL

To:

(name of alleged offender)

of:

(address of alleged offender)

It is alleged that at _____ at _____ am/pm on _____ 19 ,
(place) (time) (date)

you committed an offence as indicated hereunder against the Borrooloola (Control of Dogs) By-laws:

By-law:

Offence:

(nature of offence)

Description of dog:

Identification device number:

Amount of penalty: \$

In pursuance of by-law 45 of the *Borrooloola (Control of Dogs) 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 of infringement, in order to avoid prosecution.

Dated _____ 19 .

Authorized person

THIS NOTICE MUST ACCOMPANY PAYMENT

(Back of form)

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

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

Signed: _____ Date: 19 ____ .

Payment of the amount in full must be made not later than 14 days after the date of service of this notice of infringement and must be accompanied by this notice. Payment may be made between 8.00 am and 4.15 pm Monday to Friday (except public holidays):

in person – To the Cashier,
Borrooloola Community Government Council

by post – To the Clerk,
Borrooloola Community Government Council
Borrooloola NT 0854

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

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

Borroloola Community Government Council (Control of Dogs) By-laws

Notes

1. The *Borroloola Community Government Council (Control of Dogs) By-laws*, under the *Local Government Act* and amendments made by other legislation, the details of which are specified in the following table:

Scheme	Date of Approval	Date notified in the <i>Gazette</i>	Date of commencement
Original		4 Nov 1992	4 Nov 1992
Act No. 44, 2005	–	–	14 Dec 2005

Table of Amendments

By-law

- 3. Amended by Act No. 44, 2005
- 20. Amended by Act No. 44, 2005
- 32. Amended by Act No. 44, 2005
- 40. Amended by Act No. 44, 2005
- 41. Amended by Act No. 44, 2005