

COUNCIL REPORT

2nd Ordinary Council Meeting

AGENDA ITEM:	13.1.1
REPORT TITLE:	Animal Management By-Laws Consultation - Outcomes and Amendments
MEETING DATE:	Tuesday 19 March 2024
AUTHOR:	Regulatory Services Manager, Angie Heriot
APPROVER:	Acting General Manager Community, Emma Blight

COMMUNITY PLAN

Family and Community: Palmerston is a safe and family friendly community where everyone belongs.

PURPOSE

This Report seeks to inform Council of the community consultation outcomes and to seek Council adoption of the resulting updated City of Palmerston (Animal Management) By-Laws.

KEY MESSAGES

- City of Palmerston facilitated community consultation on its updated draft Palmerston (Animal Management) By-Laws from 17 January 2024 until 12 February 2024.
- The process included information provided to the community on the City of Palmerston website, social media posts, a detailed information paper, municipal-wide mail out and accompanying online and face-to-face engagements.
- City of Palmerston held eight (8) public displays at various locations within the municipality with 98 visitors attending during these sessions.
- 84 online survey responses were received of which 96% were City of Palmerston residents. The majority of feedback was received from residents living in Marlow Lagoon, Zuccoli and Durack.
- Two (2) stakeholder and community meetings were held with the Department of Biosecurity, Animal Welfare Departments and two (2) Darwin Veterinary Clinic owners.
- 83% of respondents agreed on the dangerous dog management objectives including Council's ability to declare dangerous and impose conditions on registration.
- Between 55%-69% of survey respondents were in support of applying cat registration, limits, and conditions on the maximum number of cats and at large offences to be applicable to cats.
- 24% of the online survey responses did not support the drafting of By-Law 38 Domestic Animals and the intent to limit one (1) domestic animal to one (1) hectare of land. This was further reflective within the feedback provided at community engagement sessions.
- Feedback was received indicating concerns that the draft Palmerston (Animal Management) By-Laws were too prescriptive in the total number of domestic livestock per property nor size requirement.
- As a result of the feedback received regarding livestock, City of Palmerston requested the Office of Parliamentary Counsel consider re-drafting the draft Palmerston (Animal Management) By-Laws to amend this clause to allow determination via Council policy which is a consistent approach within the entire by-law.
- The Domestic Livestock definition has further extended to align and be comparable with the Livestock Act (2008): including the species of Sheep, Llama, and Alpaca.

- The proposed amended draft within this report reflects the further recommended amendments reflective of the community consultation outcomes.
- It is recommended that Council endorse the amended draft Palmerston (Animal management) By-laws and that this be resubmitted to the Office of Parliamentary Counsel for final consideration and eventual implementation as of the 1 July 2024.

RECOMMENDATION

1. THAT Report entitled Animal Management By-Laws Consultation - Outcomes and Amendments be received and noted.
2. That Council write to the Office of Parliamentary Counsel submitting the amended draft Palmerston (Animal Management) By-laws, informed by community consultation, being **Attachment 13.1.1.5**, for finalisation and settlement of the draft prior to final endorsement by the Council for gazettal by the relevant Minister and implementation as of the 1 July 2024.
3. That Council thank the community for their feedback on the draft Animal management By-laws.

BACKGROUND

In 2021, City of Palmerston undertook community consultation of 60 days to gauge public sentiment on the existing Animal Management By-Laws. Information was provided on the City of Palmerston website, social media posts, a discussion paper and accompanying online and hard copy survey.

Feedback to the 27 survey questions was received from 260 people, one (1) special interest organisation, and 205 'free text' responses were received.

The feedback informed Council on the development of a draft Palmerston (Animal Management) By-law.

At its Ordinary meeting in September 2023 Council resolved the following:

25.1.2 Draft Animal Management By-Laws- September 2023

1. *THAT Report entitled Draft Animal Management By-Laws be received and noted.*
2. *THAT Council adopts the draft Palmerston (Animal Management) By-Laws and identified amendments being Attachment 25.1.2.1 and Attachment 25.1.2.2 for the purpose of Community Consultation following final review and sign off of the draft Palmerston (Animal Management) By-Laws by the Parliamentary Counsel.*
3. *THAT Council, for the purposes of Community Consultation endorse the unlicensed two dogs per property policy statement.*
4. *THAT a further Report be presented to Council following conclusion of the Community Consultation period including outcomes and recommendations.*
5. *THAT this decision be moved into the Open Minutes following media and community consultation public announcement.*

CARRIED 10/1003 – 5/09/2023

This report presents the outcomes of the community consultation on the draft Palmerston (Animal Management) By-laws (By-laws) and recommends finalisation of the By-Laws.

DISCUSSION

Community Consultation

Community consultation for the draft By-Laws was open for 30 days from 15 January until 12 February 2024, with the aim to inform the broader community of the proposed changes including the introduction of:

- Registration and licencing for both dogs and cats;
- Compulsory microchipping for dogs and cats;
- Scope for impounding to apply to both dogs and cats;
- Dog attack penalties to increase with a 'sliding fine scale' based on the severity of the offence;
- Scope for conditional registration to be applied to declared dangerous dogs;
- Management of domestic livestock supporting the Interim Control Order (No.32);
- Nuisance animal provisions to extend to cats, domestic livestock, and poultry;
- A significant review of prescribed penalties in relation to animal management offenses; and
- Management of poultry being included within the By-Laws.

The purpose of the community consultation was to inform the community of the proposed changes to the By-Laws. The consultation was comprehensive and comprised several components to ensure the information reached as many residents of Palmerston as possible and our key stakeholders.

The Palmerston community was the primary target audience, with the purpose of ensuring we captured both cat and dog owners, non-cat and/or dog owners, other animal owners and non-owners. Other audiences included animal specific groups (including community stakeholder groups), experts, associations, and businesses who were emailed on commencement of consultation on 15 January 2024. Nine (9) key stakeholder groups including animal welfare, rehoming and management organisations were contacted directly as part of the consultation.

Stakeholder and Palmerston Animal Management Network meetings were held on 8 and 9 February 2024. Eight (8) public information sessions were conducted, and multiple print, social and radio media was used to support the marking campaign including an information flyer that was delivered to all City of Palmerston mailboxes (15,016 properties) by Australia post (**Attachment 13.1.1.1**). Media releases were sent on 15 January and 5 February resulting in five (5) pieces of earned media across local radio stations. Posters and corflutes were on display at all dog parks, Library, Recreation Centre, and Civic Plaza.

The discussion web paper is provided as Attachment 13.1.1.2

Consultation Outcomes

The main feedback received through face to face and online community consultations and recommended actions is demonstrated in the below table with the full consultation report being **Attachment 13.1.1.3**:

Items Raised	Feedback Summary	Recommended Actions
Dangerous Dogs	Support for stronger enforcement of dangerous dogs, sliding scale of fines and a range of controls that may be applied to a registration of a dangerous dog.	Council adopts draft By-Laws. Details to be set in supporting policies.
Cat Management	Overall support for the introduction of cat management including compulsory registration and microchipping. Two thirds provided that they were in support of Council introducing the same number of cats as dogs however, further questions around how this will be managed,	City of Palmerston will develop supporting policies. No amendment to draft By-law required.

	for example number of cats, costs of registration, when and where will Council build a cattery.	
Microchipping	Strong support of mandatory microchipping	City of Palmerston will develop supporting policies. No amendment to draft By-law required.
Domestic Livestock	Stakeholder feedback requested further extension of the domestic livestock definition.	Draft By-Law has been re-drafted. The Domestic Livestock definition has further extended to align and be comparable with the Livestock Act (2008): including the species of Sheep, Lama, and Alpaca.
	Strong disagreement of the prescribed amount of domestic livestock per prescribed property size.	Draft By-Law has been re-drafted to no longer be prescriptive in the total number of domestic livestock per property nor size requirement. City of Palmerston will develop supporting policies.
	Further feedback provided that Council should consider reasonable ownership of domestic livestock – not property sizes.	
Nuisance Animals	Stronger management of nuisance animals, including barking dogs, cats, and poultry.	City of Palmerston will develop supporting policies.
Education and supporting incentives	Residents responded to the survey and community consultation session with comments and suggestion of an incentivised and supportive approach, including consideration of reduced registration fees, more free or discounted desexing programs, particularly for cats, and incentives for responsible pet owners and particular demographics.	City of Palmerston will launch comprehensive education and marking campaign further support by aligned with key incentives. Council will undertake further considerations of the details on these matters informed by the feedback. No amendment to draft By-law required.

Much of the feedback will be managed and addressed via Council policy or programs such as education. The policies will be developed and presented to Council over the coming period based on prioritisation. Overall, the community consultation provided sentiment that the community was pleased to see Council positively engaging with residents, educating, and seeking feedback on the draft Palmerston (Animal Management) By-Laws. Additionally, almost all people when asked said that they had received the flyer in the letter box and/or seen the new By-Laws being shared on social media. Of the residents who attended the public displays to talk about their concerns and ask questions, there was overall strong support for the introduction of the new By-Laws.

Additional detail regarding the community consultation follows in the Consultation section of this report.

A Place for People

Next Steps

City of Palmerston has been working with the Office of Parliamentary Counsel to incorporate the required amendments for Council consideration. The amended draft By-law incorporating the identified feedback is provided as **Attachment 13.1.1.4 and 5**.

It is being recommended that Council endorse the amended draft By-law to allow finalisation through Office of Parliamentary Counsel and relevant Government agencies. Once the final draft by-law has been settled by relevant parties the final draft Palmerston (animal Management) By-laws will be represented to Council for final adoption, they will then be Gazetted and implemented on the 1 July 2024.

City of Palmerston will continue to develop required policies and an education program regarding the implementation of new By-laws on the 1 July 2024. Council will receive reports as required regarding these matters.

CONSULTATION PROCESS AND OUTCOMES

Public Information Sessions were conducted as follows:

Date	Time	Location	Number of visitor engagements
17/01/24	5:30pm to 6:45pm	Palmerston Recreation Centre	8
19/01/24	5:30pm to 6:45pm	Marlow Lagoon Dog Park	15
20/01/24	8:30am to 10:00am	Marlow Lagoon Dog Park	11
27/01/24	9:00am to 11:00am	Gateway Shopping Centre	27
01/02/24	11:00am to 1:00pm	Palmerston Recreation Centre	14
02/02/24	3:30pm to 5:30pm	City of Palmerston Library	8
03/02/24	5:00pm to 6:45pm	Zuccoli Dog Park	6
08/02/24	5:00pm to 5:30pm	Council Chambers	2

The below organic social media was utilised:

Type	Total Reach	Total engagements	Shares
Facebook posts- six (6)	15,231	137	42
Facebook Stories – six (6)	6066	21	-
Instagram posts and stories	967	16	-

The below paid social media was utilised:

Date range	Reach*	Impressions**	Frequency***	Cost per result
1/02/2024 – 12/02/2024	27,171	34,410	1.27	\$2.37 per 1000 people reached

*The number of accounts that saw the ad at least once

**The number of times the ad was on screen

***How many times per person the ad was seen (average)

Radio live reads – 23 – 25 January and 6 – 8 February on Mix 104.9 and Hot 100:

A Place for People

Date	Reach*	Avg frequency**	Impressions (total)***	CPM (per 1000)****
Jan	50,425	1.7	87,504	\$10.91
Feb	50,415	1.7	87,504	\$12.06

*The amount of unique people that hear the ad
 **the amount of times one (1) person hears the ad (avg)
 ***the number of times the ad is heard
 ****CPM is the cost per 1000 people to hear the ad.

The By-Laws website landing page had the highest number of active users for any landing page (excluding the homepage) between 15 January - 12 February.

Facebook was the most popular source of website traffic to the By-Laws landing page, accounting for 42% of total page views, followed by direct and google searches.

Posters and corflutes were on display at all dog parks, Library, Recreation Centre, and Civic Plaza.



12 NEWS | 17 February 2024

Treaty dusted off after hiatus

But fears of process 'hijacking'

City of Palmerston's Animal Management By-Laws are changing from 1 July 2024

What does this mean for you?

- From 1 July 2024, the City of Palmerston will have a new set of Animal Management By-Laws.
- The new By-Laws will be implemented on 1 July 2024.
- Key changes include:
 - Key changes and how they will affect you.
 - Get a copy of the new Animal Management By-Laws.
 - Details on where to find us at one of six public information sessions.

Read more here: bit.ly/3RP0YRa

City of Palmerston
 Published by Hamish Marshall | January 15 at 11:30 AM

We know you're passionate about animal ownership, which is why we asked for your feedback on our Animal Management By-Laws back in 2021! After a long process, we're now pleased to share our new Animal Management By-Laws with you.

The new By-Laws are scheduled to be implemented on 1 July 2024, so it's important to be aware of the changes. We will be out and about in the community over the next few weeks informing you all on the changes, and welcome questions and feedback on the new By-Laws.

Check out all the important information on our website including:

- Key changes and how they will affect you.
- Get a copy of the new Animal Management By-Laws.
- Details on where to find us at one of six public information sessions.

Read more here: bit.ly/3RP0YRa

City of Palmerston's Animal Management By-Laws are changing from 1 July 2024.

City of Palmerston
 Published by Hamish Marshall | February 2 at 2:02 PM

We'd still love to hear your feedback on our new Animal Management By-Laws.

You can provide feedback online, over the phone or chat to us in person at one of our remaining public information stalls:

- City of Palmerston Library, **TONIGHT!** Friday, 2 February @ 3:30-5:30pm
- Zuccoli Dog Park, **Saturday** 3 February @ 5-6:45pm

We're also facilitating a Palmerston Animal Management Network (PAMN) meeting to allow for a detailed discussion. Details below:

- Council Chambers, Civic Plaza, **Thursday**, 8 February @ 5pm start
- RSVP via email to animalmanagement@pals.com.au

Provide your feedback until 12 February here: bit.ly/3RP0YRa

Examples of creative and print/social media employed

City of Palmerston will develop and implement a community information and education campaign on the introduction and implementation of the new by-law.

POLICY IMPLICATIONS

There are no policy implications for this report however when draft Palmerston (Animal Management) By-Laws are formalised, new Council policies will need to be created to reflect the new by-laws. A Council Workshop will be scheduled to prioritise and progress these policies.

BUDGET AND RESOURCE IMPLICATIONS

This consultation process and development of draft By-laws has been undertaken with existing approved budget.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

Failure to adequately consider the feedback received may result in damage to community trust and Councils reputation. The feedback received has been positive and major issues received have been addressed in the By-law with many issues raised not requiring changes to by-laws but consideration in future Council policy development.

Should Council not adopt a draft By-law in a timely manner there is a risk that implementation will not occur by 1 July 2024.

The draft By-law presented is contemporary, modern, and reflective of community expectations.

City of Palmerston has and continues to liaise with the Office of Parliamentary Counsel regarding feedback received and likely amendments. The Office of Parliamentary Counsel has assisted in drafting the amendments.

This Report addresses the following City of Palmerston Strategic Risks:

1. Fails to effectively regain the trust from all stakeholders Context: Council needs to be credible and trusted by those within and external to the Council.

SUSTAINABILITY IMPLICATIONS

There are no environment sustainability implications for this Report.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.

ATTACHMENTS

1. Information Flyer [13.1.1.1 - 2 pages]
2. Discussion Web Paper [13.1.1.2 - 11 pages]
3. Consultation Report Animal Management By Laws [13.1.1.3 - 14 pages]
4. City of Palmerston (Animal Management) By-Laws 2024 - Tracked Changes [13.1.1.4 - 35 pages]
5. City of Palmerston (Animal Management) Clean Copy of By-Law [13.1.1.5 - 35 pages]

Share your feedback!

To share your thoughts and to ask any questions on the new Animal Management By-Laws, call Associated Advertising & Promotions on 8942 3388 or scan the QR code to fill in the feedback form online.

Submissions accepted until 12 February 2024.

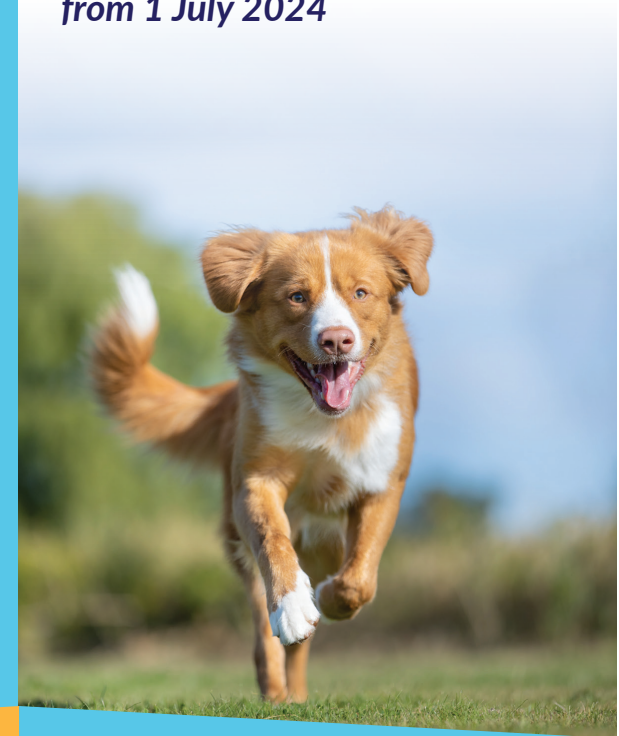


Discover what this means for you and share your feedback

For details on when and where you can find us, scan the QR code above or visit: palmerston.nt.gov.au/by-law-review

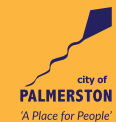


City of Palmerston's Animal By-Laws are changing from 1 July 2024



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Why are Animal Management By-Laws changing?

City of Palmerston's current Animal Management By-Laws came into effect in 1999. City of Palmerston recognises the importance of up-to-date By-Laws and policies and aims to deliver modern By-Laws to align with community expectations regarding animal management.

Community feedback – *what you've already told us.*

In 2021 the community provided feedback on the initial consultation for Animal Management By-laws, which indicated an overwhelming amount of support for the following:

- the introduction of a range of new penalties for dog attacks
- the ability to declare a dog dangerous and add conditions to its registration
- the introduction of cat management
- compulsory microchipping for dogs and cats
- the extension of animals at large offences to include cats
- compulsory animal education attendance for nuisance barking

What changes are coming into effect?

As a result of the community's valuable input, City of Palmerston is pleased to present the new Animal Management By-Laws which will be implemented as of 1 July 2024. Key changes include:

1. A significant review of prescribed penalties in relation to offenses.
2. A 'sliding scale of fines' for dog attacks from \$800 to \$17,600, and the ability to apply conditions to the registration of dangerous dogs.
3. Inclusion of reporting other nuisance animals such as cats, domestic livestock and poultry.
4. A set of policies regarding the number of dogs and cats allowed per property before a license needs to be obtained.
5. Compulsory microchipping for cats and dogs.
6. Registration and impounding of cats.
7. Regulations on domestic livestock ownership.
8. Inclusion of poultry, allowing for future regulations on ownership.

Looking for more information?

If you would like to read the new Animal Management By-Laws, you can find it at palmerston.nt.gov.au/by-law-review

You can also provide feedback by chatting with us at the times and locations listed on our website, calling Associated Advertising & Promotions on 8942 3388, or by emailing admin@associatedadvertising.com.au

City of Palmerston

Animal Management By-Laws

Information Paper



palmerston.nt.gov.au

Introduction

City of Palmerston is committed to providing quality animal management services to our community. A set of By-Laws governs the way we manage animals in our municipality and a review has been determined necessary to provide contemporary By-Laws to meet the needs of the Palmerston community.

In 2021 City of Palmerston went out for consultation to see how the community felt about amending the By-Laws to reflect more modern approaches to Animal Management.

City of Palmerston understands the importance of having contemporary By-Laws that are valued by the community. The feedback that was received throughout the 2021 consultation, has been used to create the new Animal Management By-Laws.

This information booklet provides key changes to the By-Laws, and what this means for you as they come into play from 1 July 2024.

If you would like to provide feedback on the changes to By-Laws or ask any further questions you can do so via the following options, until 12 February 2024.



Scan the QR code and click on the survey link

Email admin@associatedadvertising.com.au

Call Associated Advertising & Promotions on 8942 3388

Background

City of Palmerston has been steadily enhancing its animal management capabilities within the organisation, introducing various service initiatives such as the construction of a new dog pound and the implementation of proactive, community-based programs such as Ranger led dog walks, free microchipping and discounted desexing. These programs garnered positive feedback from our community and are highly attended when publicised.

With the municipality experiencing a surge in population, there is an expectation that pet ownership will also see growth.

The knock-on effect of increased pet ownership, coincides with an uptick in community reported animal management concerns, including issues relating to roaming dogs, barking or other noise complaints and dog attacks/menaces. Additionally, there has been an increase

in complaints about other animals, including cats, birds, and poultry, encompassing concerns such as noise complaints (roosters and birds), damage to local fauna (cats), excessive pet ownership, and associated nuisance smells.

In light of these evolving circumstances and in our commitment to public health, safety, and community amenity, it was imperative that we took action. The new By-Laws will enable us to continue delivering effective animal management services tailored to the evolving needs of the community.



What is a By-Law?

A municipal By-Law is a local law that Councils use to address community needs. City of Palmerston, like other municipal Councils in the Northern Territory, has authority to create By-Laws from the Local Government Act 2019 (NT).

City of Palmerston has established By-Laws covering areas like public places, signs, hoardings, and animal management.

Creating new Animal Management By-Laws involves specific legal steps, which City of Palmerston has followed as indicated in the below timeline.

The entire process of preparing and enacting By-Laws can be lengthy, typically taking 18-24 months, including community consultation, drafting, publication, and enactment.

The Council is dedicated to making this process as efficient as possible through collaboration with the community.

Palmerston (Animal Management) By-Laws

The Palmerston (Animal Management) By-Laws have controlled and regulated animals within the municipality since they were first enacted in 1999.

While reasonably fit for purpose, the By-Laws face a number of challenges including:

- They do not address animal management issues relating to cats, poultry or other animals
- They do not allow for the declaration of dangerous dogs after an identified and established dog attack or dog menace
- Existing infringements may not be an adequate deterrent as penalties have not increased in more than 20 years and are no longer comparable to other jurisdictions.

Initial community consultation in 2021 supported a change to the current By-Laws and indicated support for the following:

- The introduction of a range of new penalties for dog attacks
- The ability to declare a dog dangerous and add conditions to its registration
- The introduction of cat management
- Compulsory microchipping for dogs and cats
- The extension of animals at large offences to include cats
- Compulsory animal education attendance for nuisance barking



What are the key By-Law changes?

To achieve contemporary By-Law standards which allow for effective application of regulatory services, Council is undertaking the following changes to the current By-Laws;

- 1. New penalties and infringements**

A significant change in financial penalties and infringements will be introduced as at 1 July 2024 which may affect some animal owners. Please visit palmerston.nt.gov.au/by-law-review for the full details.
- 2. Increased penalties for dog attacks**

City of Palmerston has zero tolerance for dog attacks, and will be implementing a significant 'sliding scale of fines' based on the severity of attacks. Fines will start from \$800. Extra conditions will also be placed on the registration of a dangerous dog.
- 3. Reporting of nuisance animals**

The By-Laws have included provisions for reports relating to other nuisance animals such as cats, domestic livestock and poultry. This means separate policies will be created specific to these animals which will provide regulations around responsible ownership.
- 4. Licences for multiple animals**

The new By-Laws allow City of Palmerston to set policies regarding the number of dogs and cats allowed per property before a licence needs to be obtained.
- 5. Compulsory microchipping**

The new By-Laws include compulsory microchipping of both dogs and cats as part of the registration process.
- 6. Introduction of cats to the By-Laws**

The By-Laws will introduce regulations around cat ownership. The regulations will provide rules relating to cats at large, impounding, and licensing.
- 7. Owning domestic livestock and other animals**

The regulation of domestic livestock ownership has been included within the By-Laws. These By-Laws will only seek to restrict ownership to specific zoned areas within Palmerston. The By-Law will not include the requirement of registering these animals, however limitation on numbers may apply.
- 8. Poultry**

Management of poultry has been included within the By-Laws. Council may establish conditions on the ownership of poultry in the future.

Will By-Laws affect everyone?

Council By-Laws are created for the community to help regulate animal ownership. The By-Laws aim to provide strong protection for the community to be able to live in a safe environment.

The new By-Laws include some significant changes which will most likely affect those that do own animals. For the majority, responsible animal ownership will continue as normal with minimal difference.

There will be an extensive internal review of processes, with the implementation of policies required throughout the introduction of the new Animal Management By-Laws. These policies will cover a number of animals permitted per household, licensing requirements, appropriate animal restraints, property inspections, report handling and many more. Council may consider a staged approach to allow the community to adjust to the new regulations.



New penalties and infringements

The new By-Laws have undergone a significant review of prescribed penalties in relation to offenses.

Current situation

Council's current By-Laws provide that maximum penalty amount currently refers to an offence against a person where on a finding of guilt; 'a penalty of \$3000 or not exceeding \$100 for each day during which the offence continues after the first day on which the offence was committed'.

Existing infringements may not be an adequate deterrent as penalties have not increased in more than 20 years and are no longer comparable to other jurisdictions.

By-Law changes

Council's new By-Laws adopt the penalty unit regime established under the Penalty Units Act 2009 (NT).

Penalty units are used to define the amount payable for fines for offences. New financial penalties are between 1 - 100 penalty units, depending on the offence.

For a full break-down of financial penalties in Council's new By-Laws, please visit: palmerston.nt.gov.au/by-law-review



Increased penalties for dog attacks

It is the responsibility of pet owners to ensure their dog does not bite or act aggressively towards other people or animals. Dog attacks can be frightening for all involved (including owners) and may result in serious injury to people and can be fatal for animals.

Dog attacks within the City of Palmerston municipality have increased in previous years. Different jurisdictions in Australia apply various penalties when a dog attack occurs depending on its severity.

Current situation

Council's current By-Laws do not allow for the declaration of 'dangerous dogs' after an identified and established dog attack or dog menace. There is no prescribed penalty for a 'serious dog attack' and an 'aggravated offence'.

By-Law changes

Council's new By-Laws provide consideration of regulating dog attacks and menacing behaviours and further provide for the declaration of dangerous dogs. They provide for a sliding scale of fines for different levels of dog attacks. They apply for conditional registration of declared dangerous dogs, allowing for Council to develop policies and be somewhat flexible around the conditions that could/should be attached to registration of declared dangerous dogs in the circumstances that prevail.

What this means:

'Sliding fine scales' will be used for dog attacks to reflect the severity of the incident, including:

- Dog attack on a person or animal: from a minimum of \$880 to a maximum of \$10,560;
- Serious dog attack on a person or animal: from a minimum of \$1,232 to a maximum of \$14,080;
- Aggravated offence: from a minimum of \$1,584 to a maximum of \$17,600.

Note: The payable fine amount will depend on the classification and severity of the attack.

Reporting of nuisance animals

While barking dogs are the most common problem in terms of complaints received, other animals such as birds and poultry can also cause a noise nuisance. Animal nuisance may also extend to offensive odours or behaviour.

Current situation

Council's current By-Laws only address noise issues due to dogs. Resident feedback suggests this category of nuisance could be extended to cover noises from other animals that occurs or continues to such a degree or extent that it has a disturbing effect on the state of reasonable mental, physical or social well-being of a person. Examples include a neighbour's pet bird persistently screeching or a cat persistently fighting or meowing.

By-Law changes

Council's new By-Laws include consideration of other nuisance animals as part of a more general By-Law. This By-Law includes any dog, cat, or domestic livestock (including poultry) allowed under the new By-Laws. Council is aware that expanding into this regulatory area would require increased resourcing, which may result in an increase to rates.

What this means:

The owner of a dog, cat or domestic livestock must ensure that the animal is not a nuisance to people or other animals, through behaviour such as:

- *Behaving repeatedly in a manner contrary to the general interest of the community or specific interests of another person;*
- *Creating a noise or an odour to a degree or extent that disturbs the reasonable mental, physical or social well-being of a person other than its owner;*
- *Defecating to a degree or extent that causes annoyance to a person other than its owner.*





Licences for multiple animals

For the safety of the household and their animals, to ensure positive animal ownership, limitations on the number of animals that can be kept at a property will be introduced.

Current situation

Under our existing By-Laws, people that wish to keep more than two dogs, but no more than six, must apply to Council for a licence. After receiving an application, Council then works with the applicant to assess the ability of the owner to look after the dogs.

There is currently no limit how many cats can be kept at a premise.

By-Law changes

The new By-Laws allow Council to set policies regarding the number of dogs and cats allowed per property before a licence needs to be obtained.

What this means:

Council can establish limits and conditions on the maximum number of dogs or cats that may be kept on premises in Palmerston, taking into consideration the suitability of the premises and impact on neighbours. Council will continue to allow two dogs per property without a licence.

A licence for multiple animals that was granted or renewed at the commencement of the new By-Laws (1 July 2024), will remain valid for the duration or conditions of that licence.

Compulsory microchipping

Animal microchipping for identification purposes is strongly encouraged for all dog owners. A microchip is a permanent method of electronic identification. The chip itself is very small (about the size of a grain of rice) and is implanted under the skin between the shoulder blades at the back of an animal's neck. Each chip has a unique number that is detected using a microchip scanner.

Current situation

There is currently a 10% discount on annual registration costs for dogs that have been microchipped, however it is not a compulsory requirement for registering your dog.

By-Law changes

Council's new By-Laws provide for compulsory microchipping of both dogs and cats as part of the registration process.

What this means:

Council aims to make these changes as simple as possible for residents to uphold, through continuing various service initiatives such as community-based programs including Ranger led dog walks, free microchipping and discounted desexing where possible.

Introduction of cats to the By-Laws

Cat ownership is valued at the same level as dog ownership, therefore it is important to implement up-to-date regulations for cats. This will assist with controlling cat numbers and help protect wildlife in the local area.

Current situation

Registration of pets currently only applies to dogs in the City of Palmerston municipality.

By-Law changes

Council's new draft By-Laws outline that registration, microchipping, impounding and licensing requirements be applied to cats, as well as offence provisions for both dogs and cats 'at large'.

What this means:

Compulsory cat registration and microchipping will be implemented. Limits and conditions that are currently only applied to dogs will be applied to cats, including licensing requirements on the maximum number of cats allowed per property.

Cats 'at large' means the cat is outside the premises where it is kept and not under effective control.

Owning domestic livestock and other animals

Keeping domestic livestock and other animals as pets can be a rewarding experience, providing companionship and sometimes even practical benefits.

Current situation

Council's current By-Laws do not cover the management of domestic livestock.

By-Law changes

Council's new By-Laws provide that domestic livestock must not be kept on a lot that has less than one hectare of land available.

What this means:

New restrictions will be placed on domestic livestock including horses, oxen, buffaloes, bovines, camels, goats and pigs.

Domestic livestock must not be kept in Palmerston on a lot that has less than one hectare of available land.

Penalty infringements may be imposed if domestic livestock is kept outside permitted areas.

Poultry

There are a wide range of benefits that poultry provide.

Current situation

Council's current By-Laws do not manage poultry.

By-Law changes

Management of poultry has been included in the new By-Laws.

What this means:

New restrictions on poultry will not be implemented as soon as the new By-Laws come into effect, however the By-Laws allow Council to manage; including establishing conditions and or a total number of poultry that may be owned in the future.

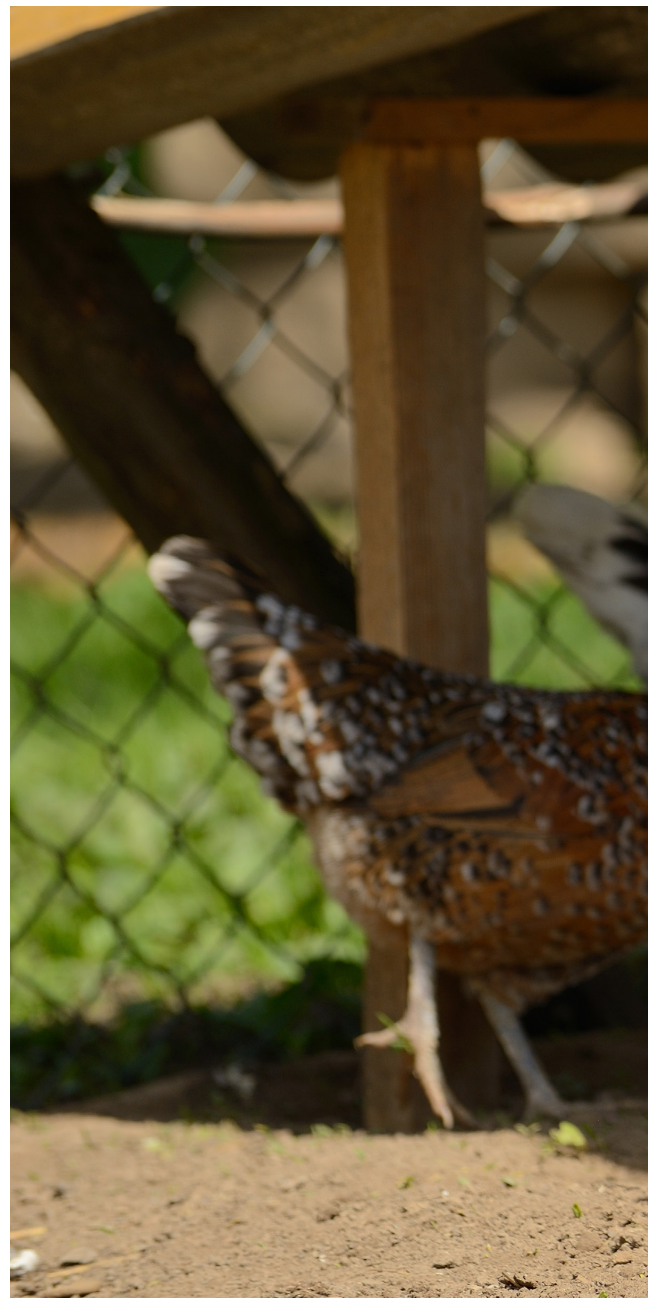
What happens now?

The new Animal Management By-Laws will be out for discussion until 12 February 2024.

All feedback and questions can be sent through to Associated Advertising & Promotions.

Community collaboration is important to help us deliver up-to-date policies and programs to help support the community through the introduction of the new By-Laws.

City of Palmerston's new Animal Management By-Laws will begin from 1 July 2024.





For any feedback on Animal Management
By-Laws, contact Associated Advertising &
Promotions:

8942 3388 | admin@associatedadvertising.com.au

For all other matters, contact City of Palmerston:

Civic Plaza
1 Chung Wah Terrace,
Palmerston, NT 0830

08 8935 9922

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palmerston.nt.gov.au | [f](#) [@](#)@cityofpalmerston





City of Palmerston: Animal Management By-Laws Community Consultation

15 January – 12 February 2024

PREPARED BY:

Natalie Bell

AA&P 360

ABN: 13 085 798 750



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Background

The City of Palmerston Animal Management By-Laws came into effect in 1999. Over the last 25 years, Palmerston has seen significant population growth and with that has come a surge in pet and domestic livestock ownership.

The current By-Laws no longer serve as a best practice reference relating to animal ownership, welfare and regulation, and do not align with community expectations around domestic animal ownership and management.

In 2021, City of Palmerston undertook community consultations to understand and capture how the community felt about amending the By-Laws to reflect more modern approaches to Animal Management. There was strong participation in the consultation and a number of key themes emerged around changes to the By-Laws and in support of stronger animal management and regulation in the Palmerston area.

The feedback from this consultation was vital to informing and helping to shape the new proposed By-Laws for Animal Management in the Palmerston area, which are set to begin from 1 July 2024.

The City of Palmerston has undertaken another round of community engagement to capture and understand community sentiment towards the new By-Laws, identify any implications or issues that need to be considered and/or addressed, and to inform the community of key changes and a date of implementation of the new Animal Management By-Laws.

The consultation was open from 15 January – 12 February 2024. The City of Palmerston engaged local PR and Stakeholder Engagement company AA&P 360 to support capture and record community feedback received as part of the consultations. A number of community consultation activities and various feedback mechanisms were provided as part of this consultation.

Consultation overview

Consultation activities were delivered between 15 January – 12 February 2024, and provided a number of ways for Palmerston residents and interested stakeholders to share their views and provide feedback into the proposed By-Laws.

The consultation activities were supported by a strong public awareness campaign, delivered by the City of Palmerston team, which included:

- Media engagement (media releases, interviews with CoP Mayor)
- Dedicated page on CoP Website
- Social media campaign (Facebook, Instagram, LinkedIn) - weekly posts and stories
- Mail out to Palmerston residents
- Advertising in NT News
- EDM to database
- A3 poster distribution at Council facilities and noticeboards
- Staff email signature



- Radio advertising – live reads
- Consultation collateral – information paper, flyer, proposed By-Laws.

Community consultation activities included:

- Online survey (84 responses)
- Public displays (8 consultations, 98 visitors)
- One on one stakeholder meeting (1 meeting)
- Direct feedback - ability to phone or email through feedback, as well as provide feedback through to your local Council member.
- Engagement on social media

Consultation Feedback

Online Survey

There were 84 online survey submissions received, with 96.4% (81) of the responses coming from Palmerston residents.

The residents from Marlow Lagoon (15.48%), Zuccoli (13.10%) and Durack (7.14%) were the top three survey respondents by suburb.

More than half of the respondents (59.52%) owned a dog(s) and 39.29% owned a cat(s). This was followed by poultry (10.71%), horses (8.33%) and birds (3.57%). 15.48% of respondents had no pets at all.

Although overall most respondents were in favour of the new By-Laws, around two thirds of respondents (67.86%) said they were not prepared to pay higher household rates to boost the Council's animal management services. 15.48% said they were prepared to pay to more, and 16.67% said they were unsure or neutral.

Dangerous Dogs

Management of dangerous dogs was a strong theme throughout all consultation activities and featured prominently in feedback received. This included:

- 83.13% of respondents agreed that Council should have the authority to declare a dog as dangerous, with 60.49% supportive of implementing a higher registration fee for a dangerous dog.

Respondents were largely supportive of a range of other control and management measures such as:

- Desexing the dangerous dog at the owners expense (76.54%)
- Dangerous dogs to be muzzled and controlled by a leash when outside the owners' property (91.36%)
- Dangerous dogs to not enter a dog exercise area (82.72%)



- Owners must notify council if there is an attack or alleged attack of a person of animal (88.89%)

Traceability of dangerous dogs was important, with almost all (97.59%) respondents supportive of owners having to notify Council if their dangerous dog is missing or dies.

When asked about the sliding scale fine to be imposed on dangerous dogs to reflect the severity of the response, respondents averaged 74 out of 100 in support of the proposed fines.

Cats and other animals (including domestic livestock)

Under the new By-Laws, the Council will be enforcing regulations on other animals including cats, poultry, birds, and livestock. Respondents were asked to comment on their level of support for the enforcement measures for all domestic livestock. Responses included:

- More than half (55%) were supportive of the implementation of relative enforcement measures for all domestic animals. Just one third (30.86%) were not supportive.
- Over two thirds (66.67%) of respondents were supportive of applying the same limits and conditions on the maximum number of cats.
- The large majority (80.25%) were supportive of the introduction of compulsory microchipping.
- Two thirds (62.96%) were supportive of the introduction of cat registration, and just over a quarter (27.16%) were not supportive.
- Almost two thirds (69.05%) of respondents were supportive of applying 'at large' offences to cats as well as dogs.

Domestic Livestock

Council will be implementing new restrictions on domestic livestock in certain areas, including horses, oxen, buffaloes, bovines, camels, goats and pigs.

When asked if they would be supportive of domestic livestock not being kept in Palmerston on a lot that has less than one hectare of available land, the average response was 68 out of 100.

When asked if they would be supportive of Council will be implementing penalty infringements for livestock kept outside permitted areas, the average score was 69 out of 100.

General feedback

82% (69) of respondents provided long form feedback and comments. Feedback has been grouped below.

37% of responses related to **dogs**, namely for:

- Owners being more responsible for their dogs (dangerous, nuisance or otherwise)
- Strong support for more enforcement around dangerous and nuisance dogs
- Further information on classification of a dangerous dog
- Stronger focus on animal welfare
- The process of identifying a dangerous dog should be individual, and not breed based.



39% of responses related to **cats**, namely:

- Largely supportive of cat management (registration and microchipping) and managing nuisance cats (feral, stray)
- Responsible owners of indoor cats do not want to be penalised for irresponsible owners, and do not support registration of full-time indoor cats
- Seeking further detail on registration and microchipping cost, and how councils will manage cats at large
- Protection of native animals and wildlife being a key consideration
- More information wanted on how feral cats will be managed under the new By-Laws
- The future plans for a cattery.

The remaining responses related to **domestic livestock and other animals**, with the following key themes included:

- Strong disagreement to By-Law 38 and the proposed 1 livestock animal per hectare
 - One livestock animal per hectare is too restrictive and not realistic.
 - There needs to be consideration for type of animal (eg. one goat is not equivalent to one cow)
 - The 1Ha lot size does not meet best practice animal welfare standard in consideration of herd animals
 - The focus should be on responsible ownership of livestock – not based on lot size.

Public Displays

There were nine planned public displays during the consultation period, eight of which were delivered. Due to very wet weather, the first public display at Bakewell Dog Park was moved to the Palmerston Recreation Centre. The second public display planned for Bakewell Dog park was also unable to take place due to very wet conditions.

Date	Location	Attendees	Sentiment
Wednesday, 17 January	Palmerston Recreation Centre*	8	Positive
Friday, 19 January	Marlow Lagoon Dog Park	15	Positive
Saturday, 20 January	Marlow Lagoon Dog Park	11	Positive
Saturday, 27 January	Gateway Shopping Centre	27	Positive
Sunday, 28 January	Bakewell Dog Park** <i>Cancelled due to rain</i>	0	N/A
Thursday, 1 February	Palmerston Recreation Centre	14	Positive
Friday, 2 February	City of Palmerston Library	8	Positive
Saturday, 3 February	Zuccoli Dog Park	6	Positive



Thursday, 8 February	Council Chambers***	9	Positive
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Notes:

* Location was changed from Bakewell Dog Park to Palmerston Recreation Centre due wet weather.

** Two attempts were made to have a public display at Bakewell Dog Park, however, due to very wet weather, this was not possible. Additional signage was placed around the dog park to encourage Bakewell residents to submit their feedback online.

*** This was a Palmerston Animal Management Network meeting held in Council Chambers and open for the general public.

Over the eight public displays, 98 people interacted with Council staff and Councillors, to both find out more information and share their feedback. The overwhelming majority of people who visited the public displays were supportive of the proposed changes to the By-Laws, in particular around stronger management of cats and dangerous dogs.

Throughout the consultation, a large proportion of feedback received included apprehension and concern of the drafting and limitations of the land size and defined number of animals provided within By-Law 38, Domestic Livestock. A lot of the community members raising the concerns had further questions surrounding the implications for their current domestic animals owned. Primarily asking what does it mean for people who had more than one animal or had bought land in appropriately zoned areas within Palmerston, with the hope of having domestic livestock and other animals.

Further concerns around By-Law 38 had been flagged directly with the Mayor and Elected Members of Council early in the consultation phase, of which Council had raised a commitment to review the restrictive and defined scope within By-Law 38.

There were a number of questions about the details missing from the By-Laws, such as limits to dogs and cats, cost of microchipping and registration for cats and how the new By-Laws would be policed. Council representatives were able to advise that more detail would be available in the policy, and that feedback from the consultation was helping inform future policy development.

Other feedback provided has been grouped into key areas and is included below.

Cats

- Supportive of stronger management of cats, including compulsory registration and microchipping.
- Collars on cats have animal welfare considerations – strangulation and getting caught. There should be a consideration for older / only indoor cats to not having to wear collars or tags.
- Would like to see incentives in place for cat registration and microchipping and desexing, as well as outdoor cat runs and cages, especially for seniors.
- Better managing the impact of roaming cats on wildlife.

Dogs

Dangerous Dogs

- Supportive of dangerous dog provisions and harsher penalties.



- There needs to be consideration about the qualification of the person doing the assessment and their suitability and experience.

Domestic livestock

- Concerns around Section 38 of the By-Laws
 - Too prescriptive.
 - Not consistent with animal welfare standards or Animal Protection Act. Keeping only one animal is not best practice for certain livestock (herd animals, breeding pairs).
 - People could also argue the definition of what constitutes as commercial.
 - Do not want to see limits on animals per hectare and do not believe this reflects the current situation of the many well-managed horses and other small livestock in Marlow Lagoon.

Overall, the community seemed pleased to see Council out and about and engaging with residents. There were a number of comments received to this effect.

The Palmerston Animal Management Network meeting was the last of the public consultations and this was attended by two local Palmerston veterinarians. Overall, they were very supportive of the proposed amendments, particularly around increased management of cats (registration, microchipping).

The vets noted that they receive stray or missing cats to their clinics each day, and that microchipping will help return cats quickly to owners. They noted there was a huge increase in returning dogs to owners when compulsory microchipping was introduced.

Both vets remarked that dog attacks continue to be frequent with dogs 'presenting to vets' due to dog on dog attacks or fights very regularly – and at a rate far above other clinics in other Council areas.

More detailed feedback is included with the notes from this meeting, included as Appendix 1.

One on One Stakeholder meetings

A number of key animal welfare and management organisations who operate in the Palmerston area were contacted directly as part of the consultation and invited to submit their feedback or arrange a one-on-one meeting. These included;

- Animal Management in Rural and Remote indigenous Communities (AMRRIC)
- RSPCA Darwin
- Paws Darwin
- Palmerston Veterinary Providers (The Art, Palmerston Veterinary Hospital and Uni Ave Vets)
- Department of Animal Welfare
- Grey Hound Association Northern Territory
- Australian Veterinary Association (I have further requested an NT contact)
- A Safe Place for Meow- Cat Rehoming Northern Territory
- Darwin Animal Rescue



- Riding for the Disabled in the Top End

There was only one request for a face to face stakeholder meeting, received from the Northern Territory Government's Biosecurity & Animal Welfare (BAW) branch (Department of Industry, Tourism and Trade).

General feedback included:

- BAW welcomes the changes and acknowledges the body work that has gone into developing the new By-Laws and is pleased to see Palmerston Council being proactive in the space.
- Recommends that Council review the Pounds Act to consider how this may influence or impact future policy development.
- BAW receives a number of complaints around nuisance poultry and livestock, so the By-Laws will support stronger management going forward.
- Nuisance provision is strongly supported as previous complaints have not been able to be referred on or managed under current legislation.

The full meeting notes are attached as Appendix 2 with specific recommendations and considerations to the key areas of dogs, cats and domestic livestock management, as well as other areas.

It was noted that all properties with domestic livestock must register for a Property Identification Code (PIC).

Direct feedback

The community was able to phone or email any additional concerns or feedback that they would like included as part of the consultations.

Five phone calls were received by AA&P, mostly around the management of cats and the protection of wildlife.

There was also feedback received around the management of dangerous dogs and the process for euthanasia of a dog that had been deemed as dangerous by Council. The request was for Council to allow the owner to have their dog put down by a vet of their choice, and to enable the owners to bury/cremate their animal.

Two email responses were received via the City of Palmerston's regulatory team, directly relating to the classification of feral cats vs lost/missing cats, and concerns around By-Law 38.

Members of Council were also asked to promote the consultation to their constituents and encourage residents to take part in the online survey, visit a public display, or provide any feedback direct to their local member.



Engagement on Social media

The first post on social media promoting the By-Laws Consultation on January 15th, let the community know that new By-Laws were being introduced and that the community was invited to provide their input and feedback as part of the consultation process.

The first Facebook post received the most engagement, with 20 comments and 20 shares. The commentary was largely around cats.

A number of people who stopped past the public displays noted that they saw the consultation promoted on social media. A Facebook event was set up for each public display, and stories were posted on the day from most locations.

Summary

Overall, the sentiment towards to the introduction of new Animal Management By-Laws was positive, with most people commenting that they were supportive of the new By-Laws being introduced. A number of residents that attended the public displays also commented that they were pleased that Council had gone back out for consultation and feedback into the new By-Laws.

The key themes that attracted the most feedback and comments were:

- **Cat Management** – supportive of compulsory registration and microchipping. The community was supportive of stronger regulation and management of cats. Of particular concern to many residents was the impact of cats on native wildlife.
- **Dangerous Dogs Provisions** – supportive of harsher penalties around dangerous dogs and the sliding scale of fines.
- **Nuisance Provisions** – as they apply to dogs, cats, poultry, other animals and domestic livestock were broadly supported.
- **By-Law 38** – the those who provided feedback, they were largely not supportive of this proposed By-Law that set a minimum size of 1 HA for one animal. They felt that this By-Law was too prescriptive and did not fairly consider or cater for those people who own one or more animal on appropriately zoned land in the Palmerston region.

There were calls for incentives to help alleviate the costs associated with compliance, particularly in regard to cat registration and microchipping, as well as incentives for dog and cat desexing.

The feedback received reflected strong community support for the proposed new By-Laws to better align with a growing city and more modern standards of animal ownership, welfare, and regulation.



Appendix 1: Palmerston Animal Management Network

Community Consultation Summary

Date: 8 February 2024

Location: City of Palmerston, Civic Plaza – Palmerston Animal Management Network Meeting

Time: 5.00 – 5.30pm

ELECTED MEMBERS	Councillor Amber Garden (Chair) Mayor Athina Pascoe-Bell Councillor Sarah Henderson
NETWORK MEMBERS	Natalie Bell, Managing Director, Associated Advertising (NB)
STAFF	Emma Blight, Acting General Manager Community (GMC) Angie Heriot, Regulatory Services Manager (RSM) Georgina Davies, Executive Assistant to GMC (EA)
STAKEHOLDERS	Lisa Thring, Vet, Palmerston Veterinary Hospital (LT) Stephen Cutter, Vet, Ark Animal Hospital (SC)

Key Outcomes

Overall sentiment: positive / supportive

Feedback received.

- Overall supportive and happy with the proposed amendments, particularly around increased management of cats (registration, microchipping).

Cats

- Microchipping will help return cats quickly to owners. There was a huge increase in returning dogs to owners when compulsory microchipping was introduced.
- Keen to see the detail around implementation and enforcement and what will constitute as ‘at large’ (time based, outside yard etc) - queried about roaming cats and will there be a curfew due to Council’s interstate having a night-time curfew
- Everyday stray cats and kittens are brought into vet clinics and vets cannot always take them. Many of the shelters and rescue services are full or at capacity. It’s estimated that there would be several thousand unwanted (stray / abandoned / feral cats) in the Palmerston area



- May need to be some consideration given to ‘class of cat’ – eg. Owned, semi-owned, feral
- Need further detail on how long vets will need hold microchipped cats for. And if the owner is not contactable
- High number of stray cats in Yarrowonga continue

Domestic Livestock

- By-Law 38
 - 1HA ruling is not applicable to small livestock
 - Many need to consider future trends towards ‘miniature livestock’
- Supportive of there being regulation around livestock – especially to control and moderate nuisance (environmental, neighborhood, safety)
- Supportive of inclusion of poultry into By-Laws. Agree to not including size and number limits however this can be managed through nuisance
- Council could consider incentives to microchip domestic livestock

Dogs

- Dog attacks continue to be frequent with dogs ‘presenting to vets’ due to dog on dog attacks / fights
- Supportive of stronger measures and enforcement around dog magement (owner responsibility) and dog attacks
- There are significantly more dogs presented for treatment from dog attacks and fights compared with other vet clinics the Darwin region
- Would like to see education / support for more people to report dog attacks and fights when there has been an issue. New By-Laws will allow better recording and management of dangerous dogs and owners.

Overall very happy with the proposed changes and supportive of Councils recommendations and new proposed changes, particularly around cats.



Appendix 2: Biosecurity & Animal Welfare (BAW) DITT

Stakeholder Meeting - Summary

Date: 9 February 2024

Location: Berrimah Farm

Time: 12.30 -2.00pm

Attendees

Biosecurity & Animal Welfare (BAW) DITT

Anthony Burridge, Principal Biosecurity Legislation Officer

Livestock Biosecurity team:

Rob Williams, Chief Veterinary Officer

Adele Kluth, LISA / Brands

Bill Dalton, Operations Manager

Georgia Johnson, A/Regional Livestock Biosecurity Officer

Animal Welfare

Charles Drury, Director

Feedback received

General feedback

- BAW (DITT) welcomes the changes and acknowledges the body work that has gone into developing the new By-Laws – pleased to see Palmerston Council being proactive in the space
- Recommended that Council review the Pounds Act to consider how this may influence or impact future policy development
- The Department receives a number of complaints around nuisance poultry and livestock, so the By-Laws will support stronger management going forward
- Nuisance provision is strongly supported as previous complaints have not been able to be referred on or managed under current legislation

Domestic Livestock

- BAW are keen to work with the Council to promote and encourage all owners of domestic livestock to register for a Property Identification Code (PIC). Eg, through mail outs of registration renewals, including PIC in registration, other marketing, Councils website.
- Definition of domestic livestock should consider including Alpacas, Llamas, Sheep and Deer. Parks & Wildlife issue permits for deer, and sheep is DITT.



- Consideration to include crocodiles as although wildlife are not included as domestic livestock, NT does include a provision for being able to own crocs as a domestic pet in the NT
- Could look to include that domestic livestock is as defined by Section 5 of the Livestock Act
- The By-Laws don't include a provision for, or rules around, animals being kept for religious sacrifice / holidays / meals – mostly sheep and goats
- The current domestic livestock definition doesn't include poultry. Recommend that poultry be defined as 'domestic fowl' which includes chickens, ducks, geese, turkey, guinea fowl, peacock and pea hens, pigeons etc and list all types. Amendment to the Livestock Act will include emu and ostrich(which all require PIC)
- Bees and beehives are not included. Noted that this currently sits in other NTG legislation however would like to see reference to bees in CoP By-Laws. The Dept will have new legislation in place by the end of March.
- Note that By-Law 38 is informed by NTG legislation (DIPLE) however BAW note that 1ha provision is not reflective of the many 1 acre rural blocks in Marlow and other Palmerston suburbs.
- BAW (DITT) is responsible for where Livestock are being kept, the parcel of land must have a PIC By-Law. Issuing a PIC is not a permit giving permission to keep livestock if regulated by Local Govt / Council etc.

Dogs

- Supportive of dangerous dog provisions including ability to enforce microchipping and registration for dangerous dogs. Would support this information being a shared resource for management and policing of dangerous dogs across local government areas.

Cats

- Supportive of proposed cat management provisions
- Would support a limit on cat ownership. Disease management and animal welfare and both harder to manage when there are lots of cats at one residence/property.
- Veterinary Board of the NT could assist with providing advice or recommendations on number of cats per household / property, with reference to the risk of disease and husbandry standards.

NORTHERN TERRITORY OF AUSTRALIA

CITY OF PALMERSTON (ANIMAL MANAGEMENT) BY-LAWS 2024

Subordinate Legislation No. [] of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2024*

City of Palmerston (Animal Management) By-laws 2024

City of Palmerston, at a meeting held on [] 2024, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised [], [the Chief Executive Officer], to sign them.

Dated 2024

Chief Executive Officer

The common seal of City of Palmerston is affixed under a resolution authorising the seal to be affixed passed on [] 2024.

Mayor

Chief Executive Officer

CONFIDENTIAL DRAFT
Prepared by the Office of the Parliamentary Counsel
Date: 27 February 2024 15:06
Ref: 12byIL018RIF d12

* Notified in the *Northern Territory Government Gazette* on [] 2024.

Part 1 Preliminary matters

Part 1 Preliminary matters

1 Title

These By-laws may be cited as the *City of Palmerston (Animal Management) By-laws 2024*.

2 Commencement

These By-laws commence on [date].

3 Definitions

In these By-laws:

approved means approved by the City by resolution.

assistance animal, see section 4A of the *Anti-Discrimination Act 1992*.

at large, in relation to a dog or cat, means the dog or cat is:

- (a) outside the premises where it is usually kept; and
- (b) not under effective control.

attack, in relation to a dog, means any behaviour of the dog specified in by-law 21(1) or 22(1).

authorisation means a form of written or electronic authority issued by the CEO that is required under these By-laws to do something, to have something or to engage in other conduct.

Examples for definition authorisation

- 1 A licence to keep animals at premises.
- 2 A dog or cat registration.

City means the local government council constituted for the municipality of Palmerston.

Note for definition City

The Minister for Local Government changed the name of the council for the City of Palmerston local government area to the "City of Palmerston" by notice in Gazette G50 of 12 December 2012.

dangerous dog means a dog declared to be dangerous under by-law 25.

dog exercise area means an area declared by the City under by-law 17 to be a dog exercise area.

domestic livestock means any of the following that is kept for a non-commercial purpose:

- (a) a horse or other equine animal;
- (b) an ox, buffalo or other bovine animal;

(c) an alpaca;

~~(c)~~ a camel;

~~(d)~~ a goat;

(f) a llama

~~(e)~~ a pig;

(h) a sheep.

effective control, in relation to a dog or cat, see by-law 14(2) and (3).

infringement notice, for Part 4, see by-law 51.

infringement notice offence, for Part 4, see by-law 50(1).

menace, see by-law 20(2).

nuisance, see by-law 39(2).

owner, see by-law 4.

Palmerston means the City of Palmerston local government area.

pound means a place established by the City to impound animals.

premises include the following:

- (a) a building or other structure;
- (b) a part of a building or other structure;
- (c) land where a building or other structure is situated.

prescribed amount, for Part 3, see by-law 50(2).

properly contained, see by-law 13.

vehicle means any conveyance that runs on wheels.

Examples for definition vehicle

Cars, trucks, trailers, motorcycles, bicycles, scooters, skateboards and inline skates.

Note for by-law 3

The Act also defines terms that are used in these By-laws.

4 Meaning of *owner*

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

*Examples for definition **owner***

A person walking a dog or looking after a dog for a friend who is on holidays.

- (2) If an owner under clause (1) is a person under 18 years of age, the owner is taken to be any parent or guardian of that person.

5 Application within Palmerston

These By-laws apply to and have effect within Palmerston.

Note for by-law 5

Under section 275(4) of the Act, a by-law binds the Territory and all its instrumentalities.

6 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against these By-laws.

Note for by-law 6

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Animal management

Division 1 Responsible ownership of dogs and cats

7 Registration required

- (1) The owner of a dog or cat that is kept in Palmerston must register it with the City.
- (2) The City must, by resolution, determine the following:
 - (a) the process for registering dogs and cats;
 - (b) any grounds for refusing to register a dog or cat;
 - (c) any conditions of registration;
 - (d) date of expiry of a registration.

Examples for clause (2)(b)

Unsuitable premises or excessive number of dogs or cats.

Note for by-law 7

Part 3, Division 1 contains provisions about the grant of authorisations, including registrations, under these By-laws.

8 Offence of unregistered dog or cat

- (1) A person commits an offence if the person keeps an unregistered dog or cat in Palmerston for a period of 3 months or longer.

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) The following persons are exempt from clause (1):
 - (a) a City employee or contractor who keeps a dog or cat in a pound;
 - (b) a person or entity that provides animal protection or welfare services;
 - (c) a veterinarian who keeps a dog or cat for treatment.
- (3) An offence against clause (1) is an offence of strict liability.

9 Identification devices

- (1) A registered dog or cat must:
 - (a) wear an identification tag when outside the premises where the dog or cat is kept; and
 - (b) be implanted with a microchip.
- (2) An identification tag must meet the specifications determined, by resolution, by the City.
- (3) An implanted microchip must:
 - (a) meet the specifications determined, by resolution, by the City; and
 - (b) be designed to store information in a way that can be retrieved electronically without physical contact.
- (4) The CEO may exempt a dog or cat from the requirement in clause (1)(b) if the CEO is satisfied that implanting a microchip in the dog or cat will:
 - (a) result in an undue risk to the health of the dog or cat; or
 - (b) adversely affect the growth, development or wellbeing of the dog or cat.
- (5) The owner of a registered dog or cat must ensure that it:
 - (a) wears a tag that meets the requirements determined under clause (2) when outside the premises where it is kept; and
 - (b) is implanted with a microchip.

10 Offences related to identification devices

- (1) The owner of a registered dog or cat must not:
 - (a) allow it to be outside the premises where it is kept without wearing an identification tag that meets the requirements determined under by-law 9(2); or
 - (b) remove from it any microchip implanted under by-law 9.

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) An offence against clause (1) is an offence of strict liability.

11 Offence for contravention of condition of registration

- (1) The owner of a registered dog or cat must comply with any conditions on the registration determined by the City.
- (2) A person commits an offence if:
- (a) the person is the owner of a registered dog or cat; and
 - (b) the registration of the dog or cat is subject to a condition; and
 - (c) the owner fails to comply with the condition.

Maximum penalty: 20 penalty units.

Note for clause (2)

The infringement amount is 1 penalty unit.

- (3) An offence against clause (2) is an offence of strict liability.

12 Notice of change in address or owner

- (1) The owner of a registered dog or cat must notify the City of the following events:
- (a) a change in the owner's address;
 - (b) a transfer of the dog or cat to a new owner.
- (2) The notice must be given in the approved form within 14 days after the day the event occurred and include the following:
- (a) the particulars of the animal;
 - (b) the contact details of the owner;
 - (c) in the case of a transfer of the dog or cat to a new owner – the contact details of both the new and former owners.
- (3) A person commits an offence if:
- (a) the person is the owner of a registered dog or cat; and
 - (b) the person fails to comply with clause (1) or (2).

Maximum penalty: 10 penalty units.

Note for clause (3)

The infringement amount is 1 penalty unit.

- (4) An offence against clause (3) is an offence of strict liability.

13 Proper containment of dogs and cats

- (1) The owner of a dog or cat must properly contain the dog or cat when it is on the premises where it is usually kept.
- (2) For these By-laws, a dog or cat is taken to be **properly contained** on premises if the dog or cat is kept inside a building, enclosed run or other structure on the premises from which the animal is unable to escape.

Note for clause (2)

Under section 22 of the Animal Protection Act 2018, a person in control of an animal must provide a minimum level of care to the animal.

- (3) A person commits an offence if:
- (a) the person is the owner of a dog or cat; and
 - (b) the dog or cat is not properly contained when it is on the premises where it is kept.

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 2 penalty units.

- (4) An offence against clause (3) is an offence of strict liability.
- (5) To avoid doubt, the following matters are not relevant to an offence against clause (3):
- (a) the time during which the dog or cat was not properly contained;
 - (b) the ability of the owner to properly contain the dog or cat.

14 Keeping dogs and cats under effective control

- (1) The owner of a dog or cat must ensure that the dog or cat is under effective control when outside the premises where the animal is kept.
- (2) For these By-laws, a dog or cat is taken to be under **effective control** if the dog or cat is:
- (a) restrained by a leash or similar device that is suitable to restrain the dog or cat and is held by a person who is over the age of 12 years and competent to restrain the dog or cat; or

- (b) safely enclosed in a vehicle, or in or on the back of a flat-topped, tray-backed or well-bodied vehicle, in such a manner that no part of the dog or cat is projecting from the vehicle; or
 - (c) otherwise leashed or restrained and unable to run free.
- (3) For these By-laws, a dog in a dog exercise area is also taken to be under **effective control** if:
- (a) the dog is complying with the conditions specified for the area; and
 - (b) the dog is immediately responsive to a voice command of its owner; and
 - (c) the dog is not a female dog in oestrus; and
 - (d) the owner is carrying a leash or similar device in accordance with clause (2)(a).
- (4) A person commits an offence if:
- (a) the person is the owner of a dog or cat; and
 - (b) the dog or cat is not under effective control when outside the premises where the animal is kept.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.

15 Abandoning dog or cat

A person commits an offence if the person intentionally abandons a dog or cat in Palmerston.

Maximum penalty: 20 penalty units.

16 Maximum number of dogs and cats

- (1) The City may, by resolution, establish a limit or condition on the maximum number of dogs or cats that may be kept on premises in Palmerston.

Examples for clause (1)

The maximum number of dogs and cats allowed on premises or limits or conditions on the breeding of dogs and cats and the suitability of those premises and the impact on neighbours.

- (2) The City must publish the limit or condition.
- (3) A person must not, without an authorisation, keep dogs or cats on premises contrary to any limit or condition established by the City on the maximum number of dogs or cats that may be kept on premises in Palmerston.
- (4) An occupier of premises commits an offence if:
 - (a) the City, by resolution, establishes a limit or condition on the maximum number of dogs or cats that may be kept on the premises; and
 - (b) the occupier keeps dogs or cats on the premises contrary to the limit or condition; and
 - (b) the occupier does not have an authorisation allowing that conduct.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.
- (6) A person who contravenes clause (3) is not entitled to apply for, or to be granted, a licence referred to in that clause for a period of 12 months from the day of the last contravention.

17 Dog exercise areas

- (1) The City may, by resolution, declare an area to be a dog exercise area.
- (2) If the City intends to declare an area to be a dog exercise area, the City must:
 - (a) publish notice of the proposed area at least 28 days in advance; and
 - (b) consider any responses to the notice from residents of Palmerston.
- (3) The City must publish the location and conditions for using any dog exercise area or class of dog exercise area it declares.

Examples for clause (3)

1 *The times to exercise dogs in the area.*

2 *When female dogs in oestrus are allowed in the area.*

- (4) The owner of a dog using a dog exercise area must comply with the conditions for the area.
- (5) The owner of a dangerous dog must ensure the dog does not enter a dog exercise area.
- (6) A person commits an offence if:
 - (a) the person is the owner of a dog; and
 - (b) the dog is a dangerous dog; and
 - (c) the dog enters a dog exercise area.

Maximum penalty: 20 penalty units.

Note for clause (6)

The infringement amount is 1 penalty unit.

- (7) An offence against clause (6) is an offence of strict liability.

18 Dog and cat restricted areas

- (1) The City may declare an area to be a dog or cat restricted area.
- (2) If the City intends to declare an area to be a dog or cat restricted area, the City must:
 - (a) publish notice of the proposed area at least 28 days in advance; and
 - (b) consider any responses to the notice from residents of Palmerston.
- (3) The City must publish the location and restrictions on dogs and cats in any dog or cat restricted area it declares.
- (4) An assistance animal is exempt from this by-law.
- (5) The owner of a dog or cat must comply with the conditions for the dog or cat restricted area.
- (6) The City may, by resolution, exempt a person, a class of persons or all persons from one or more conditions or restrictions in a declaration made under clause (1) for a maximum period of 14 days.
- (7) The City must publish an exemption under clause (6).

19 Offences related to dog or cat areas

- (1) A person commits an offence if the person:
- (a) owns a dog or cat; and
 - (b) fails to comply with the conditions for a dog exercise area or a dog or cat restricted area; and
 - (c) if the condition relates to a dog or cat restricted area – does not have an exemption from the condition under clause 18(6).

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) An offence against clause (1) is an offence of strict liability.

Division 2 Menacing, attacking and dangerous dogs

20 Dog menaces

- (1) An owner of a dog must ensure that it does not menace a person or another animal.
- (2) For these By-laws, a dog is taken to **menace** a person or other animal if it chases, harasses, rushes at or threatens to bite the person or animal in a manner that causes a reasonable apprehension of fear in the person or animal.
- (3) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 3 penalty units.

- (4) An offence against clause (3) is an offence of strict liability.

21 Dog attacks

- (1) The owner of a dog must ensure that it does not rush at, bite, chase or menace a person or other animal resulting in:
- (a) physical contact with the person or other animal; or
 - (b) damage to:

- (i) anything worn by the person or animal; or
 - (ii) other property in the immediate possession or under the immediate control of the person.
- (2) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 60 penalty units.

Note for clause (2)

The infringement amount is 5 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.

22 Serious dog attack

- (1) The owner of a dog must ensure that it does not:
- (a) bite a person or another animal causing a puncture or break to the skin; or
 - (b) assault a person or another animal resulting in bleeding, bone breakage, sprains, scratches or bruising.
- (2) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 80 penalty units or, for an aggravated offence, 100 penalty units.

Note for clause (2)

The infringement amount is 7 penalty units or, for an aggravated offence, 9 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) An offence against clause (2) is an aggravated offence if the bite or assault causes or results in substantial injury to, or death of, the person or the other animal.

23 Defences

- (1) It is a defence to a prosecution for an offence against by-law 20, 21 or 22 if:
- (a) another person had, without the defendant's permission, caused the dog to menace or attack the person or another animal; or
 - (b) in the case of another animal being menaced or attacked – the

other animal was on premises owned or occupied by the defendant without consent; or

- (c) in the case of a person being menaced or attacked – the person was unlawfully on premises owned or occupied by the defendant.

Note for clause (1)

The defendant has an evidential burden in relation to this defence (see section 43BU of the Criminal Code).

- (2) If a court finds a person guilty of an offence against by-law 20, 21 or 22, the court may make one or both of the following orders in addition to, or instead of, the penalty for the offence:
- (a) if the dog is impounded as a result of the offence – an order that the person pay the costs and expenses of, and incidental to, the impounding;
- (b) an order that the dog be destroyed.

24 Enticement or incitement

A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in the owner of a dog being liable to prosecution for an offence against by-law 20, 21 or 22; and
- (c) the person is reckless in relation to that result.

Maximum penalty: 20 penalty units.

Note for by-law 24

The infringement amount is 1 penalty unit.

25 Dangerous dog

- (1) An authorised person may, by written notice, declare a dog to be a dangerous dog if:
- (a) the dog menaces or attacks a person or an animal; or
- (b) the authorised person believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.
- (2) The authorised person must give written notice of the declaration to the owner of the dog.

- (3) The written notice of the declaration must be in the approved form and include the following information:
 - (a) the day the declaration takes effect;
 - (b) the reasons for the declaration;
 - (c) the identity of the dog and the owner of the dog.
- (4) The City must keep a record of the information in clause (3).

26 Revocation of declaration of dangerous dog

- (1) The owner of a dangerous dog may, in writing to the CEO, request that the declaration of the dog as a dangerous dog be revoked.
- (2) The CEO may:
 - (a) revoke the declaration; or
 - (b) refuse to revoke the declaration.
- (3) The CEO must give the applicant written notice of the decision under clause (2).
- (4) A revocation under clause (2)(a) takes effect on the day the CEO notifies the applicant of the revocation.
- (5) If the CEO refuses an application under clause (2)(b), the CEO is not required to consider a further application made under clause (1) in relation to the same dog within six months of the refusal.

27 Duties of owner of dangerous dog

- (1) This by-law applies to the owner of a dog that is declared to be a dangerous dog.
- (2) The owner must, within 14 days after the day the declaration takes effect:
 - (a) desex the dangerous dog, unless it is already desexed, at the owner's expense; and
 - (b) provide to an authorised person evidence from a veterinarian that the dog is desexed; and
 - (c) undergo behavioural or other training with the dog, as specified by the CEO, at the owner's expense.
- (3) The owner must ensure that the containment required under by-law 13(1) is appropriate to the danger posed by the dangerous

dog.

Example for clause (3)

Installing higher and stronger fencing for a large dangerous dog.

- (4) The owner must post signage on the premises where the dangerous dog is kept, with the words "Warning Dangerous Dog" clearly visible and legible from the front boundary of the premises.
- (5) When the dangerous dog is outside the premises where it is kept, the owner must ensure that:
 - (a) the dog is kept under the effective control of a person who is at least 18 years of age and competent to restrain the dog; and
 - (b) the dog is muzzled and controlled by a leash that is suitable to restrain the dog; and
 - (c) the dog does not enter a dog exercise area.
- (6) If the owner intends to keep the dangerous dog for more than 14 days at a place other than the premises where it is usually kept, the owner must notify the City of the address of the place within 24 hours after the dog is relocated.
- (7) The owner must notify the City of any attack, or alleged attack, by the dangerous dog of a person or animal within 24 hours of the earlier of the following:
 - (a) the time of the attack or alleged attack;
 - (b) the time the owner becomes aware of the attack or alleged attack.

28 Notice about loss or transfer of dangerous dog

- (1) The owner of a dangerous dog must notify the City if the dog is missing or dies.
- (2) The notice must be given:
 - (a) within 24 hours after the owner becomes aware the dog is missing; or
 - (b) within 14 days after the day of its death.
- (3) If the owner of a dangerous dog intends to transfer ownership of the dangerous dog, the owner must inform the prospective owner that the dog is dangerous.

- (4) In the case of the transfer of a dangerous dog, the notice to the City under by-law 12 must be given within 24 hours after the transfer.

29 Offences related to dangerous dog

- (1) A person commits an offence if the person:
- (a) is the owner of a dog that is declared to be a dangerous dog; and
 - (b) fails to comply with by-law 27 or 28.

Maximum penalty: 100 penalty units.

Note for clause (1)

The infringement amount is 9 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

30 Remedial action for dangerous dog

- (1) If the owner of a dangerous dog fails to comply with the duties of an owner under by-law 27 more than once in a 12-month period, the CEO may require the owner to take either or both of the following actions:
- (a) undergo further specified behavioural or other training with the dog at the owner's expense;
 - (b) surrender the dog to the pound.
- (2) If the CEO intends to take action under clause (1), the CEO must give the owner of the dangerous dog a notice that:
- (a) states what action the CEO is proposing under that clause; and
 - (b) states the grounds for taking that action; and
 - (c) invites the owner to show cause, within 14 days, why the action should not be taken.
- (3) After considering any response received within 14 days after the day of the notice, the CEO must decide whether to take action under clause (1).
- (4) As soon as practicable after making a decision under clause (3), the CEO must give a decision notice to the owner of the dangerous dog.

Division 3 Seizure and impounding of dogs and cats

31 Seizure and impounding

- (1) An authorised person may seize:
 - (a) a dog or cat that appears to be diseased, injured, savage, destructive, stray or unregistered; or
 - (b) a dog or cat that is at large; or
 - (c) a dangerous dog whose owner is not complying with Division 2; or
 - (d) a dog that an authorised person believes on reasonable grounds has attacked a person.
- (2) As soon as practicable after seizing a dog or cat, the authorised person must:
 - (a) impound the dog or cat in a pound; or
 - (b) take reasonable steps to return the dog or cat to its owner if satisfied that it is not diseased, injured, savage or destructive.

32 Notice of impounding

- (1) The CEO must ensure that reasonable steps are taken to notify the owner of a dog or cat that it is impounded and whether:
 - (a) the owner must collect it; or
 - (b) the owner must await a decision regarding destruction or disposal under by-laws 34 and 35; or
 - (c) the dog or cat is subject to destruction or disposal under by-laws 34 and 35.
- (2) The owner of an impounded dog or cat who receives notice under clause (1)(a) must collect the dog or cat within the time specified in the notice.
- (3) A person commits an offence if the person:
 - (a) owns a dog or cat; and
 - (b) receives a notice under clause (1)(a) that the owner must collect it; and
 - (c) fails to collect the dog or cat within the time specified in the notice.

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 2 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

33 Release from pound

- (1) When collecting a dog or cat from a pound, a person must provide evidence that the person is the owner of the dog or cat or is authorised to act on behalf of the owner.

- (2) The City may charge the owner a fee for:

- (a) the costs incurred by the City in relation to the impounded dog or cat; and
- (b) delivering the dog or cat from the pound.

- (3) Subject to by-laws 34 and 35, an impounded dog or cat must not be released from a pound unless:

- (a) it is registered and implanted with a microchip in accordance with by-law 9; and
- (b) it is released to its owner or to a person authorised to act on behalf of the owner; and
- (c) the City receives any fees payable in relation to it.

Note for clause (3)

Under by-law 9(4), the CEO may exempt a dog or cat from the requirement to be implanted with a microchip.

- (4) Clause (3)(a) does not apply in relation to an impounded dog or cat if:

- (a) the dog or cat is usually kept outside the City; or
- (b) the dog or cat is under 3 months of age.

- (5) For clause (4)(b), the owner of the dog or cat must provide evidence that the dog or cat is under 3 months of age.

34 Destruction of dog or cat

- (1) The CEO may arrange for a dog or cat to be destroyed if:

- (a) the dog or cat is in the pound or is abandoned or is found on a public place; and

- (b) the dog or cat is diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; and
 - (c) it is humane to destroy the dog or cat in the circumstances.
- (2) The CEO may presume that a dog that attacks a person or animal is savage or destructive.

35 Destruction or disposal of impounded dogs and cats

- (1) Subject to this by-law, the CEO may, after a dog or cat is impounded for 4 business days:
- (a) transfer the dog or cat to an entity that provides animal rehoming services; or
 - (b) arrange for its destruction.
- (2) The CEO may make arrangements for the transfer of dogs and cats from a pound to a person or entity that provides animal rehoming services.

Example for clause (2)

Arrangements could be made with the RSPCA and other organisations that provide care for unwanted and stray animals.

- (3) The CEO must not destroy or dispose of an impounded dog or cat because it is savage, destructive, unclaimed, unregistered or unwanted until after the later of the following:
- (a) if circumstances related to the destruction are being investigated – the end of that investigation;
 - (b) if the destruction is subject to legal proceedings – 14 days after the end of those legal proceedings.
- (4) If an offence is being investigated in relation to an impounded dog or cat, it must not be destroyed or disposed of until the investigation is complete.

Example for clause (4)

If a dog is alleged to have attacked a person, the dog would not be destroyed unless the investigation is complete.

36 Humane method

Any destruction of a dog or cat under these By-laws must be done:

- (a) in a manner approved by the Australian Veterinary Association; and

- (b) by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy it.

37 Costs of destruction

The costs incurred by the City to destroy a dog or cat under by-law 34 or 35 is a debt payable by the owner of the dog or cat to the City.

Division 4 Management of domestic livestock and other animals

~~38 Domestic livestock~~

~~(1) Domestic livestock must not be kept in Palmerston on a lot that has less than 1 hectare of available land.~~

~~(2) A person may keep on a lot a maximum of one domestic livestock animal per 1 hectare of available land.~~

~~(3) A person commits an offence if the person keeps domestic livestock contrary to clause (1) or (2).~~

~~Maximum penalty: 20 penalty units.~~

~~Note for clause (3)~~

~~The infringement amount is 1 penalty units.~~

~~(4) An offence against clause (3) is an offence of strict liability.~~

~~(5) In this section:~~

~~**available land** means land on which there is no building or structure, other than a building or structure used for the keeping, training or exercising of domestic livestock.~~

~~39~~38 **Management of poultry and domestic livestock**

(1) The City may, by resolution, establish a limit or condition on the maximum number of poultry or domestic livestock that may be kept on premises in Palmerston.

(2) The City must publish the limit or condition.

(3) A person must not, without an authorisation, keep poultry or domestic livestock on premises contrary to any limit or condition established by the City on the maximum number of poultry or domestic livestock that may be kept on premises in Palmerston.

(4) An occupier of premises commits an offence if:

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- (a) the City, by resolution, establishes a limit or condition on the maximum number of poultry or domestic livestock that may be kept on the premises; and
- (b) the occupier keeps poultry or domestic livestock on the premises contrary to the limit or condition; and
- (b) the occupier does not have an authorisation allowing that conduct.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.
- (6) A person who contravenes clause (3) is not entitled to apply for, or to be granted, an authorisation ~~licence~~ referred to in that clause for a period of 12 months from the day of the last contravention.

4039 Animal causing nuisance

- (1) The owner of a dog, cat, domestic livestock or poultry must ensure that the animal is not a nuisance to people or other animals.
- (2) For clause (1), an animal is taken to be a **nuisance** if it:
 - (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 or an odour to 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.

Examples for clause (2)(c)

- 1 *Constant or loud barking, caterwauling, crowing or squawking, especially when pedestrians walk past the premises.*
- 2 *Noxious smelling coops or cages used for keeping poultry.*

- (3) The owner of an animal that defecates in public must immediately remove the faeces and dispose of them in a sanitary manner.

- (4) The owner of an animal must ensure it does not aggressively chase a vehicle.
- (5) The owner of an animal must not allow the animal to come within 10 m of a public play structure or public exercise structure unless the animal is under effective control.
- (6) A person commits an offence if the person fails to comply with clause (1), (3), (4) or (5).

Maximum penalty: 20 penalty units.

Note for clause (6)

The infringement amount is 3 penalty units.

- (7) An offence against clause (6) is an offence of strict liability.

4140 Removal or disposal of animal remains

- (1) The City may arrange for the remains of a dead animal that is found on a public place to be removed or disposed of.
- (2) If the City incurs expense in removing or disposing of a dead animal, the City may recover the expense from the owner of the animal as a debt due and payable to the City.

Part 3 Administrative matters

Division 1 Authorisations

4241 Issuing authorisations

- (1) The CEO may issue, or refuse to issue, an authorisation.
- (2) An authorisation remains in force for:
 - (a) the period of time, if any, specified in the authorisation; or
 - (b) if no period is specified in the authorisation – the period of 12 months on and after the day of its issue.
- (3) An authorisation is subject to the conditions specified by the CEO.

Example for clause (3)

The fence around a property must be of a particular height.

- (4) An authorisation is not transferable, unless these By-laws expressly provide otherwise.

4342 Application for authorisation

- (1) Applications for the issue of authorisations must be made to the CEO.
- (2) The application must be in the approved form and accompanied by:
 - (a) the applicable fee, if any; and
 - (b) any documents, specifications or particulars that the CEO may require.

4443 Revoking or varying on request

- (1) The CEO may, on the written request of the holder of an authorisation:
 - (a) revoke the authorisation; or
 - (b) vary the conditions of the authorisation.
- (2) The CEO must give the holder written notice of the revocation or variation.

4544 Revoking, suspending or varying for cause

- (1) The CEO may, in accordance with this by-law, revoke, suspend or vary the conditions of an authorisation if the holder of the authorisation:
 - (a) obtained the authorisation improperly; or
 - (b) failed to comply with these By-laws or a condition of the authorisation.
- (2) Before making a decision under clause (1), the CEO must give the holder written notice:
 - (a) stating that the CEO proposes to revoke, suspend or vary the authorisation; and
 - (b) stating the grounds for the intended revocation, suspension or variation; and
 - (c) inviting the holder to show cause, in accordance with clause (3), why the revocation, suspension or variation should not be made.
- (3) Within 7 days of receiving the notice, the holder of the authorisation may make written representations to the CEO on why the revocation, suspension or variation should not be made.

- (4) After considering any representations made by the holder in accordance with clause (3), the CEO may:
 - (a) take no further action in relation to the authorisation; or
 - (b) revoke, suspend or vary the authorisation.
- (5) As soon as practicable after making a decision under clause (4), the CEO must give written notice of the decision to the holder of the authorisation.
- (6) If the CEO decides to revoke, suspend or vary the conditions of an authorisation, the notice to the holder must include the following information:
 - (a) the date that the revocation, suspension or variation takes effect;
 - (b) in the case of a suspension:
 - (i) the steps that the holder must take before the suspension will be lifted and the consequences for not completing those steps; and
 - (ii) the period of time that the suspension will remain in force;
 - (c) in the case of a variation – how the conditions are being varied.

Division 2 Information and records

4645 Records

- (1) The CEO must keep records of the following:
 - (a) all dogs and cats registered under these By-laws;
 - (b) all other authorisations issued under these By-laws;
 - (c) any other matter required by these By-laws or by the City.
- (2) The records may be kept in any form, including electronic form.

Note for by-law 45

The City has obligations as a public sector organisation under the Information Act 2002.

4746 **Written notices**

A written notice required under these By-laws may be in electronic form.

Example for by-law 46

An email sent to the registered owner of a dog or cat.

4847 **Publishing information**

Any notice, document or other information that must be published under these By-laws must be published in a timely manner on the City's website.

Note for by-law 47

The Act provides for the publication of certain determinations, notices and minutes of meetings of the City and the protection of confidential information. Under section 7 of the Act, publishing includes publishing or broadcasting by radio, television, internet, telephone or other means.

Division 3 Fees

4948 **Determining fees**

- (1) The City must, by resolution, determine the fees payable under these By-laws.
- (2) To avoid doubt, the amount of a fee may vary according to circumstances and conditions relevant to the fee.

Examples for clause (2)

- 1 *Lower registration fee for a sterilised dog or cat.*
- 2 *Higher registration fee for a dangerous dog.*

5049 **Other matters related to fees**

- (1) Notice of the determination of a fee must be published as soon as practicable.
- (2) The City must not demand or receive any fee determined under by-law 48 unless notice of the fee was published.
- (3) Any fee that is not paid when it is due may be recovered as a debt due to the City.

Part 4 Infringement notice offences

~~51~~50 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 2.

~~52~~51 When infringement notice may be given

If an authorised person believes on reasonable grounds that a person has committed an infringement notice offence, the authorised person may give a notice (an ***infringement notice***) to the person.

~~53~~52 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person to whom it is issued, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the specified enforcement agency; and

- (ii) not paying the prescribed amount;
 - (c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.
- (3) The infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b)(i).

5453 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

5554 Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

5655 Withdrawal of infringement notice

- (1) The CEO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 14 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

5756 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) This Part does not:
 - (a) require an infringement notice to be given; or

Part 5 Repeal and transitional matters
Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws 2024

- (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 5 Repeal and transitional matters

Division 1 Repeals

~~58~~57 Repeal of By-laws

The By-laws specified in Schedule 1 are repealed.

Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws 2024

~~59~~58 Definitions

In this Division:

commencement means the commencement of by-law 57.

former By-laws means the *Palmerston (Animal Management) By-laws 1999*.

~~60~~59 Former determinations

A charge, due or fee determined under the former By-laws and in force immediately before the commencement continues on the commencement as if it were determined under these By-laws.

~~64~~60 Licences and registrations under former By-laws

A licence or registration issued, granted or renewed under the former By-laws that is in force immediately before the commencement continues as if the licence or registration were issued, granted or renewed under these By-laws.

~~62~~61 Dog exercise areas and dog restriction areas

- (1) A dog exercise area declared under the former By-laws and in force immediately before the commencement continues on the

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Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws
2024

commencement as if it were declared under by-law 17 of these By-laws.

- (2) A dog restriction area declared under the former By-laws and in force immediately before the commencement continues on the commencement as if were declared under by-law 18 of these By-laws.

~~63~~62 **Offence provisions**

- (1) The offence provisions in the former By-laws, as in force immediately before the commencement, continue to apply in relation to offences committed before the commencement.
- (2) For this by-law, if any element of an offence occurred before the commencement, the offence is taken to have been committed before the commencement.
- (3) In this by-law:

offence provision means a provision that creates or relates to offences, including in relation to criminal responsibility, defences and penalties.

Schedule 1 Repealed By-laws

Schedule 1 Repealed By-laws

by-law 57

<i>Palmerston (Animal Management) By-laws</i>	SL No. 25, 1999
<i>Amendments of Palmerston (Animal Management) By-laws</i>	SL No. 19, 2000
<i>Amendments of Palmerston (Animal Management) By-laws</i>	SL No. 51, 2002

Schedule 2 Infringement notice

by-law 50

Provision	Infringement amount (penalty units)
by-law 8(1)	1
by-law 10(1)	1
by-law 11(2)	1
by-law 12(3)	1
by-law 13(3)	2
by-law 14(4)	1
by-law 16(4)	1
by-law 17(6)	1
by-law 19(1)	1
by-law 20(3)	3
by-law 21(2)	5
by-law 22(2)	7
	for aggravated offence – 9
by-law 24	1
by-law 29(1)	9
by-law 32(3)	2
by-law 1(3)	4
by-law 38(4)	1
by-law 39(6)	2

NORTHERN TERRITORY OF AUSTRALIA

CITY OF PALMERSTON (ANIMAL MANAGEMENT) BY-LAWS 2024

Subordinate Legislation No. [] of 2024

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(Animal Management) By-laws 2024**

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Schedule 1 Repealed By-laws

**Schedule 2 Infringement notice offences and
infringement amounts**

NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2024*

City of Palmerston (Animal Management) By-laws 2024

City of Palmerston, at a meeting held on [] 2024, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised [], [the Chief Executive Officer], to sign them.

Dated 2024

Chief Executive Officer

The common seal of City of Palmerston is affixed under a resolution authorising the seal to be affixed passed on [] 2024.

Mayor

Chief Executive Officer

CONFIDENTIAL DRAFT
Prepared by the Office of the Parliamentary Counsel
Date: 07 March 2024 09:31
Ref: 12byIL018RIF d13

* Notified in the *Northern Territory Government Gazette* on [] 2024.

Part 1 Preliminary matters

Part 1 Preliminary matters

1 Title

These By-laws may be cited as the *City of Palmerston (Animal Management) By-laws 2024*.

2 Commencement

These By-laws commence on [date].

3 Definitions

In these By-laws:

approved means approved by the City by resolution.

assistance animal, see section 4A of the *Anti-Discrimination Act 1992*.

at large, in relation to a dog or cat, means the dog or cat is:

- (a) outside the premises where it is usually kept; and
- (b) not under effective control.

attack, in relation to a dog, means any behaviour of the dog specified in by-law 21(1) or 22(1).

authorisation means a form of written or electronic authority issued by the CEO that is required under these By-laws to do something, to have something or to engage in other conduct.

Examples for definition authorisation

- 1 A licence to keep animals at premises.
- 2 A dog or cat registration.

City means the local government council constituted for the municipality of Palmerston.

Note for definition City

The Minister for Local Government changed the name of the council for the City of Palmerston local government area to the "City of Palmerston" by notice in Gazette G50 of 12 December 2012.

dangerous dog means a dog declared to be dangerous under by-law 25.

dog exercise area means an area declared by the City under by-law 17 to be a dog exercise area.

domestic livestock means any of the following that is kept for a non-commercial purpose:

- (a) a horse or other equine animal;
- (b) an ox, buffalo or other bovine animal;
- (c) an alpaca;
- (d) a camel;
- (e) a goat;
- (f) a llama
- (g) a pig;
- (h) a sheep.

effective control, in relation to a dog or cat, see by-law 14(2) and (3).

infringement amount, for Part 4, see by-law 50(2).

infringement notice, for Part 4, see by-law 51.

infringement notice offence, for Part 4, see by-law 50(1).

menace, see by-law 20(2).

nuisance, see by-law 39(2).

owner, see by-law 4.

Palmerston means the City of Palmerston local government area.

pound means a place established by the City to impound animals.

premises include the following:

- (a) a building or other structure;
- (b) a part of a building or other structure;
- (c) land where a building or other structure is situated.

properly contained, see by-law 13.

vehicle means any conveyance that runs on wheels.

Examples for definition vehicle

Cars, trucks, trailers, motorcycles, bicycles, scooters, skateboards and inline skates.

Note for by-law 3

The Act also defines terms that are used in these By-laws.

4 Meaning of *owner*

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

*Examples for definition **owner***

A person walking a dog or looking after a dog for a friend who is on holidays.

- (2) If an owner under clause (1) is a person under 18 years of age, the owner is taken to be any parent or guardian of that person.

5 Application within Palmerston

These By-laws apply to and have effect within Palmerston.

Note for by-law 5

Under section 275(4) of the Act, a by-law binds the Territory and all its instrumentalities.

6 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against these By-laws.

Note for by-law 6

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Animal management

Division 1 Responsible ownership of dogs and cats

7 Registration required

- (1) The owner of a dog or cat that is kept in Palmerston must register it with the City.
- (2) The City must, by resolution, determine the following:
 - (a) the process for registering dogs and cats;
 - (b) any grounds for refusing to register a dog or cat;
 - (c) any conditions of registration;
 - (d) date of expiry of a registration.

Examples for clause (2)(b)

Unsuitable premises or excessive number of dogs or cats.

Note for by-law 7

Part 3, Division 1 contains provisions about the grant of authorisations, including registrations, under these By-laws.

8 Offence of unregistered dog or cat

- (1) A person commits an offence if the person keeps an unregistered dog or cat in Palmerston for a period of 3 months or longer.

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) The following persons are exempt from clause (1):
 - (a) a City employee or contractor who keeps a dog or cat in a pound;
 - (b) a person or entity that provides animal protection or welfare services;
 - (c) a veterinarian who keeps a dog or cat for treatment.
- (3) An offence against clause (1) is an offence of strict liability.

9 Identification devices

- (1) A registered dog or cat must:
 - (a) wear an identification tag when outside the premises where the dog or cat is kept; and
 - (b) be implanted with a microchip.
- (2) An identification tag must meet the specifications determined, by resolution, by the City.
- (3) An implanted microchip must:
 - (a) meet the specifications determined, by resolution, by the City; and
 - (b) be designed to store information in a way that can be retrieved electronically without physical contact.
- (4) The CEO may exempt a dog or cat from the requirement in clause (1)(b) if the CEO is satisfied that implanting a microchip in the dog or cat will:
 - (a) result in an undue risk to the health of the dog or cat; or
 - (b) adversely affect the growth, development or wellbeing of the dog or cat.
- (5) The owner of a registered dog or cat must ensure that it:
 - (a) wears a tag that meets the requirements determined under clause (2) when outside the premises where it is kept; and
 - (b) is implanted with a microchip.

10 Offences related to identification devices

- (1) The owner of a registered dog or cat must not:
 - (a) allow it to be outside the premises where it is kept without wearing an identification tag that meets the requirements determined under by-law 9(2); or
 - (b) remove from it any microchip implanted under by-law 9.

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) An offence against clause (1) is an offence of strict liability.

11 Offence for contravention of condition of registration

- (1) The owner of a registered dog or cat must comply with any conditions on the registration determined by the City.
- (2) A person commits an offence if:
- (a) the person is the owner of a registered dog or cat; and
 - (b) the registration of the dog or cat is subject to a condition; and
 - (c) the owner fails to comply with the condition.

Maximum penalty: 20 penalty units.

Note for clause (2)

The infringement amount is 1 penalty unit.

- (3) An offence against clause (2) is an offence of strict liability.

12 Notice of change in address or owner

- (1) The owner of a registered dog or cat must notify the City of the following events:
- (a) a change in the owner's address;
 - (b) a transfer of the dog or cat to a new owner.
- (2) The notice must be given in the approved form within 14 days after the day the event occurred and include the following:
- (a) the particulars of the animal;
 - (b) the contact details of the owner;
 - (c) in the case of a transfer of the dog or cat to a new owner – the contact details of both the new and former owners.

- (3) A person commits an offence if:
- (a) the person is the owner of a registered dog or cat; and
 - (b) the person fails to comply with clause (1) or (2).

Maximum penalty: 10 penalty units.

Note for clause (3)

The infringement amount is 1 penalty unit.

- (4) An offence against clause (3) is an offence of strict liability.

13 Proper containment of dogs and cats

- (1) The owner of a dog or cat must properly contain the dog or cat when it is on the premises where it is usually kept.
- (2) For these By-laws, a dog or cat is taken to be **properly contained** on premises if the dog or cat is kept inside a building, enclosed run or other structure on the premises from which the animal is unable to escape.

Note for clause (2)

Under section 22 of the Animal Protection Act 2018, a person in control of an animal must provide a minimum level of care to the animal.

- (3) A person commits an offence if:
- (a) the person is the owner of a dog or cat; and
 - (b) the dog or cat is not properly contained when it is on the premises where it is kept.

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 2 penalty units.

- (4) An offence against clause (3) is an offence of strict liability.
- (5) To avoid doubt, the following matters are not relevant to an offence against clause (3):
- (a) the time during which the dog or cat was not properly contained;
 - (b) the ability of the owner to properly contain the dog or cat.

14 Keeping dogs and cats under effective control

- (1) The owner of a dog or cat must ensure that the dog or cat is under effective control when outside the premises where the animal is kept.
- (2) For these By-laws, a dog or cat is taken to be under **effective control** if the dog or cat is:
- (a) restrained by a leash or similar device that is suitable to restrain the dog or cat and is held by a person who is over the age of 12 years and competent to restrain the dog or cat; or

- (b) safely enclosed in a vehicle, or in or on the back of a flat-topped, tray-backed or well-bodied vehicle, in such a manner that no part of the dog or cat is projecting from the vehicle; or
 - (c) otherwise leashed or restrained and unable to run free.
- (3) For these By-laws, a dog in a dog exercise area is also taken to be under **effective control** if:
- (a) the dog is complying with the conditions specified for the area; and
 - (b) the dog is immediately responsive to a voice command of its owner; and
 - (c) the dog is not a female dog in oestrus; and
 - (d) the owner is carrying a leash or similar device in accordance with clause (2)(a).
- (4) A person commits an offence if:
- (a) the person is the owner of a dog or cat; and
 - (b) the dog or cat is not under effective control when outside the premises where the animal is kept.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.

15 Abandoning dog or cat

A person commits an offence if the person intentionally abandons a dog or cat in Palmerston.

Maximum penalty: 20 penalty units.

16 Maximum number of dogs and cats

- (1) The City may, by resolution, establish a limit or condition on the maximum number of dogs or cats that may be kept on premises in Palmerston.

Examples for clause (1)

The maximum number of dogs and cats allowed on premises or limits or conditions on the breeding of dogs and cats and the suitability of those premises and the impact on neighbours.

- (2) The City must publish the limit or condition.
- (3) A person must not, without an authorisation, keep dogs or cats on premises contrary to any limit or condition established by the City on the maximum number of dogs or cats that may be kept on premises in Palmerston.
- (4) An occupier of premises commits an offence if:
 - (a) the City, by resolution, establishes a limit or condition on the maximum number of dogs or cats that may be kept on the premises; and
 - (b) the occupier keeps dogs or cats on the premises contrary to the limit or condition; and
 - (b) the occupier does not have an authorisation allowing that conduct.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.
- (6) A person who contravenes clause (3) is not entitled to apply for, or to be granted, a licence referred to in that clause for a period of 12 months from the day of the last contravention.

17 Dog exercise areas

- (1) The City may, by resolution, declare an area to be a dog exercise area.
- (2) If the City intends to declare an area to be a dog exercise area, the City must:
 - (a) publish notice of the proposed area at least 28 days in advance; and
 - (b) consider any responses to the notice from residents of Palmerston.
- (3) The City must publish the location and conditions for using any dog exercise area or class of dog exercise area it declares.

Examples for clause (3)

1 *The times to exercise dogs in the area.*

2 *When female dogs in oestrus are allowed in the area.*

- (4) The owner of a dog using a dog exercise area must comply with the conditions for the area.
- (5) The owner of a dangerous dog must ensure the dog does not enter a dog exercise area.
- (6) A person commits an offence if:
 - (a) the person is the owner of a dog; and
 - (b) the dog is a dangerous dog; and
 - (c) the dog enters a dog exercise area.

Maximum penalty: 20 penalty units.

Note for clause (6)

The infringement amount is 1 penalty unit.

- (7) An offence against clause (6) is an offence of strict liability.

18 Dog and cat restricted areas

- (1) The City may declare an area to be a dog or cat restricted area.
- (2) If the City intends to declare an area to be a dog or cat restricted area, the City must:
 - (a) publish notice of the proposed area at least 28 days in advance; and
 - (b) consider any responses to the notice from residents of Palmerston.
- (3) The City must publish the location and restrictions on dogs and cats in any dog or cat restricted area it declares.
- (4) An assistance animal is exempt from this by-law.
- (5) The owner of a dog or cat must comply with the conditions for the dog or cat restricted area.
- (6) The City may, by resolution, exempt a person, a class of persons or all persons from one or more conditions or restrictions in a declaration made under clause (1) for a maximum period of 14 days.
- (7) The City must publish an exemption under clause (6).

19 Offences related to dog or cat areas

- (1) A person commits an offence if the person:
- (a) owns a dog or cat; and
 - (b) fails to comply with the conditions for a dog exercise area or a dog or cat restricted area; and
 - (c) if the condition relates to a dog or cat restricted area – does not have an exemption from the condition under clause 18(6).

Maximum penalty: 20 penalty units.

Note for clause (1)

The infringement amount is 1 penalty unit.

- (2) An offence against clause (1) is an offence of strict liability.

Division 2 Menacing, attacking and dangerous dogs

20 Dog menaces

- (1) An owner of a dog must ensure that it does not menace a person or another animal.
- (2) For these By-laws, a dog is taken to **menace** a person or other animal if it chases, harasses, rushes at or threatens to bite the person or animal in a manner that causes a reasonable apprehension of fear in the person or animal.
- (3) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 3 penalty units.

- (4) An offence against clause (3) is an offence of strict liability.

21 Dog attacks

- (1) The owner of a dog must ensure that it does not rush at, bite, chase or menace a person or other animal resulting in:
- (a) physical contact with the person or other animal; or
 - (b) damage to:

- (i) anything worn by the person or animal; or
 - (ii) other property in the immediate possession or under the immediate control of the person.
- (2) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 60 penalty units.

Note for clause (2)

The infringement amount is 5 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.

22 Serious dog attack

- (1) The owner of a dog must ensure that it does not:
- (a) bite a person or another animal causing a puncture or break to the skin; or
 - (b) assault a person or another animal resulting in bleeding, bone breakage, sprains, scratches or bruising.
- (2) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 80 penalty units or, for an aggravated offence, 100 penalty units.

Note for clause (2)

The infringement amount is 7 penalty units or, for an aggravated offence, 9 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) An offence against clause (2) is an aggravated offence if the bite or assault causes or results in substantial injury to, or death of, the person or the other animal.

23 Defences

- (1) It is a defence to a prosecution for an offence against by-law 20, 21 or 22 if:
- (a) another person had, without the defendant's permission, caused the dog to menace or attack the person or another animal; or
 - (b) in the case of another animal being menaced or attacked – the

other animal was on premises owned or occupied by the defendant without consent; or

- (c) in the case of a person being menaced or attacked – the person was unlawfully on premises owned or occupied by the defendant.

Note for clause (1)

The defendant has an evidential burden in relation to this defence (see section 43BU of the Criminal Code).

- (2) If a court finds a person guilty of an offence against by-law 20, 21 or 22, the court may make one or both of the following orders in addition to, or instead of, the penalty for the offence:
 - (a) if the dog is impounded as a result of the offence – an order that the person pay the costs and expenses of, and incidental to, the impounding;
 - (b) an order that the dog be destroyed.

24 Enticement or incitement

A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in the owner of a dog being liable to prosecution for an offence against by-law 20, 21 or 22; and
- (c) the person is reckless in relation to that result.

Maximum penalty: 20 penalty units.

Note for by-law 24

The infringement amount is 1 penalty unit.

25 Dangerous dog

- (1) An authorised person may, by written notice, declare a dog to be a dangerous dog if:
 - (a) the dog menaces or attacks a person or an animal; or
 - (b) the authorised person believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.
- (2) The authorised person must give written notice of the declaration to the owner of the dog.

- (3) The written notice of the declaration must be in the approved form and include the following information:
 - (a) the day the declaration takes effect;
 - (b) the reasons for the declaration;
 - (c) the identity of the dog and the owner of the dog.
- (4) The City must keep a record of the information in clause (3).

26 Revocation of declaration of dangerous dog

- (1) The owner of a dangerous dog may, in writing to the CEO, request that the declaration of the dog as a dangerous dog be revoked.
- (2) The CEO may:
 - (a) revoke the declaration; or
 - (b) refuse to revoke the declaration.
- (3) The CEO must give the applicant written notice of the decision under clause (2).
- (4) A revocation under clause (2)(a) takes effect on the day the CEO notifies the applicant of the revocation.
- (5) If the CEO refuses an application under clause (2)(b), the CEO is not required to consider a further application made under clause (1) in relation to the same dog within six months of the refusal.

27 Duties of owner of dangerous dog

- (1) This by-law applies to the owner of a dog that is declared to be a dangerous dog.
- (2) The owner must, within 14 days after the day the declaration takes effect:
 - (a) desex the dangerous dog, unless it is already desexed, at the owner's expense; and
 - (b) provide to an authorised person evidence from a veterinarian that the dog is desexed; and
 - (c) undergo behavioural or other training with the dog, as specified by the CEO, at the owner's expense.
- (3) The owner must ensure that the containment required under by-law 13(1) is appropriate to the danger posed by the dangerous

dog.

Example for clause (3)

Installing higher and stronger fencing for a large dangerous dog.

- (4) The owner must post signage on the premises where the dangerous dog is kept, with the words "Warning Dangerous Dog" clearly visible and legible from the front boundary of the premises.
- (5) When the dangerous dog is outside the premises where it is kept, the owner must ensure that:
 - (a) the dog is kept under the effective control of a person who is at least 18 years of age and competent to restrain the dog; and
 - (b) the dog is muzzled and controlled by a leash that is suitable to restrain the dog; and
 - (c) the dog does not enter a dog exercise area.
- (6) If the owner intends to keep the dangerous dog for more than 14 days at a place other than the premises where it is usually kept, the owner must notify the City of the address of the place within 24 hours after the dog is relocated.
- (7) The owner must notify the City of any attack, or alleged attack, by the dangerous dog of a person or animal within 24 hours of the earlier of the following:
 - (a) the time of the attack or alleged attack;
 - (b) the time the owner becomes aware of the attack or alleged attack.

28 Notice about loss or transfer of dangerous dog

- (1) The owner of a dangerous dog must notify the City if the dog is missing or dies.
- (2) The notice must be given:
 - (a) within 24 hours after the owner becomes aware the dog is missing; or
 - (b) within 14 days after the day of its death.
- (3) If the owner of a dangerous dog intends to transfer ownership of the dangerous dog, the owner must inform the prospective owner that the dog is dangerous.

- (4) In the case of the transfer of a dangerous dog, the notice to the City under by-law 12 must be given within 24 hours after the transfer.

29 Offences related to dangerous dog

- (1) A person commits an offence if the person:
- (a) is the owner of a dog that is declared to be a dangerous dog; and
 - (b) fails to comply with by-law 27 or 28.

Maximum penalty: 100 penalty units.

Note for clause (1)

The infringement amount is 9 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.

30 Remedial action for dangerous dog

- (1) If the owner of a dangerous dog fails to comply with the duties of an owner under by-law 27 more than once in a 12-month period, the CEO may require the owner to take either or both of the following actions:
- (a) undergo further specified behavioural or other training with the dog at the owner's expense;
 - (b) surrender the dog to the pound.
- (2) If the CEO intends to take action under clause (1), the CEO must give the owner of the dangerous dog a notice that:
- (a) states what action the CEO is proposing under that clause; and
 - (b) states the grounds for taking that action; and
 - (c) invites the owner to show cause, within 14 days, why the action should not be taken.
- (3) After considering any response received within 14 days after the day of the notice, the CEO must decide whether to take action under clause (1).
- (4) As soon as practicable after making a decision under clause (3), the CEO must give a decision notice to the owner of the dangerous dog.

Division 3 Seizure and impounding of dogs and cats

31 Seizure and impounding

- (1) An authorised person may seize:
 - (a) a dog or cat that appears to be diseased, injured, savage, destructive, stray or unregistered; or
 - (b) a dog or cat that is at large; or
 - (c) a dangerous dog whose owner is not complying with Division 2; or
 - (d) a dog that an authorised person believes on reasonable grounds has attacked a person.
- (2) As soon as practicable after seizing a dog or cat, the authorised person must:
 - (a) impound the dog or cat in a pound; or
 - (b) take reasonable steps to return the dog or cat to its owner if satisfied that it is not diseased, injured, savage or destructive.

32 Notice of impounding

- (1) The CEO must ensure that reasonable steps are taken to notify the owner of a dog or cat that it is impounded and whether:
 - (a) the owner must collect it; or
 - (b) the owner must await a decision regarding destruction or disposal under by-laws 34 and 35; or
 - (c) the dog or cat is subject to destruction or disposal under by-laws 34 and 35.
- (2) The owner of an impounded dog or cat who receives notice under clause (1)(a) must collect the dog or cat within the time specified in the notice.
- (3) A person commits an offence if the person:
 - (a) owns a dog or cat; and
 - (b) receives a notice under clause (1)(a) that the owner must collect it; and
 - (c) fails to collect the dog or cat within the time specified in the notice.

Maximum penalty: 20 penalty units.

Note for clause (3)

The infringement amount is 2 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

33 Release from pound

- (1) When collecting a dog or cat from a pound, a person must provide evidence that the person is the owner of the dog or cat or is authorised to act on behalf of the owner.

- (2) The City may charge the owner a fee for:

- (a) the costs incurred by the City in relation to the impounded dog or cat; and
(b) delivering the dog or cat from the pound.

- (3) Subject to by-laws 34 and 35, an impounded dog or cat must not be released from a pound unless:

- (a) it is registered and implanted with a microchip in accordance with by-law 9; and
(b) it is released to its owner or to a person authorised to act on behalf of the owner; and
(c) the City receives any fees payable in relation to it.

Note for clause (3)

Under by-law 9(4), the CEO may exempt a dog or cat from the requirement to be implanted with a microchip.

- (4) Clause (3)(a) does not apply in relation to an impounded dog or cat if:

- (a) the dog or cat is usually kept outside the City; or
(b) the dog or cat is under 3 months of age.

- (5) For clause (4)(b), the owner of the dog or cat must provide evidence that the dog or cat is under 3 months of age.

34 Destruction of dog or cat

- (1) The CEO may arrange for a dog or cat to be destroyed if:

- (a) the dog or cat is in the pound or is abandoned or is found on a public place; and

- (b) the dog or cat is diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; and
 - (c) it is humane to destroy the dog or cat in the circumstances.
- (2) The CEO may presume that a dog that attacks a person or animal is savage or destructive.

35 Destruction or disposal of impounded dogs and cats

- (1) Subject to this by-law, the CEO may, after a dog or cat is impounded for 4 business days:
- (a) transfer the dog or cat to an entity that provides animal rehoming services; or
 - (b) arrange for its destruction.
- (2) The CEO may make arrangements for the transfer of dogs and cats from a pound to a person or entity that provides animal rehoming services.

Example for clause (2)

Arrangements could be made with the RSPCA and other organisations that provide care for unwanted and stray animals.

- (3) The CEO must not destroy or dispose of an impounded dog or cat because it is savage, destructive, unclaimed, unregistered or unwanted until after the later of the following:
- (a) if circumstances related to the destruction are being investigated – the end of that investigation;
 - (b) if the destruction is subject to legal proceedings – 14 days after the end of those legal proceedings.
- (4) If an offence is being investigated in relation to an impounded dog or cat, it must not be destroyed or disposed of until the investigation is complete.

Example for clause (4)

If a dog is alleged to have attacked a person, the dog would not be destroyed unless the investigation is complete.

36 Humane method

Any destruction of a dog or cat under these By-laws must be done:

- (a) in a manner approved by the Australian Veterinary Association; and

- (b) by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy it.

37 Costs of destruction

The costs incurred by the City to destroy a dog or cat under by-law 34 or 35 is a debt payable by the owner of the dog or cat to the City.

Division 4 Management of other animals

38 Management of poultry and domestic livestock

- (1) The City may, by resolution, establish a limit or condition on the maximum number of poultry or domestic livestock that may be kept on premises in Palmerston.
- (2) The City must publish the limit or condition.
- (3) A person must not, without an authorisation, keep poultry or domestic livestock on premises contrary to any limit or condition established by the City on the maximum number of poultry or domestic livestock that may be kept on premises in Palmerston.
- (4) An occupier of premises commits an offence if:
 - (a) the City, by resolution, establishes a limit or condition on the maximum number of poultry or domestic livestock that may be kept on the premises; and
 - (b) the occupier keeps poultry or domestic livestock on the premises contrary to the limit or condition; and
 - (b) the occupier does not have an authorisation allowing that conduct.

Maximum penalty: 20 penalty units.

Note for clause (4)

The infringement amount is 1 penalty unit.

- (5) An offence against clause (4) is an offence of strict liability.
- (6) A person who contravenes clause (3) is not entitled to apply for, or to be granted, an authorisation referred to in that clause for a period of 12 months from the day of the last contravention.

39 Animal causing nuisance

- (1) The owner of a dog, cat, domestic livestock or poultry must ensure

that the animal is not a nuisance to people or other animals.

- (2) For clause (1), an animal is taken to be a **nuisance** if it:
- (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 or an odour to 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.

Examples for clause (2)(c)

- 1 *Constant or loud barking, caterwauling, crowing or squawking, especially when pedestrians walk past the premises.*
- 2 *Noxious smelling coops or cages used for keeping poultry.*

- (3) The owner of an animal that defecates in public must immediately remove the faeces and dispose of them in a sanitary manner.
- (4) The owner of an animal must ensure it does not aggressively chase a vehicle.
- (5) The owner of an animal must not allow the animal to come within 10 m of a public play structure or public exercise structure unless the animal is under effective control.
- (6) A person commits an offence if the person fails to comply with clause (1), (3), (4) or (5).

Maximum penalty: 20 penalty units.

Note for clause (6)

The infringement amount is 3 penalty units.

- (7) An offence against clause (6) is an offence of strict liability.

40 Removal or disposal of animal remains

- (1) The City may arrange for the remains of a dead animal that is found on a public place to be removed or disposed of.
- (2) If the City incurs expense in removing or disposing of a dead animal, the City may recover the expense from the owner of the

animal as a debt due and payable to the City.

Part 3 Administrative matters

Division 1 Authorisations

41 Issuing authorisations

- (1) The CEO may issue, or refuse to issue, an authorisation.
- (2) An authorisation remains in force for:
 - (a) the period of time, if any, specified in the authorisation; or
 - (b) if no period is specified in the authorisation – the period of 12 months on and after the day of its issue.
- (3) An authorisation is subject to the conditions specified by the CEO.

Example for clause (3)

The fence around a property must be of a particular height.

- (4) An authorisation is not transferable, unless these By-laws expressly provide otherwise.

42 Application for authorisation

- (1) Applications for the issue of authorisations must be made to the CEO.
- (2) The application must be in the approved form and accompanied by:
 - (a) the applicable fee, if any; and
 - (b) any documents, specifications or particulars that the CEO may require.

43 Revoking or varying on request

- (1) The CEO may, on the written request of the holder of an authorisation:
 - (a) revoke the authorisation; or
 - (b) vary the conditions of the authorisation.
- (2) The CEO must give the holder written notice of the revocation or variation.

44 Revoking, suspending or varying for cause

- (1) The CEO may, in accordance with this by-law, revoke, suspend or vary the conditions of an authorisation if the holder of the authorisation:
 - (a) obtained the authorisation improperly; or
 - (b) failed to comply with these By-laws or a condition of the authorisation.
- (2) Before making a decision under clause (1), the CEO must give the holder written notice:
 - (a) stating that the CEO proposes to revoke, suspend or vary the authorisation; and
 - (b) stating the grounds for the intended revocation, suspension or variation; and
 - (c) inviting the holder to show cause, in accordance with clause (3), why the revocation, suspension or variation should not be made.
- (3) Within 7 days of receiving the notice, the holder of the authorisation may make written representations to the CEO on why the revocation, suspension or variation should not be made.
- (4) After considering any representations made by the holder in accordance with clause (3), the CEO may:
 - (a) take no further action in relation to the authorisation; or
 - (b) revoke, suspend or vary the authorisation.
- (5) As soon as practicable after making a decision under clause (4), the CEO must give written notice of the decision to the holder of the authorisation.
- (6) If the CEO decides to revoke, suspend or vary the conditions of an authorisation, the notice to the holder must include the following information:
 - (a) the date that the revocation, suspension or variation takes effect;
 - (b) in the case of a suspension:
 - (i) the steps that the holder must take before the suspension will be lifted and the consequences for not

- completing those steps; and
- (ii) the period of time that the suspension will remain in force;
 - (c) in the case of a variation – how the conditions are being varied.

Division 2 Information and records

45 Records

- (1) The CEO must keep records of the following:
 - (a) all dogs and cats registered under these By-laws;
 - (b) all other authorisations issued under these By-laws;
 - (c) any other matter required by these By-laws or by the City.
- (2) The records may be kept in any form, including electronic form.

Note for by-law 45

The City has obligations as a public sector organisation under the Information Act 2002.

46 Written notices

A written notice required under these By-laws may be in electronic form.

Example for by-law 46

An email sent to the registered owner of a dog or cat.

47 Publishing information

Any notice, document or other information that must be published under these By-laws must be published in a timely manner on the City's website.

Note for by-law 47

The Act provides for the publication of certain determinations, notices and minutes of meetings of the City and the protection of confidential information. Under section 7 of the Act, publishing includes publishing or broadcasting by radio, television, internet, telephone or other means.

Division 3 Fees

48 Determining fees

- (1) The City must, by resolution, determine the fees payable under these By-laws.
- (2) To avoid doubt, the amount of a fee may vary according to circumstances and conditions relevant to the fee.

Examples for clause (2)

- 1 Lower registration fee for a sterilised dog or cat.
- 2 Higher registration fee for a dangerous dog.

49 Other matters related to fees

- (1) Notice of the determination of a fee must be published as soon as practicable.
- (2) The City must not demand or receive any fee determined under by-law 48 unless notice of the fee was published.
- (3) Any fee that is not paid when it is due may be recovered as a debt due to the City.

Part 4 Infringement notice offences

50 Infringement notice offence and infringement amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 2.
- (2) The ***infringement amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 2.

51 When infringement notice may be given

If an authorised person believes on reasonable grounds that a person has committed an infringement notice offence, the authorised person may give a notice (an ***infringement notice***) to the person.

52 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person to whom it is issued, if known;

- (b) the date the infringement notice is given to the person;
 - (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the infringement amount payable for the offence;
 - (f) the enforcement agency to which the infringement amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the infringement amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the specified enforcement agency; and
 - (ii) not paying the infringement amount;
 - (c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.
- (3) The infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b)(i).

53 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the infringement amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the infringement amount, payment is not effected unless the cheque is cleared on first presentation.

54 Expiation of offence

If the infringement amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence

is expiated and no further proceedings can be taken in relation to the offence.

55 Withdrawal of infringement notice

- (1) The CEO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 14 days after the infringement notice is given to the person; and
 - (b) before payment of the infringement amount.

56 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) This Part does not:
 - (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the infringement amount in accordance with any of the notices.

Part 5 Repeal and transitional matters

Division 1 Repeals

57 Repeal of By-laws

The By-laws specified in Schedule 1 are repealed.

Part 5 Repeal and transitional matters
Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws
2024

Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws 2024

58 Definitions

In this Division:

commencement means the commencement of by-law 57.

former By-laws means the *Palmerston (Animal Management) By-laws 1999*.

59 Former determinations

A charge, due or fee determined under the former By-laws and in force immediately before the commencement continues on the commencement as if it were determined under these By-laws.

60 Licences and registrations under former By-laws

A licence or registration issued, granted or renewed under the former By-laws that is in force immediately before the commencement continues as if the licence or registration were issued, granted or renewed under these By-laws.

61 Dog exercise areas and dog restriction areas

- (1) A dog exercise area declared under the former By-laws and in force immediately before the commencement continues on the commencement as if it were declared under by-law 17 of these By-laws.
- (2) A dog restriction area declared under the former By-laws and in force immediately before the commencement continues on the commencement as if were declared under by-law 18 of these By-laws.

62 Offence provisions

- (1) The offence provisions in the former By-laws, as in force immediately before the commencement, continue to apply in relation to offences committed before the commencement.
- (2) For this by-law, if any element of an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

Part 5 Repeal and transitional matters
Division 2 Transitional matters for City of Palmerston (Animal Management) By-laws
2024

(3) In this by-law:

offence provision means a provision that creates or relates to offences, including in relation to criminal responsibility, defences and penalties.

Schedule 1 Repealed By-laws

Schedule 1 Repealed By-laws

by-law 57

<i>Palmerston (Animal Management) By-laws</i>	SL No. 25, 1999
<i>Amendments of Palmerston (Animal Management) By-laws</i>	SL No. 19, 2000
<i>Amendments of Palmerston (Animal Management) By-laws</i>	SL No. 51, 2002

Schedule 2 Infringement notice offences and infringement amounts

Schedule 2 Infringement notice offences and infringement amounts

by-law 50

Provision	Infringement amount (penalty units)
by-law 8(1)	1
by-law 10(1)	1
by-law 11(2)	1
by-law 12(3)	1
by-law 13(3)	2
by-law 14(4)	1
by-law 16(4)	1
by-law 17(6)	1
by-law 19(1)	1
by-law 20(3)	3
by-law 21(2)	5
by-law 22(2)	7
	for aggravated offence – 9
by-law 24	1
by-law 29(1)	9
by-law 32(3)	2
by-law 38(4)	1
by-law 39(6)	2
