

AGENDA

Community Safety Advisory Committee Meeting

Tuesday 14 May 2024

The Advisory Committee Meeting of the City of Palmerston will be held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, NT 0830 commencing at 5:30 PM.

Advisory Committee business papers can be viewed on the City of Palmerston website www.palmerston.nt.gov.au or at the Council Office located: Civic Plaza, 1 Chung Wah Terrace, Palmerston NT 0830.



LUCCIO CERCARELLI
CHIEF EXECUTIVE OFFICER



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- 1 ACKNOWLEDGEMENT OF COUNTRY
- 2 OPENING OF MEETING
- 3 APOLOGIES AND LEAVE OF ABSENCE
 - 3.1 Apologies
 - 3.2 Leave of Absence Previously Granted
 - 3.3 Leave of Absence Request

- 4 DECLARATION OF INTEREST

- 4.1 Committee Members
 - 4.2 Staff

- 5 CONFIRMATION OF MINUTES

- 5.1 Confirmation of Minutes

THAT the Minutes of the Community Safety Advisory Committee Meeting held on 26 March 2024 pages 22 to 27 be confirmed.

- 5.2 Business Arising from Previous Meeting

- 6 DEPUTATIONS AND PRESENTATIONS

- 7 CONFIDENTIAL ITEMS

- 7.1 Moving Confidential Items into Open
 - 7.2 Moving Open Items into Confidential
 - 7.3 Confidential Items

Nil

- 8 OFFICER REPORTS

COMMITTEE REPORT

Committee Meeting

AGENDA ITEM:	8.2.1
REPORT TITLE:	Safe Communities - Network Update
MEETING DATE:	Tuesday 14 May 2024
AUTHOR:	Community Development Officer, Kate Townsend
APPROVER:	General Manager Community, Konrad Seidl

COMMUNITY PLAN

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

PURPOSE

This Report seeks to provide the Community Safety Advisory Committee with a Palmerston Safe Communities Network update.

KEY MESSAGES

- The second Safe Communities Network Meeting for 2024 was held on 2 May 2024 at the Palmerston Library Community Room.
- Council Officers sent invitations to 31 stakeholders, with 16 attendees from 11 organisations including Council present at the meeting.
- Primary concerns discussed were people rough sleeping as well as domestic violence, transit safety and youth safety.

RECOMMENDATION

THAT Report entitled Safe Communities - Network Update be received and noted.

BACKGROUND

In March 2022 a review of Advisory Committees took place in response to the commencement of the 10th Council of the City of Palmerston. Following this review, the Palmerston Safe Communities Network (PSCN) was established. This Network is Chaired by Councillor Henderson with membership comprising of community members and key stakeholders as invited by the CEO in consultation with the Chair. Council staff attend these meetings in an advisory capacity.

As per the Network Charter adopted by Council on 15 March 2022 PSCN has six (6) objectives as follows:

- Contribute to the research, development, and implementation of relevant Council strategies, plans and by-laws.
- Establish effective partnerships with key stakeholders engaged in injury and crime prevention in Palmerston.
- Ensure access to information, specialist advice and support for PSCN partners relating to injury prevention and safety issues.
- Inform, lobbying and influencing relevant key organisations to improve levels of safety in Palmerston.
- Prioritising injury and safety issues for Palmerston and consider campaigns, injury prevention and safety promotion programs and projects in response to local needs and issues.

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- Participate in event planning, consultation processes, and other forms of engagement relating to relevant issues.

DISCUSSION

The most recent meeting of the PSCN occurred on Thursday 2 May with attendees from a cross section of service providers, Northern Territory Government Departments and Councillor Henderson as Chair of the meeting.

In the meeting, members shared information regarding their organisations and identified possible collaborative opportunities. A considerable amount of discussion at the meeting was in relation to people rough sleeping around Palmerston with a high prevalence particularly around Yarrowonga, Palmerston CBD, Gunn and Gray. Northern Territory Police advised that they have been working closely with these groups to connect with service providers and move on if necessary.

The Young Women's Christian Association (YWCA) informed the group that all emergency accommodation across Greater Darwin is at capacity, and they are working with domestic violence victims to stay safe at home or implement a safety plan.

CDC Northern Territory (formally Buslink) reported continued high incidence of rock throwing with a significant amount of damage experienced since the beginning of this year.

The Youth Outreach and Reengagement Team within Territory Families Housing and Communities reported their co-response and outreach team working with police since February, has seen 30 young people in Palmerston with no safe place to go, engaged to find suitable support and connection to services. A further 960 interactions have occurred with the outreach team diverting young people in Palmerston from situations which may result in interactions with the justice system.

CONSULTATION AND MARKETING

There was no consultation required during the preparation of this Report.

POLICY IMPLICATIONS

There are no policy implications for this Report.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this Report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

That information of safety issues negatively impacting community members mental and physical health and well-being raised at the Network meeting are not accurately relayed to the Community Safety Advisory Committee.

This Report addresses the following City of Palmerston Strategic Risks:

1. **Community Safety**
Failure of Council to effectively plan and deliver its role in community safety.

STRATEGIES, FRAMEWORK AND PLANS IMPLICATIONS

This report relates to the *Inclusive, Diverse & Accessible Policy Framework* due Council's engagement to the community in bringing people together with diverse perspectives that increase the inclusiveness, diversity and accessibility of culture, services, and operations.



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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

Nil

COMMITTEE REPORT

Committee Meeting

AGENDA ITEM:	8.2.2
REPORT TITLE:	Animal Management By-Laws
MEETING DATE:	Tuesday 14 May 2024
AUTHOR:	Regulatory Services Manager, Angie Heriot
APPROVER:	General Manager Community, Konrad Seidl

COMMUNITY PLAN

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

PURPOSE

This Report provides an update to the Community Safety Advisory Committee (Committee) on the endorsement of the City of Palmerston (Animal Management) By-Laws and current reporting statistics.

KEY MESSAGES

- City of Palmerston is committed to providing quality animal management services to our community.
- The current dog registration total provides 5236 dogs registered within the municipality.
- Animal Management continues to lead in the customer reporting requests across all regulatory functions. From January to May 2024, City of Palmerston received a total of 596 customer requests, 463 during business hour and 133 requests after hours relating to animal management within normal business hours. 431 of these customer action requests were reports of dogs at large or contained for collection and 126 dogs were impounded.
- Council's current Animal Management By-Laws were enacted in 1999 and have had no significant content change since their enactment. While the By-Laws have delivered what they were intended to do, they are no longer considered reflective of the community's needs, nor of modern legislative drafting.
- Since September 2021, City of Palmerston have undertaken multiple comprehensive community consultations providing sentiment that the community was pleased to see Council positively engaging with residents, educating, and seeking feedback on the draft City of Palmerston (Animal Management) By-Laws.
- At the 2nd Ordinary Council Meeting of March 2024, Council endorsed the amended draft City of Palmerston (Animal Management) By-Laws 2024 (By-Laws), for the purposes of settlement and for them to be resubmitted to the Office of Parliamentary Counsel for final consideration.
- Following the legislative process, the Palmerston (Animal Management) By-Laws are now ready for gazettal and implementation on the 1 July 2024.

RECOMMENDATION

THAT Report entitled Animal Management By-Laws be received and noted.

BACKGROUND

Council's current Animal Management By-Laws were enacted in 1999 and have had no significant content change since their enactment. While the By-Laws have delivered what they were intended to do,

they are no longer considered reflective of the community's needs, nor of modern legislative drafting. The recent City of Palmerston (Animal Management) By-Laws 2024, provide a contemporary and modernised approach to the regulation and management of animals within the Palmerston municipality.

At its 1st Ordinary Meeting on 7 May, 2024, Council resolved the following:

3.1.3 Final Adoption of the Palmerston Animal By-Laws

Moved: Councillor Garden

Seconded: Councillor Fraser

1. THAT Report entitled *Final Adoption of the Palmerston Animal By-Laws* be received and noted.
2. THAT Council authorises the implementation of the *Palmerston Animal Management By-Laws* as at Attachment 13.1.3.1 to commence on 1 July 2024.
3. THAT Council, pursuant to Section 40 (1) of the *Local Government Act 2019* hereby delegates to the Chief Executive Officer the power to sign the *Palmerston Animal Management By-Laws 2024* being Attachment 13.1.3.1 as required by *Local Government Act 2019*, the *Interpretation Act 1978* and any other required legislation and undertake necessary actions for its implementation on 1 July 2024.
4. THAT the Council write to the Northern Territory Legislative Assembly Chief Minister providing a copy of the signed *City of Palmerston (Animal Management) By-Laws 2024* for the purpose of Gazettal.

CARRIED 10/1319 - 7/05/2024.

The City of Palmerston (Animal Management) By-Laws 2024 (**Attachment 8.2.2.1**) reflect the recommended amendments reflective of the community consultation outcomes which, now endorsed by Council, will go to Parliamentary Counsel to undertake the gazettal process, with implementation on track for 1 July 2024.

DISCUSSION

While it is important to recognise that no law can be deemed flawless, and it will require ongoing, regular assessment and adjustments as issues arise and community standards evolve. Internal administrative policies, procedures and guidelines are currently being reviewed and developed to further support the adequate delivery of the by-law functions. This body of work will be undertaken and completed for the implementation of the By-Laws by 1 July 2024. While the initial phase of implementing the Animal Management By-Laws may present some challenges, Officers envision that through supported education, incentives, and increased awareness will in turn lead to a significant reduction in incidents involving dogs and cats over time.

It has also been identified as best practice that City of Palmerston will develop an Animal Management Strategy. City of Palmerston last developed a plan in 2016 and its timely and appropriate to review and update. This work is scheduled to be completed by October 2024 based on current resourcing and priorities.

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CONSULTATION AND MARKETING

There was no consultation required during the preparation of this Report.

POLICY IMPLICATIONS

There are no policy implications for this Report.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this Report.

RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

This Report addresses the following City of Palmerston Strategic Risks:

4. **Inclusion, Diversity and Access**
Failure to balance meeting needs of Palmerston's cultural mosaic
6. **Governance**
Failure to effectively govern.

There is a risk that failure to adopt new modern and contemporary By-Laws as adopted, Council will not be able to adequately undertake Animal Management By-Laws to community expectations and the law resulting in damage to Council reputation. This risk is mitigated by the contemporised adopted By-laws which have been designs to mitigate current challenges and risk faced with the current 1999 Animal Management By-Laws.

Despite previous consultation and planned consultation and communication there is a risk that elements of the community having a high likelihood of diverse and potentially conflicting views from the community in relation to the By-Laws. It is always difficult to find the appropriate balance with these matters. In order to mitigate this Council has undertaken and considered community consultation, modern and contemporary practices in animal management and recent legal findings regarding the current By-Laws.

STRATEGIES, FRAMEWORK AND PLANS IMPLICATIONS

This report is related to the [Companion Animal Management Plan](#) due the impact on companion animal ownership.

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. City of Palmerston's Animal Management By- Laws 2024 [8.2.2.1 - 36 pages]

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 2 Infringement notice offences and
infringement amounts**

COMMITTEE AGENDA
Attachment 8.2.2.1

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 Luccio Franco Cercarelli, the Chief Executive Officer, to sign them.

Dated _____ 2024

Chief Executive Officer

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

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 1 July 2024.

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(2).

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

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) the 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 specifications 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 specifications 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).

Part 2 Animal management
Division 2 Menacing, attacking and dangerous dogs

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 and orders

- (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 written notice of the decision 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, poultry or domestic livestock must ensure that the dog, cat, poultry or domestic livestock is not a nuisance to people or other animals.
- (2) An animal mentioned in clause (1) 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.

Part 4 Infringement notice offences

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

Part 5 Repeal and transitional matters

Division 1 Repeals

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

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.

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

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 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

COMMITTEE REPORT

Committee Meeting

AGENDA ITEM:	8.2.3
REPORT TITLE:	Infrastructure Safety Update
MEETING DATE:	Tuesday 14 May 2024
AUTHOR:	Executive Assistant to General Manager Community, Georgina Davies
APPROVER:	General Manager Community, Konrad Seidl

COMMUNITY PLAN

Future Focused: Palmerston is an innovative city that sustains itself through the challenges of the future.

PURPOSE

This purpose of this Report is to update the Community Safety Advisory Committee on several projects currently underway that seek to improve safety for the Palmerston Community.

KEY MESSAGES

- City of Palmerston is committed to improving safety in community and undertakes various infrastructure projects to do so.
- This report provides an overview and update to the status of key activities undertaken to improve safety outcomes.

RECOMMENDATION

THAT Report entitled Infrastructure Safety Update be received and noted.

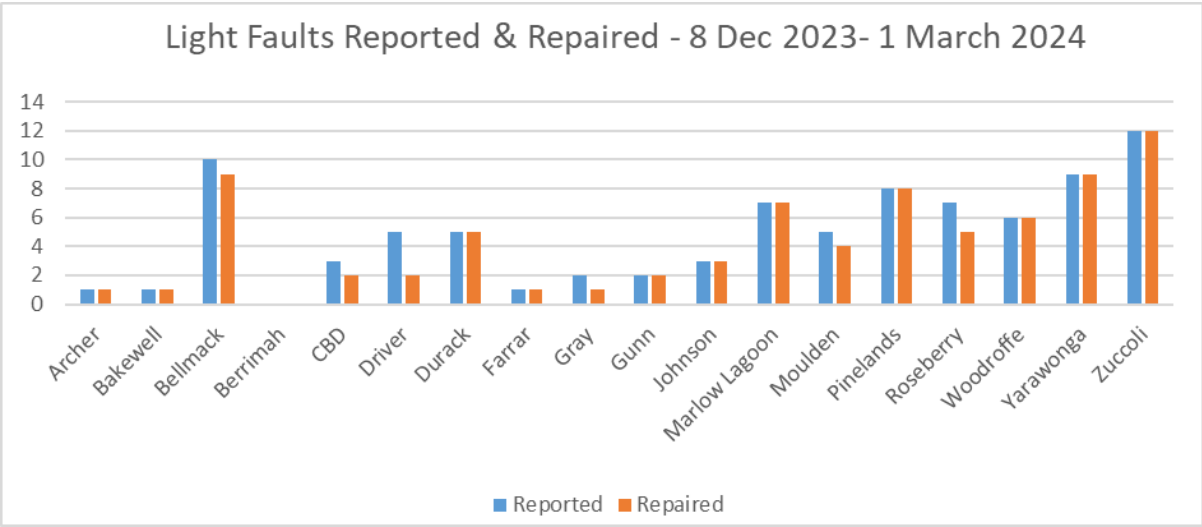
BACKGROUND

Council has allocated \$26.6 million to the Capital Works Programs in 2023/24. These programs included a broad range of asset renewal programs along with major capital projects from planning and development stages to delivery. Capital projects are any project where a Council asset is built or renewed. This can include new assets, such as a new shade over a playground, or replacement (also referred to as renewal of assets such as road resurfacing). This report provides a snapshot on some of these.

DISCUSSION

Light Fault Rectification

During the quarter of January to March, 87 light faults were identified. Of these, 78 faults, accounting for 90% of the identified issues, have been rectified. Efforts are ongoing to address the remaining nine (9) faults. Council's commitment to schedule night inspections and rectification works has resulted in 99% of the streetlights being operational as of 12 March 2024.



Data as of 12 March 2024

Lighting Upgrade and Renewal

The ongoing Upgrade and Renewal Programs for Street Lighting continue to yield significant benefits, including enhanced safety and energy efficiencies for the community. The Dark Spots Program identifies locations of ‘dark’ areas throughout the municipality that can be improved through public lighting, including streetlights.

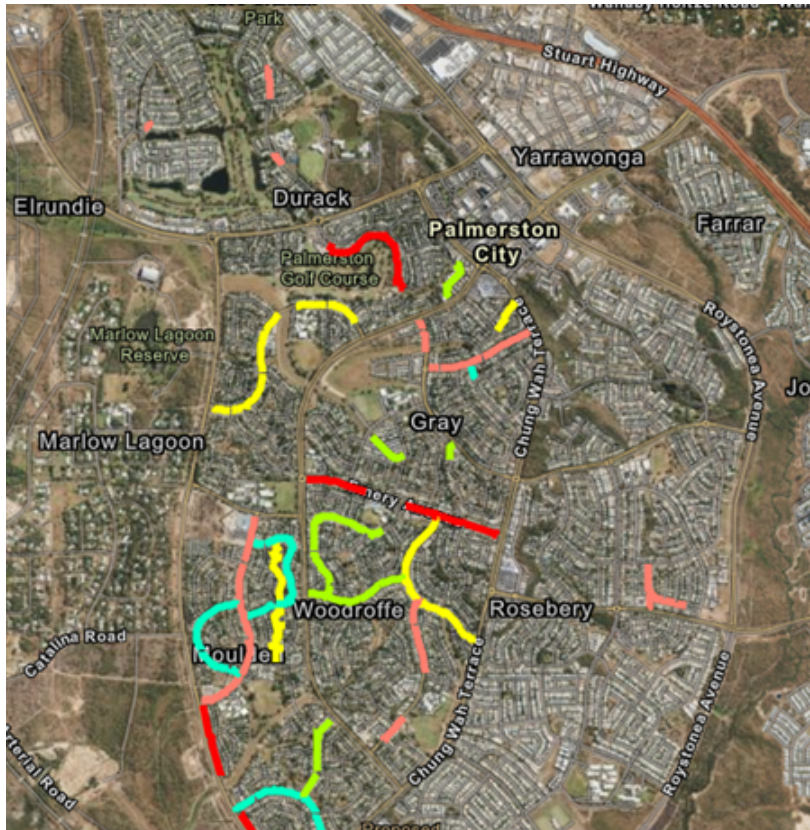
Dark Spots:

- Designs have been completed for Stage 1 works which consist of Stockwhip Drive, Allamur Court, Harrison Park, Essington Park.
- Long term contract for lighting infrastructure upgrade works was awarded in April. Procurement of materials has commenced for Stage 1 works.
- Investigation of the Palmerston CBD lighting is continuing, and this will inform CBD areas for inclusion into the Dark Spots 2024-2025 works program.
- The 2023-2024 works program has been finalised and the 2024-2025 program is under review.

Pathway Replacement and Renewal

Planning and design works for the 2024 New Pathways Program have been finalised. Procurement documentation is undergoing final review and tender advertising will commence in May. Utilising Council’s systems, mapping and analysis have been conducted to enhance pathway development and provides visual representation of locations.

The image below is an example of the program being developed. Once pathway locations are confirmed for each year, these will be available as a reference on Council’s website.



Indicative 5-year pathway replacement and renewal mapping ArcGIS

FiberSense

The implementation of FiberSense, leveraging underground fiber optic cables, marks a significant milestone in City of Palmerston’s technological advancement. With 60km of fiber optic cable laid throughout Palmerston Central Business District (CBD) and Tiger Brennan Drive, the DigitalAsset system is now operational, enabling the monitoring of vibrations and potential disruptions.

The ongoing development of the DigitalCity system, focusing initially on traffic counts and congestion, is progressing towards a live deployment by June 2024. Future phases of the DigitalCity system will encompass pedestrian and parking-related functionalities, contributing to a more efficient and connected environment. The system is still under development, with the first phase relating to traffic counts and congestion in a testing phase of its deployment. It is anticipated that this phase will be completed and ‘live’ by June 2024.

Future phases are being road-mapped and will include pedestrians and parking.

CONSULTATION AND MARKETING

The following City of Palmerston staff were consulted in preparing this Report:

- Executive Manager Projects & Infrastructure Services
- Senior Project Manager

POLICY IMPLICATIONS

There are no policy implications for this Report.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget or resource implications relating to this Report.

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RISK, LEGAL AND LEGISLATIVE IMPLICATIONS

This Report addresses the following City of Palmerston Strategic Risks:

1. **Community Safety**
Failure of Council to effectively plan and deliver its role in community safety.

STRATEGIES, FRAMEWORK AND PLANS IMPLICATIONS

This report is related to the Community Infrastructure Plan 2016-2026 as it outlines several projects aimed at improving safety for City of Palmerston community, which is a key aspect of community infrastructure planning.

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

Nil

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9 INFORMATION AND CORRESPONDENCE

9.1 Information

9.2 Correspondence

10 GENERAL BUSINESS

11 NEXT COMMITTEE MEETING

THAT the next Community Safety Advisory Committee Meeting of Council be held on Tuesday, 13 August 2024 at 5:30pm in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston.

12 CLOSURE OF MEETING



MINUTES
Community Safety Advisory
Committee Meeting
Tuesday 26 March 2024

The Advisory Committee Meeting of the City of Palmerston held in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston, NT 0830

Council business papers can be viewed on the City of Palmerston website www.palmerston.nt.gov.au

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COMMITTEE MINUTES

Minutes of Community Safety Advisory Committee Meeting
held in Council Chambers
Civic Plaza, 1 Chung Wah Terrace, Palmerston
on Tuesday 26 March 2024 at 5:30pm.

PRESENT

COMMITTEE MEMBERS	Councillor Damian Hale (Chair) Councillor Lucy Morrison Mayor Athina Pascoe-Bell (Ex-Officio Member) Superintendent Meghan Funnell, Northern Territory Police Representative Fran Ramsey, First Nations Representative Sarah Gotch, Chief Minister and Cabinet
STAFF	Chief Executive Officer, Luccio Cercarelli Acting General Manager Community, Emma Blight City Activation Manager, Matthew McNamara Regulatory Services Manager, Angie Herriot City Activation Officer, Tree Gillam Minute Secretary, Kate Roberts Executive Assistant General Manager Community, Georgina Davies
GALLERY	Nil

Initials: _____

MINUTES COMMUNITY SAFETY ADVISORY COMMITTEE MEETING - 26 MARCH 2024

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COMMITTEE MINUTES

1 ACKNOWLEDGEMENT OF COUNTRY

City of Palmerston acknowledges the Larrakia people as the Traditional Custodians of the Palmerston region. We pay our respects to the Elders past, present and future leaders and extend that respect to all Aboriginal and Torres Strait Islander people.

2 OPENING OF MEETING

The Chair declared the meeting open at 5.34pm.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 Apologies

Moved: Councillor Hale
Seconded: Councillor Morrison

THAT the apology received from Sharon Binns for 26 March 2024 be received and noted.

CARRIED CSAC10/35 – 26/03/2024

3.2 Leave of Absence Previously Granted

THAT it be noted Councillor Garden will be on leave of absence as previously granted on 17 January 2024, for the period of 25 March 2024 to 16 April 2024 inclusive.

Nil

3.3 Leave of Absence Request

Moved: Sarah Gotch
Seconded: Councillor Hale

THAT the leave of absence received from Sarah Gotch for 12 April 2024 to 12 June 2024, inclusive be received and noted.

CARRIED CSAC10/36 – 26/03/2024

4 DECLARATION OF INTEREST

4.1 Committee Members

Nil

4.2 Staff

Nil

Initials: _____

MINUTES COMMUNITY SAFETY ADVISORY COMMITTEE MEETING - 26 MARCH 2024

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COMMITTEE MINUTES

5 CONFIRMATION OF MINUTES

5.1 Confirmation of Minutes

Moved: Sarah Gotch
Seconded: Councillor Morrison

THAT the Minutes of the Community Safety Advisory Committee Meeting held on Tuesday 28 November 2023 pages 17 to 21 be confirmed.

CARRIED CSAC10/37 – 26/03/2024

5.2 Business Arising from Previous Meeting

Nil

6 DEPUTATIONS AND PRESENTATIONS

Nil

7 CONFIDENTIAL ITEMS

7.1 Moving Confidential Items into Open

Nil

7.2 Moving Open Items into Confidential

Nil

7.3 Confidential Items

Nil

8 OFFICER REPORTS

8.1 Action Reports

8.1.1 Community Safety Advisory Committee Meeting Schedule 2024

Moved: Councillor Morrison
Seconded: Mayor Pascoe-Bell

1. THAT Report entitled Community Safety Advisory Committee Meeting Schedule 2024 be received and noted.
2. THAT the Community Safety Advisory Committee endorse Council's recommendation to amend the committee meeting schedule being:
 - a. 5.30pm Tuesday 14 May 2024 in Council Chambers
 - b. 5.30pm Tuesday 13 August 2024 in Council Chambers
 - c. 5.30pm Tuesday 12 November 2024 in Council Chambers

CARRIED CSAC10/38 – 26/03/2024

Initials: _____

MINUTES COMMUNITY SAFETY ADVISORY COMMITTEE MEETING - 26 MARCH 2024

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COMMITTEE MINUTES

8.1.2 The Terms of Reference Review - Safety Advisory Committee 2024

Moved: Sarah Gotch
Seconded: Councillor Morrison

1. THAT Report entitled The Terms of Reference Review - Safety Advisory Committee 2024 be received and noted.
2. THAT the Community Safety Advisory Committee recommend to the Council:
 - a. THAT Council endorse the reviewed Terms of Reference for the Community Safety Advisory Committee as **Attachment 8.1.2.3**.

CARRIED CSAC10/39 - 26/03/2024

8.2 Receive and Note Reports

8.2.1 Crime Prevention Through Environmental Design Audit

Moved: Mayor Pascoe-Bell
Seconded: Councillor Hale

THAT Report entitled Crime Prevention Through Environmental Design Audit be received and noted.

CARRIED CSAC10/40 - 26/03/2024

8.2.2 Community Safety Advisory Committee - Network Update

Moved: Councillor Morrison
Seconded: Mayor Pascoe-Bell

THAT Report entitled Community Safety Advisory Committee - Network Update be received and noted.

CARRIED CSAC10/41 - 26/03/2024

8.2.3 Animal Management - Update

Moved: Sarah Gotch
Seconded: Mayor Pascoe-Bell

THAT Report entitled Animal Management - Update be received and noted.

CARRIED CSAC10/42 - 26/03/2024

9 INFORMATION AND CORRESPONDENCE

9.1 Information

Nil

Initials: _____



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COMMITTEE MINUTES

9.2 Correspondence

Nil

10 GENERAL BUSINESS

10.1 Committee Member Representative Resignation - Jessica Porter

Moved: Mayor Pascoe-Bell
Seconded: Councillor Hale

1. THAT the Tabled resignation received from Jessica Porter, Youth Representative, effective 25 March 2024 be received and noted.
2. THAT the Chair write to Jessica Porter, thanking her for her contribution to the Community Safety Advisory Committee.

CARRIED CSAC10/43 - 26/03/2024

10.2 Chief Minister and Cabinet Update

Moved: Councillor Hale
Seconded: Councillor Morrison

THAT the Committee thank Sarah Gotch for providing a comprehensive verbal update regarding the Interagency Tasking and Coordination Group activities and Alcohol Management actions within Palmerston.

CARRIED CSAC10/44 - 26/03/2024

11 NEXT COMMITTEE MEETING

Moved: Sarah Gotch
Seconded: Mayor Pascoe-Bell

THAT the next Community Safety Advisory Committee Meeting of Council be held on Tuesday, 14 May 2024 at 5:30pm in the Council Chambers, Civic Plaza, 1 Chung Wah Terrace, Palmerston.

CARRIED CSAC10/45 - 26/03/2024

Initials: _____

MINUTES COMMUNITY SAFETY ADVISORY COMMITTEE MEETING - 26 MARCH 2024

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COMMITTEE MINUTES

12 CLOSURE OF MEETING

Moved: Mayor Pascoe-Bell
Seconded: Councillor Hale

THAT the meeting of the Community Safety Advisory Committee held in Council Chambers, Civic Plaza, Palmerston on 26 March 2024 closed at 6.15pm.

CARRIED CSAC10/46 - 26/03/2024

The Chair declared the meeting closed at 6.15pm.

Chair

Print Name

Date

UNCONFIRMED

Initials: _____