AGENDA

Katherine Community Safety Action Group

Thursday 15 October 2026

At 12:00 pm

Civic Centre, Committee Room

29 Crawford Street, Katherine NT 0850

WORKING GROUP

- Mayor Joanna Holden
- Elected Member Mel Doyle
- Elected Member Anjali Palmer
- Resident Annie Hesse
- Resident Antony King
- Resident Christine Butler
- Business Owner Denis Hannah
- Senior Jennifer Duggan
- Resident Samantha Phelan
- Youth Natalie Ellis

OFFICERS

- Casey Anderson - Acting Chief Executive Officer
- Brett Kimpton – Manager for Environment and Municipal

VISION:	MISSION:	VALUES:
Katherine is a place of opportunities. We celebrate diversity as we live, work, learn and grow together.	**Together, we will work effectively today to shape our exceptional future tomorrows.**	**1. Accepting of diversity** **2. Sense of community** **3. Respect for people, environment, and culture.**

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1 ITEMS FOR DISCUSSION

1.1 WELCOME AND INTRODUCTIONS

- Each member will be invited to introduce themselves, outlining their reasons for joining the group and the skills, experience and perspectives they bring.
- Facilitated discussion on members' interests and motivations, including each member to identify two community safety priorities they believe should be a focus for Katherine.

NAME	Member Type
Mel Doyle	Elected member: Co-Chair
Anjali Palmer	Elected Member: Co-Chair
Joanna Holden	Mayor
Annie Hesse	Resident
Antony King	Resident
Christine Butler	Resident
Denis Hannah	Business Owner
Jennifer Duggan	Senior
Natalie Ellis	Youth
Samantha Phelan	Resident
Lesley Pitt	First Nation – rescinded membership.

Attachments

Nil

1.2 GOVERNANCE AND INFORMATION PACK

The induction information pack includes:

- KCSAG Membership Form.
- KCSAG Terms of Reference (ToR).
- Katherine Town Council By-Laws.
- Conflict of Interest Policy and Declaration Form.
- Code of Conduct Policy.

During this session, members will be guided through the information pack and will be required to review, acknowledge, and complete the relevant induction documentation.

Attachments

1. Form - Katherine Community Safety Action Group [**1.2.1** - 1 page]
2. Terms of Reference - Katherine Community Safety Action Group - V 1 - Approved 26 May 2026 [**1.2.2** - 4 pages]
3. By- Laws 1998 as in force at 1 July 2023 [**1.2.3** - 102 pages]
4. Policy - Elected Members Conflict of Interest - V 2 - Approved - 24 Feb 2026 (1) [**1.2.4** - 4 pages]
5. Form - Declaration of Interest [**1.2.5** - 1 page]
6. Policy - Elected Members Code of Conduct - V 2 - Approved - 24 Feb 2026 [**1.2.6** - 3 pages]

KATHERINE
TOWN COUNCIL

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KATHERINE NT 0851
records@ktc.nt.gov.au
Ph: 08 8972 5500
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ABN 4783 6889 865

KATHERINE COMMUNITY SAFETY ACTION GROUP MEMBERSHIP FORM

ADVISORY COMMITTEE DETAILS

Please indicate type of membership:

Resident ◯ Youth ◯ Business Owner ◯ First Nation ◯ Senior ◯

INDIVIDUAL DETAILS

Name:

Contact Number:

Email address:

Postal address:

Signature: Date:

Privacy Statement
The information requested in this form is being collected for the purpose relating to this form and its conditions. If you do not provide the information Council may not be able to process your form. Katherine Town Council may disclose the information provided by you on this form to other government bodies, as required or authorised by the Katherine Town Council By-Laws, of the Local Government Act 2019 or in accordance with our Privacy Policy, which is available on our website www.katherine.nt.gov.au or on request from the Council office. You may obtain access to your personal information held by Council by submitting an application form that is available by contacting Council on (08) 8972 5500

KATHERINE
TOWN COUNCIL

COUNCIL POLICY

TERMS OF REFERENCE – KATHERINE COMMUNITY SAFETY ACTION GROUP

Type:	Terms of Reference		
Owner:	Council		
Responsible Officer:	Chief Executive Officer		
Approval Date:	26 May 2026	Next Review:	26 May 2028
Records Number:	255054	Council/CEO Decision:	Council OMC-2026-128
Legislation Reference:	*Local Government Act 2019 (NT)*		

1 PURPOSE

The Katherine Community Safety Action Group (KCSAG) brings people together to improve community safety and wellbeing in Katherine.

It provides a space for the community, Council, Police and government agencies to:

- share information
- raise concerns
- listen to each other
- work towards practical, local solutions

The group focuses on connection, communication and shared understanding, not operational decision-making.

2 OBJECTIVES

The KCSAG will:

- Provide a safe and respectful forum for community voices
- Strengthen communication between community, Council, Police and government
- Share local insights about safety issues and community concerns
- Help identify practical, community-led ideas to improve safety
- Support awareness of existing programs, services and initiatives

3 SCOPE

The KCSAG is a collaborative working group.

Its role is to:

- Share local knowledge and lived experience
- Highlight community safety concerns
- Help connect issues to the right organisations or agencies
- Encourage coordinated responses where appropriate

The group does not:

- Make operational decisions
- Direct Council, Police or government agencies
- Influence legislation or by-laws

4 HOW THE GROUP WILL WORK

The group will take a practical approach, based on:

- Community feedback
- Local knowledge and lived experience
- Information shared by Council, Police and other agencies

Where helpful, data or information may be provided by agencies to support discussions.

5 DETAILS

MEMBERSHIP

The group will include a mix of community members and key stakeholders (up to 15 people), such as:

- Residents (including youth, seniors and business representation)
- KTC Elected Members
- NT Police (or representative)
- First Nations leaders
- Youth and community representatives
- NT Government representatives
- Katherine Town Council representatives

ROLE OF MEMBERS

- Share perspectives respectfully
- Listen to others
- Raise community concerns
- Contribute ideas and solutions
- Act in the interests of community safety and wellbeing

Members do not represent Council publicly unless formally authorised.

MEETINGS

- Meetings will be held every two months (or as needed)
- Meetings will be co-chaired by Councillors
- Agendas will be simple and focused
- Key discussion points and actions will be recorded

Council staff will provide light administrative support.

REPORTING

- The group will provide high-level updates to Council as needed
- Updates will focus on key themes, emerging issues and opportunities
- The intent is to keep Council informed, not to create heavy reporting requirements

GUIDING PRINCIPLES

The KCSAG will operate in a way that is:

- Respectful
- Inclusive
- Collaborative
- Community-focused
- Practical and solutions-oriented

REVIEW

These Terms of Reference will be reviewed periodically to ensure they remain useful, relevant and easy to apply.

6 ASSOCIATED POLICIES/DOCUMENTS

Privacy Policy

Confidential Information Policy

Revision History

Version	Approval date	Details of change	Responsible officer
1	20 March 2026	Created and endorsed by CEO	Manager Community Relations

NORTHERN TERRITORY OF AUSTRALIA

KATHERINE TOWN COUNCIL BY-LAWS 1998

As in force at 1 July 2023

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2023

KATHERINE TOWN COUNCIL BY-LAWS 1998

By-laws under the *Local Government Act 2019*

Part 1 Preliminary

Division 1 General

1 Citation

These By-laws may be cited as the *Katherine Town Council By-laws 1998*.

2 Crown to be bound

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

3 Definitions

In these By-laws:

abandon, for Part 3, see by-law 37A.

animal means all animals kept on private premises in the municipality, and includes dogs, cats, birds and reptiles.

appropriate fee means the fee determined from time to time by the council to be the fee for a permit, authority, licence, registration or other matter or for a class or classes of permit, authority, licence, registration or other matter.

approved means approved by the council by resolution.

assistance dog means a dog:

(a) trained or assessed by a training institution recognised by the CEO in writing for the purposes of these By-laws; and

(b) used by a person to alleviate the effects of a diagnosed disability, whether physical, sensory or psychological.

at large, for Part 3, see by-law 37A.

attack, for Part 3, see by-law 37A.

bicycle or tricycle means a 2 or 3 wheeled vehicle designed to be propelled by human power, and includes a powered bicycle or tricycle.

boat means a boat or floating vessel or craft of any kind other than a motor boat.

bridge includes a ford, causeway, culvert or crossing affording passage.

commercial waste, for Part 2, Division 1A, see by-law 27A.

council means the Katherine Town Council.

dangerous dog, for Part 3, see by-law 37A.

determined means determined by the council by resolution.

dog means an animal of the genus *Canis*.

dog exercise area, for Part 3, see by-law 37A.

dog restricted area, for Part 3, see by-law 37A.

dog-tag, for Part 3, see by-law 37A.

drug means:

(a) a dangerous drug as defined in section 3(1) of the *Misuse of Drugs Act 1990*; or

(b) a prohibited substance as defined in section 12 of the *Medicines, Poisons and Therapeutic Goods Act 2012*; or

(c) kava as defined in section 3(1) of the *Kava Management Act 1998*.

effective control, for Part 3, see by-law 37A.

holder means the holder of an authority, licence, permit, or certificate of registration, as the case may be.

identification device, for Part 3, see by-law 37A.

infringement notice, for Part 7A, see by-law 173B.

infringement notice offence, for Part 7A, see by-law 173A(1).

library, for Part 6, see by-law 112.

library manager, for Part 6, see by-law 112.

library material, for Part 6, see by-law 112.

licence means a licence issued under these By-laws, and includes a renewal of a licence.

liquor, see section 4(1) of the *Liquor Act 2019*.

litter includes garbage, rubbish, refuse or waste matter, and includes a dead animal and discarded vehicle bodies, machinery, implements, and the like.

meeting means a meeting of the council.

menace, for Part 3, see by-law 37A.

motor boat means a boat or floating vessel or craft of any kind that has a motor to power its principal propulsion system, and includes a hovercraft.

motor vehicle means any vehicle designed to be self propelled and includes a trailer when attached to a motor vehicle, but does not include a motorised wheelchair which is not capable of travelling at a speed greater than 10 km/h or a powered bicycle or tricycle.

municipality means the municipality of Katherine.

officer, for Part 6, see by-law 112.

owner:

(a) for Part 3 – see by-law 37C; or

(b) in relation to a boat, motor boat or vehicle (other than a motor vehicle) – means, in the absence of proof to the contrary, the person for the time being in control of the boat, motor boat or vehicle; or

(c) in relation to a motor vehicle – means the person in whose name the vehicle is registered under the *Motor Vehicles Act 1949* or under another law of the Territory or under a law of a State or other Territory of the Commonwealth that provides for the registration of vehicles.

permit means a permit issued under these By-laws, and includes a renewal of a permit.

pound means a place established under by-law 64 to impound animals.

premises includes land and/or buildings.

prescribed amount, for Part 7A, see by-law 173A(2).

properly contained, for Part 3, see by-law 37B.

public place includes:

(a) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of the place;

(b) every place to which the public are admitted on payment of money, the test of the admittance being the payment of the money only;

(c) every road, street, footway, court, alley, thoroughfare or cul-de-sac which the public are allowed to use, notwithstanding that the road, street, footway, court, alley, thoroughfare or cul-de-sac may be formed on private property; and

(d) land reserved under a law of the Territory for the use of the public or a member of the public.

register means a register established in pursuance of by-law 7.

registered borrower, for Part 6, see by-law 112.

repealed by-laws, for Part 3, see by-law 37A.

reserve means land, including its waters, being a public place that is vested in, leased to, or under the care, control or management of, the council and capable of being used as a reserve, park, garden, cenotaph, monument, recreation ground, walkway, oval or playing field, or for swimming, bathing, boating or other recreation associated with water.

vehicle means a conveyance or other device designed to be propelled or drawn by any means and includes a bicycle or tricycle, motor vehicle, or an animal being driven or ridden, but does not include a train or a wheelchair that is not capable of travelling at a speed greater than 10 km/h.

veterinarian, for Part 3, see by-law 37A.

waste management facility, for Part 2, Division 1A, see by-law 27A.

4 Application of By-laws

These By-laws apply to and are in force within the whole of the municipality.

4A Application of Criminal Code

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

Note for by-law 4A

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.

5 Determinations

(1) The council may determine the charges, dues, fares, appropriate fees and rents in relation to a property, undertaking, service, matter or thing.

(2) A determination under clause (1) may be made for any of the following:

(a) supplying a service, product or commodity;

(b) granting a licence or permit;

(c) registering an animal or thing;

(d) giving information;

(e) admitting a person to a building or enclosure;

(f) receiving an application for approval;

(g) permitting inspection of a register;

(h) allowing the use of real or personal property of or under its care.

(3) If the council makes a determination under this by-law, it must publish a notice of its making in a newspaper circulating in the municipality as soon as practicable after the determination is made.

(4) The council may demand and recover the amount determined under clause (1) if the council has:

(a) published a notice of the making of the determination under clause (3); and

(b) taken the action for which the amount is determined.

6 Registers

(1) The CEO must keep the registers determined by the council.

(2) A register may be kept in any form, including electronic form.

(3) The following information must be recorded in an appropriate register:

(a) all dogs registered by the council;

(b) all licences granted by the council;

(c) all registered borrowers;

(d) all offences against these By-laws:

(i) of which an owner of a registered dog has been found guilty by a court; or

(ii) in respect of which a owner of a registered dog has paid the prescribed amount under an infringement notice.

8 Proof of ownership of motor vehicle

(1) In proceedings under these By-laws for an infringement involving a motor vehicle, the owner of the motor vehicle at the time of the infringement is deemed to have committed the infringement.

(2) Clause (1) does not affect the liability of the person who actually committed the infringement, unless the owner, but:

(a) the owner and the offender are not both to be liable to be convicted for the same infringement; and

(b) where a fine has been imposed on a person by a court in relation to an infringement, another person is not to be charged, and a further penalty is not to be imposed on or recovered from another person, in respect of the same infringement.

(3) Clause (1) does not apply to the owner if, within 14 days after the date of service of a notice or summons in relation to an infringement, the owner or, if the owner is a body corporate, the director, manager or secretary, delivers in accordance with the notice or summons a statutory declaration made by the owner or person setting out, where applicable:

(a) that at the time the alleged infringement occurred, another person was in control of the motor vehicle and giving the name and address of that person and any other relevant information;

(b) particulars of the sale or disposal of the motor vehicle before the date of the alleged infringement and giving the name and address of the purchaser and, if the sale was made through an agent, the name and address of the agent; or

(c) particulars concerning the theft or unlawful use of the motor vehicle that removed it from the control of the owner.

9 Matters of evidence

(1) An extract from or copy of an entry in a register purported to be signed by the CEO is, in all courts and on all occasions, prima facie evidence of the signature of the CEO and of the particulars contained in the entry without requiring the production of the register.

(2) A statement signed by the CEO concerning particulars of entries in a register including, in relation to an animal, matter or thing:

(a) whether the name of person was entered in a register in relation to an animal, matter or thing; or

(b) whether a licence, permit, authority or registration had been issued,

is, in all courts and on all occasions, prima facie evidence of the signature of the CEO and of those particulars without requiring the production of the register.

10 Requirements for execution of works

(1) Where the council requires work to be carried out by the owner or occupier of land, the council, an authorised person, or an officer or employee authorised in that behalf may, by written notice served on the owner or occupier, require the owner or occupier at his or her own expense to execute the work or to cause it to be executed, and to do anything incidental to the work:

(a) in or of the materials;

(b) within the period;

(c) in the manner; and

(d) in the area,

specified in the notice.

(2) The council may require that work done in pursuance of a notice served under clause (1) is executed by qualified or licensed persons only.

(3) The council may, when serving a notice under clause (1), indicate that the council will, if requested, carry out the works referred to in the notice at the expense of the person on whom the notice is served.

(4) Without limiting the generality of the powers conferred on the council or other person under clause (1), the power to direct the manner of execution of work includes the power to require the person carrying out the work to pay to the council, or enter into a bond for payment to the council of, the amount the council thinks fit to provide security against costs that it may incur as a result of the execution of the work.

11 Where requirements not complied with

(1) The council may carry out work required by or under the Act or these By-laws to be executed on default by the person required to execute the work.

(2) Where the council carries out work under clause (1), the cost to the council of carrying out the work is a debt due and payable by the person required to execute the work.

Division 3 Licences, permits, authorities and registrations

13 Definition

In this Division, ***licence*** includes permit, authority and registration.

14 Applications for licences

(1) A person may apply to the CEO for the issue of a licence required under these By-laws.

(2) An application is to be:

(a) in accordance with the approved form;

(b) accompanied by the appropriate fee; and

(c) accompanied by any documents, specifications or particulars that the council may require.

15 Grant of licence, &c.

(1) The council may grant, or refuse to grant, a licence.

(2) A licence remains in force for:

(a) the period of 12 months after the date of the grant of the licence;

(b) a period of more or less than 12 months as endorsed on the licence; or

(c) an indefinite period terminating on the occurrence of a future event specified on the licence, in these By-laws or in a determination made under by-law 5.

(3) Registration of a dog expires on 30 June each year or, if the council determines, on the anniversary of the first registration of the dog.

(4) A licence may be subject to the conditions the council thinks fit and endorses on the licence, including conditions that may lead to immediate revocation of the licence if they are breached or not complied with.

(5) A licence is not transferable.

16 Activity for which licence required prohibited without licence; compliance with conditions

(1) A person must not, without a licence, carry out an activity for which a licence is required.

(2) A person must comply with and not contravene the conditions of a licence.

Division 4 Regulatory

17 Compliance with notices, &c.

A person must comply with and not contravene a requirement of a notice served under these By-laws on the person by the council.

18 Obstruction of officers

(1) It is an offence for a person to obstruct, hinder, disturb or interrupt an authorised person or officer or employee of the council, or a contractor or sub-contractor to the council or employee of the contractor or sub-contractor, in the proper execution of his or her work or duty.

Maximum penalty: 20 penalty units.

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

19 Power of arrest or removal

An officer or employee, authorised person or person appointed by the council for the purpose or, without derogating from their general power, members of the Police Force, may arrest or remove persons offending against these By-laws.

20 General penalty

A person who contravenes, or fails to comply with, a provision of these By-laws for which no penalty is provided other than by this by-law commits an offence and is liable to a maximum penalty of 50 penalty units.

21 Continuing offence

A court that finds a person guilty of an offence against these By-laws may, in addition to any penalty imposed for the offence, impose a penalty not exceeding 1 penalty unit for each day during which the offence continues after the day the offence is first committed.

Part 2 Health and safety

Division 1 Garbage services

22 Definition

In this Division:

regular garbage collection service includes providing an approved receptacle, a regular collection of garbage and the disposal of garbage.

23 Collection of garbage by council

(1) The council's regular garbage collection service is to be as described, and conducted as specified, in a notice published from time to time in a newspaper generally circulating in the municipality.

(2) The occupier of premises to which the notice applies is to comply with the notice.

24 Alternate regular garbage collection service

If the council does not provide or cause to be provided a regular garbage collection service for particular premises, the occupier of the premises must provide or cause to be provided an approved alternative regular garbage collection service for the premises.

25 Provision and maintenance of garbage receptacles

(1) An approved garbage receptacle is to be:

(a) of an approved type and capacity;

(b) fitted with handles and a close fitting lid or close fitting lids;

(c) made of material impervious to moisture and to vermin; and

(d) if required by the council, marked with the name of the occupier and the lot number or address of the premises where the receptacle is kept.

(2) An occupier of premises must, in relation to an approved garbage receptacle used in connection with the premises:

(a) maintain the receptacle in good condition;

(b) not permit the receptacle to attract or to harbour or breed flies, insects or vermin, to become unsightly or to cause an offensive odour;

(c) not permit the receptacle to become or to cause a danger to public health or to interfere with or to affect the comfort of persons occupying or passing through or along neighbouring premises;

(d) ensure that the receptacle's lid is kept closed except when it is removed for the purpose of putting garbage in or removing it from the receptacle or for cleaning;

(e) ensure that household garbage produced on the premises is put into the receptacle until it is collected or otherwise lawfully disposed of;

(f) cause wet garbage to be effectively wrapped before being placed in the receptacle;

(g) cause the receptacle and other approved receptacles on the premises containing garbage to be placed for collection on the day, at the time and in the manner notified and at a collection point specified by the council to enable the person collecting the garbage to have access to the contents of the receptacles;

(h) cause the receptacle to be returned inside the premises or to its allocated area as soon as practicable, but not later than 24 hours, after the contents have been collected by the garbage collector;

(j) cause the receptacle to be cleansed thoroughly as required but not less than once in every 4 weeks;

(k) not remove the receptacle from the premises except to place it ready for emptying by the garbage collector;

(m) not use the receptacle otherwise than to contain household garbage generated through normal domestic activity;

(n) notwithstanding paragraph (m), not place in the receptacle excess quantities of heavy material such as earth, concrete or brick, or waste liquids, chemicals, paint or hazardous substances; and

(p) keep the receptacle on the premises or an allocated area related to the premises.

26 Interference with garbage receptacles

(1) A person commits an offence if the person interferes with a garbage receptacle.

(1A) Clause (1) does not apply if the person is an occupier of a premises for which a garbage receptacle is provided or an exempt person.

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

(1C) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (1C)

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

(2) A person who damages or causes a garbage receptacle to be damaged commits an offence and is liable to the council for the costs of the repair to or replacement of the receptacle.

(3) In this by-law:

exempt person means:

(a) an officer, employee or agent of the council acting within the scope of the officer's, employee's or agent's duties; or

(b) a contractor in the due performance of a contract for garbage collection between the contractor and the council, or an officer, employee or agent of the contractor.

27 Garbage receptacles to be returned to location

A person engaged in the collection of garbage on behalf of the council is, after collecting the contents of a garbage receptacle, to return the receptacle and its lid to the collection point in relation to the receptacle.

Division 1A Commercial waste and waste management facilities

27A Definitions

In this Division:

commercial waste means waste produced in the course of trade or commerce.

waste management facility means a waste management facility on land owned by or vested in the council or operated or controlled by the council.

28 Council may establish waste management facilities

(1) The council may establish waste management facilities for the deposit of garbage on land owned by, vested in or under the control of the council.

(2) The council may make arrangements and enter into contracts with the owner or occupier of private land to establish a waste management facilities for the deposit of garbage on that land.

(3) Where a waste management facilities has been established under clause (1) or (2), the council must cause a notice to be published in a newspaper generally circulating in the municipality and the notice is, in addition to the fact of the establishment of the waste management facilities, to specify:

(a) its location;

(b) the hours during which and the days on which the waste management facilities is open for the deposit of garbage;

(c) the conditions on which various classes of garbage may be deposited on the waste management facilities; and

(d) any other conditions the council thinks fit.

(4) The council may:

(a) require a person to apply for and obtain a licence for the use of a waste management facilities; and

(b) charge a fee for dumping garbage on a waste management facilities.

29 Commercial waste

(1) A person commits an offence if the person leaves, throws, deposits or abandons commercial waste other than at a waste management facility.

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

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (3)

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

29A Waste management facility offences

(1) A person commits an offence if the person leaves, throws, deposits or abandons litter at a waste management facility other than on the days and during the hours specified by the council.

Maximum penalty: 15 penalty units.

(2) A person commits an offence if the person deposits commercial waste at a waste management facility other than on the days and during the hours specified by the council.

(3) A person commits an offence if the person enters a waste management facility other than in accordance with the facility's rules approved by the council.

Maximum penalty: 15 penalty units.

(4) A person commits an offence if the person fails to comply with any direction given by an officer, employee or agent of the council at a waste management facility relating to the place at which or manner in which commercial waste is to be deposited.

(5) A person commits an offence if the person fails to permit an authorised person at a waste management facility to inspect a load of waste that the person is proposing to deposit at the facility.

Maximum penalty: 25 penalty units.

(6) An offence against clauses (1) to (5) is an offence of strict liability.

(7) It is a defence to a prosecution for an offence against clauses (1) to (5) if the defendant has a reasonable excuse.

Note for clause (7)

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

29B Removal of litter or commercial waste

(1) An authorised person may, by written notice, direct a person responsible for litter or commercial waste in a public place or on vacant land to remove the litter or commercial waste within the period stated in the notice.

(2) The authorised person must determine the period under clause (1) by taking into account the nature, quantity and location of the litter or commercial waste.

(3) If the litter or commercial waste to be removed under clause (1) constitutes a threat or risk to public safety, the authorised person may specify in the notice that the litter or commercial waste must be removed immediately.

(4) If a person does not comply with a direction under clause (1) by the end of the stated period, an authorised person, with any assistance required, may carry out, or cause to be carried out, the work required to render the place clean and free from litter or commercial waste.

(5) The costs and expenses reasonably incurred by the council in carrying out, or causing to be carried out, any work under clause (4) are a debt due and payable to the council by the person to whom the notice was issued.

(6) A person commits an offence if the person fails to comply with a notice under clause (1).

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

(8) It is a defence to a prosecution for an offence against clause (6) if the defendant has a reasonable excuse.

Note for clause (8)

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

Division 2 Litter in relation to private land

30 Littering on private land

(1) A owner or occupier of land commits an offence if the owner or occupier leaves, throws, deposits or abandons litter in, onto or from the land.

Maximum penalty: 15 penalty units.

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

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (3)

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

31 Land to be cleared

(1) Where, in the opinion of the council, there is on land:

(a) plants, grass or weeds:

(i) that are, or are likely to become, injurious, flammable or noxious; or

(ii) that have become unkempt; or

(b) litter (including unsightly car bodies, machinery or other chattels),

the council may cause a notice under by-law 10 to be served on:

(c) the occupier of the land; or

(d) where the council is unable to ascertain the identity of the occupier, the owner of the land,

requiring the land to be cleared or tidied, litter to be placed in a vermin-proof receptacle of a kind specified or any other action set out in the notice to be taken.

(2) The period within which the work must be carried out under clause (1) is to be specified in the notice, being a period of not less than 2 days and not more than 21 days after the date of service of the notice.

Division 2A Litter in relation to public or vacant land

31A Littering on public or vacant land

(1) A person commits an offence if the person leaves, throws, deposits or abandons litter in, onto or from a public place or vacant land other than into a garbage receptacle provided for that purpose or a waste management facility.

Maximum penalty: 15 penalty units.

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

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (3)

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

31B Littering causing injury or endangering health

(1) A person commits an offence if the person leaves, throws, deposits or abandons litter in, onto or from a public place or vacant land and the litter is likely to cause injury to, or endanger the health of, a person using the public place or vacant land.

Maximum penalty: 25 penalty units.

(2) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

Note for clause (2)

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

(3) A person who is prosecuted, or served an infringement notice, for an offence against clause (1) is not liable to be prosecuted, or served an infringement notice, for an offence against by-law 31A in respect of the same litter.

Division 3 Fires and throwing stones

32 Burning offensive materials

A person must not burn or heat any material, thing or substance that gives off an odour that is offensive to a person on adjacent land or a public place.

33 Lighting fires

(1) A person who lights or causes to be lit or keeps burning a fire in the open air, other than in an approved incinerator or fireplace, or in a barbecue, commits an offence.

(2) A person who, without a permit, lights or maintains a fire in a public place other than in a designated fire place commits an offence.

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

37 Throwing stones

(1) A person who, into, from or in a public place:

(a) throws or discharges a stone or other object; or

(b) uses a catapult,

thereby causing damage to a building or property, or where there is a possibility of hitting or frightening a person, commits an offence.

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

Part 3 Animal management

Division 1 Preliminary matters

37A Definitions

In this Part:

abandon, in relation to a dog, includes:

(a) deliberately leaving the dog at premises or in a public place without an intention to return to collect the dog or provide care for it; or

(b) failing to obtain the release of the dog from a pound.

at large, in relation to an animal, means the animal is:

(a) outside the premises where it is kept; and

(b) not under effective control.

attack, in relation to a dog, means any of the behaviour of the dog specified in by-law 52(1) or 53(1).

dangerous dog means a dog declared to be dangerous under by-law 56.

dog exercise area means an area declared by the council under by-law 46H to be a dog exercise area.

dog restricted area means an area declared by the council under by-law 46J to be a dog restricted area.

dog-tag means a tag issued for a dog under by-law 46A.

effective control, in relation to a dog, see by-law 46G(2) and (3).

identification device means a tag or microchip that complies with by-law 46A.

menace, see by-law 51(2).

owner, see by-law 37C.

properly contained, see by-law 37B.

repealed by-laws means the *Katherine (Control of Dogs) By-laws 1992* as repealed by these By-laws.

veterinarian means a registered veterinarian as defined in section 3(1) of the *Veterinarians Act 1994*.

37B Meaning of *properly contained*

For this Part, a dog is taken to be ***properly contained*** on premises if the dog is, under humane conditions appropriate for the dog:

(a) kept inside a building, a fenced yard, an enclosed run or another structure on the premises from which the animal is unable to escape; or

(b) leashed or restrained and unable to escape the premises.

Note for by-law 37B

Humane conditions means having sufficient space, access to water and food and access to enrichment items to allow the animal to exhibit behaviours normal for the dog.

37C Meaning of *owner*

(1) In relation to a dog, ***owner*** means any of the following:

(a) for a registered dog – the person who is registered as the owner of the dog;

(b) the person for the time being in control or possession of the dog;

(c) the occupier of the premises, or a part of the premises, where the dog 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.

(3) For Division 2, and in the absence of evidence to the contrary, the occupier of land where an animal or a dead animal is found is taken to be the owner of the animal.

38 Purpose of Part

The purpose of this Part is to provide for the keeping of animals within the municipality in a manner compatible with the enjoyment by residents of a congenial living environment.

39 Diseased and injured animals and animals at large

The council may, by notice in writing, require the owner of:

(a) a diseased, injured, savage or destructive animal whether it is on private land or in a public place; or

(b) an animal at large in a public place that, if left at large, is likely to be a danger to the safety of the public,

immediately to remove or otherwise dispose of the animal, and where it is reasonable to do so, require the destruction of the animal.

40 Removal of dead or diseased animals

(1) The council may, without notice to the owner, cause the carcass of a dead animal that is found in a public place to be removed or destroyed and disposed of.

(2) The council may, without notice to the owner of a diseased or injured animal, or of an animal at large in a public place that is likely to be a danger to the safety of the public, cause the animal to be removed or destroyed and disposed of.

(3) Where the council incurs expense in removing, destroying or disposing of an animal or a dead animal, the council may recover the expense from the owner of the animal as a debt due and payable to the council.

Division 2 Control of dogs

Subdivision 2 Responsible ownership of dogs

45 Special considerations in determination of application for registration

(1AA) The owner of a dog that is kept in the municipality must register the dog with the council, unless the dog is an assistance dog.

(1) The council must, not later than 14 days after receiving an application for the registration of a dog:

(a) register or renew the registration of the dog, either conditionally or unconditionally; or

(b) refuse to register or renew the registration of the dog and refund to the applicant the fee accompanying the application.

(2) The council may refuse to register or renew the registration of a dog if:

(a) within the period of 12 months before the date of the application, the owner of the dog has been convicted of more than 2 offences against this Division or the repealed by-laws;

(b) within the period of 12 months before the date of the application, the dog has been impounded under this Division or the repealed by-laws on more than 2 occasions;

(c) the council is satisfied that the dog is destructive, dangerous, vicious or consistently the cause of nuisance to members of the public;

(d) the premises on which the dog is usually kept are not fenced in the manner determined by the council; or

(e) the dog is a dangerous dog and, within the period of 12 months before the date of the application, the owner of the dog has contravened by-law 57 more than once.

(3) The council must refuse to register or renew the registration of a dog if:

(a) in keeping the dog on the premises on which the dog is usually kept, the applicant would be in breach of by-law 46L; or

(b) the dog is usually kept on premises within a dog restriction area.

(4) If the council refuses to register or renew the registration of a dog, or imposes conditions on the registration or renewal of the registration of a dog, the council must serve on the applicant a statement in writing of the reasons for its decision.

(5) For the purposes of clause (2)(a), a conviction for an offence includes the payment of an amount under an infringement notice issued under these By-laws or the repealed By-laws.

46 Offence of unregistered dog

(1) A person commits an offence if the person keeps an unregistered dog that is at least 3 months old in the municipality for a period of 3 months or longer.

Maximum penalty: 20 penalty units.

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

(3) The following persons are exempt from clause (1):

(a) a council employee or contractor keeping a dog in a pound;

(b) an approved incorporated body that provides services relating to animal welfare keeping a dog in a refuge maintained by it;

(c) a veterinarian who keeps a dog for treatment;

(d) a person that keeps a dog in an area or areas which the council may, by resolution, determine to be exempt from the requirements of clause (1);

(e) a person who keeps an assistance dog.

(4) The council must, not less than 21 days before making a determination under clause (3)(d), publish a notice of the proposed exempt area in a newspaper circulating in the municipality.

46A Identification device

(1) A registered dog must wear a dog-tag issued by the council, or approved by an authorised person, when outside the premises where the dog is kept.

(2) If required by the council, a dog must be implanted with a microchip in addition to wearing a tag.

(3) An implanted microchip must:

(a) meet the specifications determined by the council; and

(b) be designed to store information in a way that can be retrieved electronically without physical contact.

(4) The owner of a registered dog must ensure that the dog:

(a) wears the tag issued for the dog when outside the premises where the dog is kept; and

(b) is implanted with a microchip if required under clause (2).

46B Offences related to identification device

(1) The owner of a registered dog must not:

(a) allow the dog to be outside the premises where the dog is kept without wearing the tag issued for the dog; or

(b) remove from the dog any microchip implanted under by-law 46A.

Maximum penalty: 20 penalty units.

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

46C Identification device fitted to incorrect dog

(1) A person must not fit an identification device on a dog that is not the dog for which the device was issued.

(2) A person commits an offence if the person contravenes clause (1).

Maximum penalty: 20 penalty units.

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

(4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.

Note for clause (4)

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

46D Offence for contravention of condition of registration

(1) The owner of a registered dog must comply with any conditions on the registration determined by the council.

(2) A person commits an offence if:

(a) the person is the owner of a registered dog; and

(b) the registration of the dog is subject to a condition; and

(c) the owner fails to comply with the condition.

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

46E Notice of change in address or owner

(1) The owner of a registered dog must notify the council of the following events:

(a) a change in the owner's address;

(b) a transfer of the dog 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 dog;

(b) the contact details of the owner;

(c) in the case of a transfer of the dog to a new owner – the contact details of both the new and former owners.

(3) A person commits an offence if the person:

(a) is the owner of a registered dog; and

(b) fails to comply with clause (1) or (2).

Maximum penalty: 10 penalty units.

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

46F Proper containment of dogs

(1) The owner of a dog must properly contain the dog when the dog is on the premises where the dog is kept.

(2) A person commits an offence if:

(a) the person is the owner of a dog; and

(b) the dog is not properly contained when the dog is on the premises where the dog is kept.

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

(4) To avoid doubt, the following matters are not relevant to an offence against clause (2):

(a) the time during which the dog was not properly contained;

(b) the ability of the owner to properly contain the dog.

46G Keeping dogs under effective control

(1) The owner of a dog must ensure that the dog is under effective control when outside the premises where the dog is kept.

(2) For this Part, a dog is taken to be under ***effective control*** if the dog is:

(a) restrained by a leash or similar device that:

(i) is no longer than 2 m; and

(ii) is held by a person who is over the age of 12 years and competent to restrain the dog; 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 is projecting from the vehicle; or

(c) otherwise leashed or restrained and unable to run free.

(3) For this Part, a dog in a dog exercise area is 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; and

(b) the dog is not under effective control when outside the premises where the dog is kept.

Maximum penalty: 20 penalty units.

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

46H Dog exercise areas

(1) The council may declare an area to be a dog exercise area.

(2) If the council intends to declare an area to be a dog exercise area, the council 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 the municipality.

(3) The council 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.

46J Dog restricted areas

(1) The council may declare an area to be a dog restricted area.

(2) If the council intends to declare an area to be a dog restricted area, the council 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 the municipality.

(3) The council must publish the location and restrictions on dogs in any dog restricted area it declares.

Examples for clause (3)

1 Prohibiting taking a dog into a market or festival.

2 Restricting classes or numbers of dogs in an area.

(4) An assistance dog is exempt from this by-law.

(5) The owner of a dog must comply with the conditions for the dog restricted area.

(6) The owner of a dangerous dog must ensure the dog does not enter a dog restricted area.

46K Offences related to dog exercise areas or dog restricted areas

(1) A person commits an offence if the person:

(a) owns a dog; and

(b) fails to comply with the conditions for a dog exercise area.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if the person:

(a) owns a dog; and

(b) fails to comply with the conditions for a dog restricted area.

(3) A person commits an offence if the person:

(a) owns a dangerous dog; and

(b) fails to ensure the dog does not enter a dog exercise area.

Maximum penalty: 20 penalty units.

(4) A person commits an offence if the person:

(a) owns a dangerous dog; and

(b) fails to ensure the dog does not enter a dog restricted area.

(5) An offence against clauses (1) to (4) is an offence of strict liability.

46L Requirement for licence

(1) The council may determine a maximum number of dogs, or dogs of a class of dog, that may be kept on premises without a licence.

(2) An occupier of premises commits an offence if the occupier keeps dogs on the premises in contravention of a determination under clause (1).

Maximum penalty: 20 penalty units.

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

(4) It is a defence to a prosecution for an offence against clause (2) if:

(a) the defendant has a reasonable excuse; or

(b) the defendant establishes that the dogs, or the dogs of the class of dog, had not been usually kept on the premises:

(i) for a period of 3 months or more immediately before the date of the alleged offence; or

(ii) for periods totalling 3 months or more during the 6 month period immediately before the date of the alleged offence.

Note for clause (4)

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

(5) An assistance dog is exempt from this by-law.

47 Licensing premises

(1) The council must, not later than 28 days after receiving an application for the licensing of premises in relation to the keeping of dogs:

(a) licence or renew the licence of the premises, either conditionally or unconditionally; or

(b) refuse to licence or renew the licence of the premises and refund to the applicant the fee accompanying the application.

(2) The council may take into account, in considering an application under clause (1), a matter that is, in its opinion, relevant and in particular may take into account:

(aa) the area of the municipality in which the premises are located and any determination made by Council as to the suitability of the area and the premises within that area for keeping more than a specified number of dogs;

(a) the facilities for controlling dogs at the premises specified in the application;

(b) the number of dogs kept or to be kept at the premises; and

(c) the likely impact, if the licence is granted or renewed, on the residents in the locality where the premises are situated.

(3) Where the council determines the manner in which premises are to be fenced, the council is not to grant or renew a licence for premises if the premises are not fenced in accordance with the determination.

(4) Where an application is for the renewal of a licence and, to the council's knowledge:

(a) no matters have arisen that, if taken into account at the time the licence was granted would have caused the council to refuse to grant the licence or to grant the licence subject to conditions other than those specified in the licence; or

(b) the council has not, since the grant of the licence, made a determination under by-law 53 that affects the premises,

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

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

Subdivision 3 Cancellation, variation, &c., of registration and licences

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

The council may, on the written application of the registered owner of a dog or the holder of a licence, by notice in writing served on the registered owner or holder:

(a) cancel the registration of the dog or the licence;

(b) vary the conditions to which the registration of the dog or the licence is subject; or

(c) in the case of a licence, suspend the licence for the period, as requested.

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

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

(a) cancel the registration of the dog or the licence;

(b) vary, in the manner specified in the notice, the conditions to which the registration or the licence is subject; or

(c) suspend the licence for the period specified in the notice.

(2) The council may, not less than 14 days after the date of service of a notice under clause (1), by another notice in writing served on the registered owner or the holder of the licence on whom the first-mentioned notice was served:

(a) cancel the registration of the dog or cancel the licence;

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

(c) suspend the licence for the period specified in the notice, being a period not longer than the period specified in the first-mentioned notice.

50 Operation of notice of cancellation, &c.

A notice served by the council under by-law 48 or 49(2) takes effect at the expiration of 14 days after the service of the notice.

Subdivision 4 Menacing, attacking and dangerous dogs

51 Dog menaces

(1) An owner of a dog must ensure that it does not menace a person or another animal.

(2) For this Part, a dog is taken to ***menace*** a person or 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).

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

52 Dog attacks

(1) The owner of a dog must ensure that it does not behave aggressively resulting in:

(a) physical contact with a person or another animal; or

(b) damage to anything worn by the person or the animal.

(2) The owner of a dog commits an offence if the owner fails to comply with clause (1).

Maximum penalty: 60 penalty units.

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

53 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.

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

(4) The maximum penalty specified in clause (2) for an aggravated offence applies to the offence if the bite or assault causes or results in substantial injury to, or death of, the person or the other animal.

Examples of substantial injury

1 Multiple and deep punctures from a single bite.

2 An injury requiring hospital or veterinary treatment.

3 Infection or deep bruising around the wound or wounds from the dog shaking its head from side to side.

54 Defences

(1) It is a defence to a prosecution for an offence against by-law 51 or 52 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 on premises owned or occupied by the defendant without consent.

Note for clause (1)

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

(2) If a court finds a person guilty of an offence against by-law 51 or 52, 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.

55 Enticement or incitement

(1) A person must not entice or incite a dog to:

(a) menace a person or animal; or

(b) engage in behaviour that is prohibited by by-law 71C; or

(c) attack a person or animal.

Example for clause (1)

A person must not cause a neighbour's dog to start barking excessively in order to make a complaint about the neighbour's dog.

(2) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct causes a dog to:

(i) menace a person or animal; or

(ii) engage in behaviour that is prohibited by by-law 71C; or

(iii) attack a person or animal; and

(c) the person is reckless in relation to that result.

56 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 council must keep a record of the information in clause (3).

57 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 46F(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 suitable leash; 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 council of the address of the place within 24 hours after the dog is relocated.

(7) The owner must notify the council 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.

58 Notice about loss or transfer of dangerous dog

(1) The owner of a dangerous dog must notify the council 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 council under by-law 46E must be given within 24 hours after the transfer.

59 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 57 or 58.

Maximum penalty: 100 penalty units.

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

60 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 57 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 Controls relating to other animals

61 Application of Division

This Division applies to animals other than dogs.

62 Licence required to keep specified animals

(1) An occupier of premises within the municipality must not, unless the premises is licensed, keep at the premises:

(a) more than the number of a specified animal as determined by the council; or

(b) more than the number of animals of a specified class or classes as determined by the council.

(2) By-law 47 applies to an application for the licensing of premises to keep a specified animal as if a reference in that by-law to:

(a) a dog were a reference to the specified animal; and

(b) by-law 46L were a reference to clause (1).

(3) Division 2, Subdivision 3 applies in relation to a licence of premises to keep a specified animal.

63 Animals at large

(1) An occupier of premises within the municipality commits an offence if an animal the occupier keeps at the premises is at large.

Maximum penalty: 20 penalty units.

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

(3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes another person had, without the defendant's permission, enticed the animal to become at large.

Note for clause (3)

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

Division 4 Seizure and impounding

64 Establishment of pounds

(1) The council may:

(a) establish a pound; or

(b) make such arrangements as it thinks fit for the use of premises for impounding animals under this Part.

(2) The CEO is the supervisor of a pound.

65 Seizure and impounding

(1) An authorised person may seize:

(a) a dog that appears to be diseased, injured, savage, destructive, stray or unregistered; or

(b) a dog that is at large; or

(c) a dangerous dog whose owner is not complying with Division 2, Subdivision 4; or

(d) an animal that an authorised person believes on reasonable grounds has attacked a person.

(2) As soon as practicable after seizing a dog, the authorised person must:

(a) impound the dog in a pound; or

(b) take reasonable steps to return the dog to its owner if satisfied that:

(i) it is not diseased, injured, savage or destructive; or

(ii) in the case of a dangerous dog whose owner is not complying with Division 2, Subdivision 4 – the owner is willing and able to comply with Division 2, Subdivision 4.

(3) As soon as practicable after seizing an animal other than a dog, the authorised person must:

(a) impound the animal in a pound; or

(b) take reasonable steps to return the animal to its owner if satisfied that it is not diseased, injured, savage or destructive.

66 Notice of impounding

(1) The CEO must ensure that reasonable steps are taken to notify the owner of an impounded animal and whether:

(a) the owner must collect the animal; or

(b) the owner must await a decision regarding the destruction or disposal of the animal under by-laws 69 to 70A; or

(c) the animal is subject to destruction or disposal under by-laws 69 to 70A.

(2) The owner of an impounded animal who receives notice under clause (1)(a) must collect the animal within the time specified in the notice.

(3) A person commits an offence if the person:

(a) owns an animal; and

(b) receives a notice under clause (1)(a) that the owner must collect the animal; and

(c) fails to collect the animal within the time specified in the notice.

67 Release of dogs from pound

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

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

(a) the costs incurred by the council in relation to the impounded dog; and

(b) delivering the dog from the pound.

(3) Subject to by-laws 69 to 70A, an impounded dog must not be released from a pound unless:

(a) it is registered and implanted with a microchip in accordance with by-law 46A; and

(b) it is released to its owner or to a person authorised to act on behalf of the owner; and

(c) the council receives any fees payable in relation to it.

(4) Clause (3)(a) does not apply to a dog that is usually kept outside the municipality.

68 Release of other animals from pounds

(1) Subject to by-law 70, an impounded animal, other than a dog, is not to be released from a pound:

(a) other than to the owner of the animal or a person authorised to act as the owner's agent; and

(b) unless there is paid to the council the appropriate maintenance and release fees.

(2) A person who is collecting the animal must satisfy the council employee at the pound, or other person in charge of the pound that the person is the owner of the animal, or is authorised to act as the owner's agent.

69 Diseased animals

(1) The CEO must make arrangements for any impounded animal that is suspected of being infected with a contagious disease to be isolated from other animals in the pound.

(2) The CEO must take reasonable steps to give the owner of a dog isolated under clause (1) written notice:

(a) stating the reasons for isolating it; and

(b) warning that it must either undergo a course of treatment specified in the notice or be destroyed.

(3) The CEO may, in the notice given under clause (2), require the owner of the dog to have a report prepared and given to the CEO on the condition of the dog and any other animals kept at the same premises.

(4) If required under clause (3), the owner must:

(a) have the report prepared by a veterinarian or other person specified in the notice; and

(b) give the report to the CEO within the time specified in the notice.

(5) A dog that is isolated under this by-law may be released from the pound in accordance with by-law 67, subject to any conditions the CEO considers appropriate.

(6) The cost of treatment reasonably provided by the council to a diseased dog, and to any other animal in the pound infected or at risk of being infected by the diseased dog before it could reasonably be isolated, is a debt payable by the owner of the diseased dog to the council.

(7) An owner of a dog commits an offence if the owner:

(a) fails to comply with clause (4); or

(b) fails to comply with a condition imposed under clause (5).

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

70 Destruction of impounded animal

(1) The CEO may arrange for an animal to be destroyed if:

(a) the animal is in the pound or is abandoned or is found on public land; and

(b) the animal is diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; and

(c) it is humane to destroy the animal in the circumstances.

(2) For this Part, behaviour of a dog specified in by-law 53(4) is taken to be savage or destructive.

70A Destruction or disposal of impounded animal

(1) Subject to this by-law, the CEO may, after an animal is impounded for 4 business days:

(a) arrange for its destruction; or

(b) if the animal is a dog – transfer the dog to an entity that provides animal welfare services.

(2) The CEO may make arrangements for the transfer of dogs from a pound to a person or entity that provides animal welfare 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 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, 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.

70B Humane method

Any destruction of an animal under this Part 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.

Division 5 Dog races

71 Dog races

(1) The council may, by notice in writing, exempt a person or body from by-law 46A(1) and (4)(a), 46B(1)(a) or 63 for the purposes of a dog race, dog trial, dog show, or while taking part in the activities of a dog obedience club or using a dog to drive cattle or stock on a road, or for any other purpose or event as the council may determine.

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

Division 6 Animals

71A Injuring or killing animals on public land

(1) A person must not, without an authorisation given by the CEO, engage in conduct that causes, or is likely to cause, injury or death to an animal on public land.

(2) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results, or is likely to result, in injury or death to an animal on public land; and

(c) the person is reckless in relation to that result.

71B Abandoning animal

A person commits an offence if the person intentionally abandons an animal in the municipality.

71C Animal causing nuisance

(1) The owner of an animal must ensure that the animal is not a nuisance to people or other animals.

(2) For this Part, 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 person or vehicle or another animal.

(5) The owner of an animal must not allow the animal to come within 10 m of the following:

(a) a public play structure;

(b) a public exercise structure;

(c) a public BBQ.

(6) A person must not bring an animal into a pedestrian mall unless:

(a) the animal is an assistance dog; or

(b) the person holds an authorisation given by the CEO to do so; or

(c) the animal is allowed under an exemption determined by the council, by resolution.

(7) A person must not feed a wild or feral animal.

(8) A person commits an offence if the person fails to comply with clause (1), (3), (4), (5), (6) or (7).

(9) An offence against clause (8) is an offence of strict liability.

Part 4 Public places

Division 1 Roads, crossings, &c.

72 Definition

In this Division, unless the contrary intention appears, ***approved crossing*** means a crossing constructed:

(a) before the commencement of these By-laws, by or with the approval of the council; or

(b) after the commencement of these By-laws, in accordance with a permit.

73 Application or requirement to construct crossing

(1) The owner or occupier of land that abuts on a public place must, before constructing a crossing from the land to the place, apply for a permit.

(2) A person is not to carry out any work relating to the construction of a crossing until a permit for it has been granted.

(3) The council may serve on the owner or occupier of land that abuts on a public place a notice, under by-law 10, requiring a crossing to be constructed.

(4) Where, in the opinion of the council, a crossing, whether made before or after the commencement of these By-laws is:

(a) no longer adequate for the volume or nature of the traffic passing over it; or

(b) in a state of disrepair or is damaged,

the council may serve a notice under by-law 10 on the owner or occupier of the land to which the crossing leads from the public place.

74 Vehicles to use approved crossings only

(1) It is an offence for a person, without a permit, to drive or propel a motor vehicle over or across a footpath otherwise than at an approved crossing.

Maximum penalty: 20 penalty units.

(2) Clause (1) does not include the riding of a bicycle or tricycle on, along or across a footpath designated by the council as a bicycle path.

(3) It is an offence for a person to:

(a) park a vehicle on; or

(b) place an obstruction on, or cause an obstruction to,

an approved crossing.

Maximum penalty: 20 penalty units.

(4) It is not an offence under clause (3) if the person requiring to gain access to land ensures that the vehicle or obstruction remains on the approved crossing for the least time necessary to obtain access.

(5) An offence against clause (1) or (3) is an offence of strict liability.

75 Bicycle restriction areas

It is an offence for a person to ride a bicycle or tricycle along or across a footpath designated by the council as a bicycle restriction area, and indicated as a bicycle restriction area by signs.

76 Heavy loads prohibited

(1) It is an offence for a person, without a permit, to drive or propel a vehicle or cause or permit a vehicle to be driven or propelled across, or to stand on or over, a crossing, culvert, road, kerb or bridge if the vehicle is:

(a) so heavy or of such nature that it is likely to cause damage to the paving of the crossing, culvert, road, kerb or bridge; or

(b) of a weight greater than that notified under clause (2).

(2) The council may determine the maximum weight of a load to be carried over a crossing, culvert, road, kerb or bridge and may notify the determination by a sign conspicuously posted at or near each approach to the crossing, culvert, road, kerb or bridge.

(3) An offence against clause (1)(b) is an offence of strict liability.

77 Removal of kerbing

(1) It is an offence for a person, without a permit, to remove a road kerb.

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

(3) Where a person, in an application for building or other works, applies for a permit to cross a road kerb, the council may cause the kerb to be removed at the place indicated in the application or at another place approved by the council.

(4) At the conclusion of the building or other works for which the road kerb was removed, the council may cause the road kerb to be replaced.

78 Laying pipes on public place

(1) It is an offence for a person, without a permit, to:

(a) lay pipes, cables or conduits; or

(b) erect, place or maintain a post, pillar, bridge, footway, fixture or structure,

in, on, over, under or abutting a public place or:

(c) dig or remove, or cause to be dug or removed, turf, sand, clay, soil or other material from, or from beneath, a public place; or

(d) place a matter or thing, whether or not it causes an obstruction, on a public place.

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

79 Excavations

(1) It is an offence for a person, without a permit, to excavate a trench through or under a road or footpath or other public place.

(2) It is an offence for a person, without a permit, to carry out an excavation on land abutting a public place where:

(a) the excavation encroaches or may encroach on the public place; or

(b) if the excavation were to subside or the wall of the excavation were to collapse, the excavation or the excavated material would encroach on the public place.

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

80 Damage to roads

(1) It is an offence for a person to propel, drag or trail in contact with the surface of a road any sledge, timber, metal, tool, implement, furniture or other heavy material or a conveyance or thing capable of damaging the road.

(2) It is an offence for a person to carry timber, metal, tools, implements, furniture or material along a road in a manner that endangers or causes disturbance to another person.

(2A) Clause (1) does not apply to a person acting in accordance with a permit.

Note for clause (2A)

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

(3) It is an offence for a person to spill or cause to be spilt wet concrete, motor oil, hydraulic fluid or any similar substance on a road or within a public place.

(4) An offence against clause (1), (2) or (3) is an offence of strict liability.

(5) It is a defence to a prosecution for an offence against clause (1), (2) or (3) if the defendant has a reasonable excuse.

Note for clause (5)

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

81 Council may require land to be enclosed

(1) Where land adjoining a road is not enclosed in a manner that prevents sand, soil or other material from being carried on to the road, the council may, by notice under by-law 10, require the owner or occupier of the land to cause the land to be enclosed.

(2) The owner or occupier of land must not, without a permit, cause to be erected or maintained on the boundary of the land or within 0.66m of a road or land under the control of the council a fence having a component of barbed wire, or material of a similar type, at a height lower than 2.33m from the ground on which the fence is erected.

82 Safety lights

(1) A person who causes:

(a) any material or structure to be deposited or laid on a road; or

(b) work to be carried out entailing the opening or breaking up of the surface of a road,

whether or not authorised by the council, must, at the person's expense, cause:

(c) lights of a type and colour and in a number that the council considers sufficient to be placed and retained near the material, structure or work;

(d) the lights referred to in paragraph (c) to be illuminated from sunset to sunrise; and

(e) the materials, structure or work to be fenced and enclosed to prevent damage or inconvenience to other persons,

until the material or structure is removed or the road is restored.

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

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

(4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.

Note for clause (4)

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

Division 2 Trees

83 Damage to trees and plants

(1) It is an offence for a person, without a permit, to:

(a) interfere with or damage a tree, plant, garden or grass strip or cause anything to be done so that it may become damaged or destroyed;

(b) cut, break, remove or disturb a tree, shrub, stem, branch or root of a living tree, shrub or plant; or

(c) plant a tree, shrub or plant,

in a public place.

(2) Clause (1) does not prevent the owner or occupier of land that abuts a footpath from pruning or otherwise maintaining a tree, shrub or plant or maintaining or mowing a lawn on the footpath unless the council directs otherwise.

(3) It is an offence for a person, without a permit, to pick, pluck or take a bud, flower or other part of a tree, shrub or plant in a public place.

(4) It is an offence for a person, in a public place:

(a) to drive, tow or propel a motor vehicle or other vehicle; or

(b) to ride, drive or lead an animal,

in a manner that causes or permits it to cause damage to a tree, shrub, plant, garden or grass strip in the public place, or to council property situated on or affixed to the public place.

(5) An offence against clause (1), (3) or (4) is an offence of strict liability.

84 Permit to plant, &c., trees, &c.

In addition to the general requirements specified in by-law 14, an application for a permit to plant, cut, break, remove or disturb a tree, shrub or plant referred to in by-law 83(1) is to indicate the position where the applicant intends to:

(a) plant the tree, shrub or plant; or

(b) cut, break, remove or disturb the tree, shrub or plant or part of it.

85 Overhanging trees and shrubs

The council may, where it considers that a tree, shrub or plant growing on land is causing inconvenience or an obstruction to persons using a public street or footpath or is causing or likely to cause damage to an adjacent public place, serve a notice under by-law 10 on the owner or occupier of the land to trim or remove the tree, shrub, or plant.

Division 3 Signs, hoardings and advertising

86 Signs, hoardings and advertising

(1) In this by-law:

signs code means the document of that name approved by resolution of the council on 29 September 1997 (as since amended) that prohibits, regulates or exempts matters relating to or incidental to the placing, size, shape, content and colour of signs, hoardings and advertising:

(a) in or on a public place; or

(b) on premises adjoining or in view of a public place.

(2) The CEO must cause the signs code to be available to the public at the council offices during the business hours of the council.

(2A) The council may, by resolution, amend the signs code or replace it with another code that prohibits, regulates or exempts matters relating or incidental to the place, size, shape, content and colour of signs, hoardings and advertising in a public area or on premises adjoining or in view of a public area.

(2B) If the council amends or replaces the signs code, the council must publish in a newspaper circulating in the municipality a notice stating that the amendment or replacement has been made and including a description of the effect of the amendment.

(3) The occupier or, where there is no occupier, the owner of the premises adjoining or in view of a public place commits an offence if there is on those premises a sign, hoarding or advertisement which is not in compliance with the signs code or with a permit granted under the signs code.

(3A) If a sign, hoarding or advertisement that is not in compliance with the signs code or with a permit granted under the signs code is in or on a public place, the person responsible for authorising the erection or placement of the sign, hoarding or advertisement commits an offence.

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

(5) A sign, hoarding or advertisement is to be constructed or installed and maintained in a condition of security, good repair and rigidity to the satisfaction of the council.

(6) Where an authorised person is of the opinion that a sign, hoarding or advertisement is not secure, in good repair or rigid, or is otherwise unsafe or not in compliance with the signs code, the authorised person may, whether or not a permit has been granted, give notice to:

(a) the owner or occupier of the land where the sign, hoarding or advertisement is erected or being used; or

(b) the person responsible for authorising the erection or placement of the sign, hoarding or advertisement,

requiring remedial action or the removal of the sign, hoarding or advertisement within the period specified in the notice, and the person to whom the notice is given must comply with the notice.

(6A) If a person to whom a notice under clause (6) is given fails to comply with the notice within the time specified in the notice, an authorised person may remove and impound the sign, hoarding or advertisement.

(7) Nothing in this by-law derogates from the requirements of any other law of the Territory relating to the construction or installation of buildings or structures.

Division 4 Handbills

87 Handbills

(1) A person commits an offence if the person, without a permit, in or on a public place:

(a) gives out or distributes a handbill; or

(b) affixes or causes to be affixed a handbill to a power pole, signpost or fixture in a street.

(2) It is a condition of a permit to affix a handbill that the holder is to:

(a) ensure that the handbill is preserved in a clean and tidy condition;

(b) remove the handbill if it becomes worn, torn or detached; and

(c) remove any waste or litter from the area.

(3) A person commits an offence if the person, without a permit and the consent of the owner or occupier of land adjoining a public place, affixes or causes to be affixed a handbill to or against a structure on the land.

(4) Where an authorised person is of the opinion that a handbill is dirty, untidy, worn, torn or detached, the authorised person may, whether or not a permit has been granted or the consent of the owner or occupier of the land obtained in relation to affixing the handbill, give notice in accordance with by-law 10 to:

(a) the owner or occupier of the building where the handbill is posted; or

(b) the person responsible for authorising the production of the handbill,

requiring remedial action or the removal of the handbill.

Division 5 General

88 Writingand defacing

(1) A person who, without a permit, writes on, defaces or marks a power pole, sign, post, fixture, wall or pavement in a public place with writing or pictorial representation commits an offence.

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

89 Erecting structures &c., or encroaching on public place

(1) A person must not, without a permit, erect or place a structure, whether of a temporary or a permanent nature, on a public place, or permit a structure to encroach on a public place.

(2) In addition to the general requirements specified in by-law 14, an application for a permit to erect or place a structure referred to clause (1) is to:

(a) specify the purpose for which the structure will be used; and

(b) be accompanied by plans and specifications of the structure.

90 Goods in public place

(1) A person who, without a permit, stacks or stores goods or displays or exposes them, or permits their stacking, storing or exposing, whether or not for sale, in, on or over a public place, or outside any premises adjoining a public place, commits an offence.

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

91 Vehicles for sale in public place

(1) A person who, without a permit, displays or exposes for sale any vehicle, boat or motor boat in, on or over a public place, or outside any premises adjoining a public place, commits an offence.

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

92 Musical instruments, &c.

A person must not, without a permit, on a public place or other land under the control of the council:

(a) use a musical instrument; or

(b) for the purpose of announcing an auction, public performance, sale, meeting or similar gathering, ring a bell or use a musical instrument or any means of amplification or public address.

93 Camping or sleeping in public place

(1) A person who:

(a) camps;

(b) parks a motor vehicle, erects a tent or other shelter or places gear or equipment for the purpose of camping or sleeping; or

(c) being an adult, sleeps at anytime between sunset and sunrise,

in a public place other than:

(d) in a caravan park or camping area where the person is permitted to park or camp on the payment of money; or

(e) in accordance with a permit,

commits an offence.

Maximum penalty: 20 penalty units.

(3) An authorised person may direct a person who is or has contravened clause (1) to do one or both of the following:

(a) leave the public place; or

(b) remove any motor vehicle, tent, shelter, gear or equipment under the person's control to a place specified by the authorised person,

and the person must comply with the direction forthwith.

(4) A person who fails to comply with the directions of an authorised person under clause (3) commits an offence.

Maximum penalty: 20 penalty units.

(5) A person who, whether alone or together with others, obstructs or, by the person's presence or the group's presence, intimidates another member of the public from using a public shelter, ablution facility, water supply, barbecue or fireplace commits an offence.

Maximum penalty: 20 penalty units.

(6) An offence against clause (1), (4) or (5) is an offence of strict liability.

94 Shopping trolleys

(1) A person who leaves a shopping trolley in a public place commits an offence.

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

(3) An authorised person may remove and impound a shopping trolley left unattended in a public place and is, within 7 days after the removal and impoundment, to:

(a) serve on the owner a notice in writing of the impoundment and place of impoundment; or

(b) if the owner cannot be found or the owner's name cannot be ascertained, certify to the CEO the reason for failure to serve a notice referred to in paragraph (a) (which is prima facie evidence of the matters contained in it).

(4) After the expiration of 28 days after the impoundment, the CEO is to cause notice of the impoundment to be published in a newspaper circulating in the municipality and, if the owner of the trolley does not respond within 7 days after publication, is to publish the notice a second time.

(5) If the owner of the trolley has not, within 28 days after service of a notice under clause (3)(a) or the later of the publications under clause (4), paid to the council all expenses relating to the removal, custody and reasonable maintenance of the trolley, the council may advertise for sale and sell the trolley or, if it is not convenient to sell the trolley, dispose of it.

(6) Any proceeds of the sale of a shopping trolley are to be applied in payment of:

(a) costs incurred by the council in the sale; and

(b) costs of removal, custody and reasonable maintenance before the sale or disposal of the shopping trolley,

and the balance, if any, is to be paid to the owner at the time of the removal and impoundment.

(7) If any money remains unclaimed by the owner, or by a person acting on behalf of the owner, of a shopping trolley sold under clause (5) after the expiration of a period of 6 months commencing on the date of the sale, the money is to be paid into the council's general fund.

95 Washing or repairing vehicles, &c., in public place

(1) Subject to clause (2), a person must not:

(a) wash a motor vehicle, vehicle, boat or motor boat; or

(b) carry out repairs or maintenance work on any of them,

on, along, in or across a public place.

(2) Clause (1)(b) does not apply:

(a) where the public place has been set aside by the council for the purpose of carrying out repairs or maintenance work and a notice to that effect has been conspicuously posted nearby; or

(b) to carrying out a repair for the purpose of immediately removing the motor vehicle, vehicle, boat or motor boat from a public place.

96 Removal of persons from reserve or mall

(1) An authorised person may remove, or cause to be removed, a person who contravenes these By-laws in a reserve or mall from the reserve or mall.

(2) Where an authorised person has removed a person under clause (1), the council may, by notice in writing served on the person, refuse him or her entry to the reserve or mall for the period not exceeding 6 months, specified in the notice.

(3) A person on whom a notice under clause (2) has been served who enters the specified reserve or mall during the specified period commits an offence.

97 General offences

(1) A person must not, without a permit, drive, propel, sail or tow a boat or motor boat at a speed of more than 5 knots in waters within a public place.

(2) A person must not, without a permit, wilfully injure or kill an animal or bird, or act in a manner intended or reasonably likely to result in injury or death to an animal or bird, in a public place.

(3) A person must not, without a permit, graze or allow an animal that the person owns or is responsible for to graze on a public place.

(4) A person must not, without a permit, swim or bathe in waters within a public place except within signs erected or posted in a conspicuous place by the council advising that the waters are a designated swimming area.

(5) A person who urinates or defecates in a public place, except in toilets provided for the purpose, commits an offence.

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

Division 6 Malls, reserves and other public places

98 Bicycles, skates may be prohibited in malls, reserves and other public places

(1) The council may determine that the riding or driving of bicycles or tricycles, pedal powered vehicles, small motorised vehicles, roller skates or blades, skateboards, or any of them, is prohibited or restricted in a mall, reserve or other public place in accordance with an inscription on signs erected in and associated with the mall or public place.

(2) A person must not contravene the determination of a council under clause (1) as inscribed on signs erected under that clause.

Maximum penalty: 20 penalty units.

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

99 Control of certain activities in malls, reserves and other public places

(1) A person must not, without a permit, in a public place, perform or offer entertainment, make a painting or drawing or take a photograph or film of a person or thing for commercial purposes or address persons assembled there.

(2) A person must not, without a permit, erect or install in a public place a post, rail, fence, pole, tent, booth, stand, display, exhibition, decoration or structure or any furniture, whether permanent or temporary.

(3) A person must not, without a permit, discharge, or dispose of into or in a mall, reserves or other public place moisture from an air conditioner, or fumes, smoke, vapour, dust or other waste products, in such a way as to cause damage or annoyance to another person.

(4) A person must not, without a permit, remove or displace from or in a public place a barrier, railing, post, seat or any structure or erection.

(5) A person must not, in a mall or reserve:

(a) remove or disturb any part of the soil of a flowerbed or under a tree or plant;

(b) walk, stand, sit or lie upon a part of a flowerbed; or

(c) remove, cut or damage a flower, plant or tree.

(6) A person conducting a business to which access is from a mall must not, for the disposal of trade or commercial waste or packaging or rubbish, use public refuse bins placed by the council in the mall.

(7) A person must not, without a permit, enter, remain on or walk on any roof, covering or canopy erected over a mall or on a reserve.

(8) A person must not, without a permit, bring an animal, other than an assistance dog, into a mall.

(9) This by-law does not apply to an agent or officer or employee of the council acting in accordance with their duties.

100 Control of vehicular traffic in malls

(1) A person must not drive a vehicle or cause a vehicle to stand in a mall unless:

(a) it is an emergency vehicle; or

(b) it is:

(i) a service vehicle; or

(ii) a vehicle in the mall in accordance with a permit.

(2) A person must not drive a vehicle, other than an emergency vehicle, in a mall at a speed in excess of 5 km/h.

(3) A person acting in contravention of clause (1) or clause (2) commits an offence.

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

(5) Where, contrary to a by-law, there is in a mall a vehicle or thing the driving, use, presence or standing of which is prohibited or regulated, a member of the Police Force, an authorised person or officer or employee of the council may remove the vehicle or thing to a place either within or outside the mall.

(6) A person acting under clause (5) is not liable for any damage caused to a vehicle or thing removed under that clause.

(7) This by-law does not apply to the bona fide use of a wheel chair or perambulator.

(8) In this by-law:

emergency vehicle means a vehicle under the control of:

(a) a member of the Police Force;

(b) an employee of a fire brigade;

(c) an officer of an ambulance service; or

(d) a person authorised by an officer of the Northern Territory Emergency Service and is used during the course of that person's duties.

service vehicle means a vehicle under the control of any of the following bodies in relation to its functions:

(a) the council;

(b) an Agency whose responsibilities include the care, control and management of roads, the construction and maintenance of government works or planning and urban development;

(c) an organisation responsible for any of the following within the Territory:

(i) electricity generation or supply;

(ii) public sewerage and drainage services operations;

(iii) public water supplies;

(d) an organisation providing telecommunications services within the Territory.

Division 7 Public swimming pools, &c.

101 Application

Unless the contrary intention appears, this Division applies to all:

(a) public swimming pools; and

(b) other public places in the municipality where there are waters where members of the public frequent to swim or bathe (***bathing places***).

102 Dress and conduct at public swimming pools, &c.

(1) An authorised person, who is of the opinion that the dress of a person in or near a public swimming pool or bathing place is not appropriate or is inadequate, may direct the person to:

(a) remedy the defect as reasonably required; or

(b) leave the public swimming pool or bathing place.

(2) A male person over the age of 5 years must not enter a dressing room, toilet or shower set aside for females, and a female over the age of 5 years must not enter a dressing room, toilet or shower set aside for males.

(3) A person under the influence of intoxicating liquor or drugs must not be permitted entrance to a public swimming pool.

(4) An authorised person, who is of the opinion that a person who is in a public swimming pool or bathing place is under the influence of intoxicating liquor or drugs, may direct the person to leave the public swimming pool or bathing place.

(5) A person who is suffering, or appears to an authorised person to be suffering, from an infectious, contagious or offensive skin disease or skin complaint must not enter or use a public swimming pool or waters in a bathing place.

(6) A person must not commit a nuisance of any kind within a public swimming pool or bathing place.

(7) A person must not wilfully:

(a) foul or pollute the water of; or

(b) foul or pollute a dressing room, toilet or shower in,

a public place, reserve or public swimming pool.

(8) A person must not play a game or do any act that is dangerous, is likely to interfere with the safety or comfort of the general public or is likely to injure the property of or injure, endanger, obstruct, inconvenience or annoy a person in a public swimming pool or bathing place.

(9) A person who, in a public swimming pool or bathing place:

(a) without lawful authority, tampers with or alters any setting or makes any adjustment to any structure, equipment or facility; or

(b) contravenes or fails to comply with a direction of an authorised person,

commits an offence.

(10) An offence against clause (9) is an offence of strict liability.

103 Removal of persons from swimming pools, &c.

An authorised person may exclude from a public swimming pool or bathing place a child who is not accompanied by and in the control of an older person who is apparently capable of caring for the child.

104 General offences at public places

(1) A person must not, without a permit:

(a) drive or propel a motor boat in or on a bathing place; or

(b) cause a motor boat to travel at a speed greater than 5 knots in or on a bathing place.

(2) A person must not obstruct or restrict public access to or the use of a facility on a public place, reserve, or public swimming pool.

(3) A person must not interfere with, damage, deface or destroy a building, structure, fixture, piece of equipment, plant or facility situated in or on a public place, reserve or public swimming pool.

Division 8 Stallholders

105 Definitions

In this Division, unless the contrary intention appears:

goods includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and motor vehicles.

market means an area in which 2 or more stalls are located or intended to be located.

market licence is a licence granted by the council to a stallholders association to establish or manage a market.

packages includes boxes, baskets and packaging.

sell, in relation to goods, means offering or exposing goods for sale or hire, or displaying or publishing an advertisement describing or promoting the sale of goods, from a stall.

stall means a structure in or from which goods are offered for sale and includes a tent, motor vehicle, caravan, trailer or table.

stallholder means a person who sells or offers for sale goods from a stall.

stallholders association means an association incorporated under the *Associations Act 2003* and formed for the purpose of establishing and managing a market.

stallholders permit means a permit granted by the council or by a stallholders association to conduct business from a stall.

106 Stallholders association may issue stallholders permits

In addition to the general conditions of a licence, it is a condition of a market licence that the holder of the licence may issue stallholders permits for stallholders to conduct business within the market.

107 Obligations of stallholders associations

(1) A stallholders association must:

(a) comply with the conditions of the market licence;

(b) comply with the reasonable directions of the council or an authorised person concerning the location of stalls in the market; and

(c) keep the site of the market clean and free from garbage, waste or litter resulting from the conduct and operation of the market.

(2) A stallholders association, in the conduct and operation of a market, must not:

(a) permit or allow goods to be sold unless on the day or days determined by the council;

(b) obstruct the passage of pedestrians or vehicles; or

(c) allow the market or stalls within the market to be conducted in a manner that is or may be offensive to persons in or in the vicinity of the market.

(3) A stallholders association must not, without a market licence, establish or manage a market.

108 Special requirements for application for stallholders permit

(1) In addition to the requirements of by-law 107, a stallholders permit is to include particulars of:

(a) the type of goods that the applicant intends to sell;

(b) the proposed location of the stall from which the applicant proposes to sell the goods;

(c) the period for which the permit is required; and

(d) such other particulars as the council or the stallholders association, whichever is to issue the licence, may require.

(2) A person must not, without a stallholders permit, sell goods or otherwise conduct business from a stall.

109 Obligations of stallholders

(1) A stallholder must:

(a) comply with the conditions of the permit;

(b) comply with the reasonable directions of the council or an authorised person concerning the location and siting of his or her stall;

(c) maintain his or her stall in good order and condition to the satisfaction of the council or an authorised person, including keeping the site of the stall clean and free from garbage, waste, or litter resulting from the conduct of business from the stall; and

(d) display his or her name legibly and conspicuously on the stall.

(2) It is an offence for a stallholder, in the conduct of business from a stall:

(a) to sell goods unless on the day or days determined by the council;

(b) to call his or her goods or make a noise, or cause to be made a noise or disturbance likely to be a nuisance or annoyance to a person in the vicinity of the stall;

(c) to deposit or store packages or goods except within his or her stall;

(d) to obstruct the passage of pedestrians or vehicles; or

(e) in the opinion of an authorised person, to act in an offensive manner.

(3) This by-law applies whether or not:

(a) the stall is located within a market; and

(b) a permit is granted by the council or by a stallholders association.

(4) An offence against clause (2)(a), (b), (c) or (d) is an offence of strict liability.

Part 5 On-street and off-street parking

110 Council-controlled off-street parking areas

(1) The council may set aside an area to be a council-controlled off-street parking area.

(2) A person commits an offence if the person, in a council-controlled off-street parking area:

(a) stands or parks a vehicle other than in a manner indicated by an inscription on a sign erected or placed in the parking area; or

(b) stands or parks a vehicle in the parking area in contravention of a limitation relating to a day or period of a day, or a class of persons or vehicles indicated by an inscription on a sign erected or placed in and associated with the parking area; or

(c) stands or parks a vehicle with a space of less than one metre between it and another vehicle; or

(d) where parking bays are marked, stands or parks a vehicle otherwise than entirely within the parking bay; or

(e) stands or parks a vehicle unless the whole of the vehicle is within the parking area.

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

111 Application of *Traffic Regulations 1999* to off-street parking areas

(1) Part 3, Division 3 of the *Traffic Regulations 1999*, as in force from time to time, applies to and in relation to a contravention of by-law 110 as if the contravention were a parking infringement as defined in regulation 39 of the *Traffic Regulations 1999*.

(2) For clause (1):

(a) Part 3, Division 3 of the *Traffic Regulations 1999*, as in force from time to time, is incorporated in these By-laws; and

(b) a reference in that Division to a parking infringement is taken to be a reference to a contravention of by-law 110; and

(c) a reference in that Division to a sign or other manner of prescription under the *Traffic Regulations 1999* is taken to be a reference to a sign mentioned in by-law 110(2)(a) or (b); and

(d) a reference in that Division to a municipality within the meaning of the *Local Government Act 2019* is taken to be a reference to the municipality of Katherine only.

111A On-street parking

For the purpose of regulating on-street parking the council must:

(a) determine the fees for parking on any street; and

(b) determine the conditions for parking on any street; and

(c) install equipment for the payment of the parking fees; and

(d) establish online systems for the payment and collection of parking fees to supplement equipment on the street.

Part 6 Public library and other council facilities

Division 1 Library

112 Definitions

In this Part:

library means the public library established by by-law 114 and includes any branches of that library.

library manager means the person responsible to the council for the management of the library.

library material includes a book, magazine, newspaper, pamphlet, music score, compact disc audio, compact disc computer, video recording, audio-tape recording, picture, print, photograph, map, chart, plan, film, slide, microfilm, manuscript, toy, poster or other article forming part of the library collection whether or not the property of the Council or the Northern Territory Government.

officer means a person who is appointed or employed as an officer for the library, and also includes any other person authorised by the Council to be an officer for the purposes of these By-Laws.

registered borrower means a person who is registered as a borrower to borrow library items from the library under by-law 115.

*Note for definition **registered borrower***

A person does not have to be registered to use the services of the library, but does have to be registered to borrow from the library.

113 Library hours

(1) The Council shall cause the library to be open to the public on such days and at such hours as it may from time to time determine.

(2) The library manager must ensure notice of the opening hours of the library is affixed to the main entrance to the library or some other suitable place.

(3) No fee shall be charged for entrance to the library.

114 Public library and services

(1) The council must establish a public library, and any branches of that library, and determine the services provided by the library and the conditions for using those services.

(2) The conditions for using public library services must be published.

(3) A notice setting out the important conditions for using public library services must be clearly exhibited in a conspicuous place in or about the library.

115 Registration of borrowers

(1) The library manager may register persons as borrowers of library material according to the classes of borrowers and borrowing privileges determined by the council.

Note for clause (1)

There may be different classes of borrowers with different borrowing privileges, for example, temporary or non-resident borrowers.

(2) A person wishing to be registered as a borrower of library material may be required to provide the library manager with:

(a) photo identification of the person; and

(b) evidence of the person's place of residence.

(3) The parent or guardian of a child under 16 years of age may register the child if the parent or guardian accepts responsibility for fees or charges for lost or damaged library materials.

(4) A person's registration as a borrower of library materials is not transferrable.

116 Borrowing privileges

(1) Subject to this by-law, a registered borrower may borrow, free of charge for use away from the library, any library material designated by the library manager as available for lending.

(2) A registered borrower of a class with restricted borrowing privileges may only access library materials allowed under the class.

Example for clause (2)

An online borrower may only access online library materials.

(3) Any borrowing of library material is subject to this Part and any terms and conditions determined by the council.

(4) Library material may be borrowed from the library for such period of time as the library manager determines.

117 Identification of registered borrowers

The library manager or an officer may issue library identification, including cards, registration numbers or other means to identify registered borrowers, in accordance with the conditions determined by the council.

118 Liability of borrower

(1) A registered borrower is liable for any loss of, or damage to, library materials borrowed with the borrower's library identification.

(2) If library identification is lost, the registered borrower remains liable under clause (1) until the library manager is notified of the loss of the identification.

119 Notifications by borrower

A registered borrower must notify the library manager if the borrower:

(a) changes the borrower's name or address; or

(b) loses, damages or destroys library materials; or

(c) loses the borrower's library identification.

120 Revocation or suspension of registration

(1) A registered borrower may revoke the borrower's registration by notifying the library manager.

(2) The library manager may revoke or suspend a borrower's registration and library identification, if the borrower fails to comply with this Part or gives notice under clause (1).

121 Late library materials

(1) The library manager may, by written notice, require a person who borrows library material to return library materials that were not returned on time.

(2) A person who receives a written notice under clause (1) must return the library materials without delay.

(3) The library manager may refuse to lend library materials to a person who fails to return library materials on time.

122 Lost or damaged library materials

(1) The library manager may, by written notice, require a person who borrows library material to pay:

(a) a fee for failing to return the material; and

(b) the cost of replacing or repairing the material if lost or damaged while on loan to the person.

(2) Library material that is stolen, lost or damaged remains the property of the council, even if replaced or paid for.

(3) A person who receives a written notice under clause (1) must pay the fee or cost within 15 days of receipt of the notice.

(4) A person commits an offence if the person fails to comply with clause (3).

Maximum penalty: 10 penalty units.

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

Division 2 Conduct in library

123 Code of conduct

(1) The council may establish a code of conduct for persons using or present in the library.

(2) Any code of conduct established by the council must be published and clearly exhibited in a conspicuous place in the library.

(3) A person who is using the library or present in the library must comply with the code of conduct.

(4) A person commits an offence if the person fails to comply with clause (3).

Maximum penalty: 10 penalty units.

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

124 Bringing things into library

(1) A person must not bring an animal into the library other than:

(a) an assistance dog; or

(b) an animal permitted in the library for the purposes of an event organised for the animal.

Example for clause (1)(b)

Pet time in the library.

(2) A person must not bring a vehicle into the library, unless:

(a) it is a wheelchair or other mobility device needed by the person; or

(b) it is a skateboard, bicycle or similar thing allowed in by the library manager.

125 Prohibited conduct in libraries

(1) A person must not engage in any of the following conduct:

(a) taking library materials or other things without authority from the library manager;

(b) disturbing, interrupting or annoying another person in the library;

(c) behaving in a disorderly manner or using violent, abusive or offensive language in the library;

(d) entering or remaining in the library if the person is under the influence of liquor or an intoxicating drug.

(2) A person commits an offence if the person fails to comply with clause (1).

Maximum penalty: 10 penalty units.

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

126 Children

A child under 10 years of age may enter the library if the child is kept under direct supervision at all times by an adult or another person who, in the opinion of the library manager, is capable of supervising the child while the child is in the library.

127 Banning persons

(1) The library manager may, by written notice, ban a person from entering the library if the person fails to comply with this Part.

(2) A person who receives a notice under clause (1) must not enter the library for the period of time specified in the notice.

(3) A person commits an offence if the person fails to comply with clause (2).

Maximum penalty: 10 penalty units.

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

128 Powers of library manager

(1) The library manager may give the directions and take reasonable action to ensure order in the library and compliance with this Part.

(2) The library manager, an authorised person, an officer or an employee of the council may remove or exclude a person from the library to ensure order in the library and compliance with this Part.

129 Reviewable decisions

A decision of the library manager under by-law 120(2) or 128 is a reviewable decision for section 322(1) of the Act.

Division 3 Other council facilities

130 Authorised person may direct person not to enter or to leave facility

(1) An authorised person may direct a person not to enter, or to leave, a facility owned by the council if:

(a) the authorised person believes on reasonable grounds that the person is under the influence of liquor or an intoxicating drug; or

(b) the person threatens or harasses a council employee or any other person in the facility.

(2) A person must leave a facility owned by the council if directed to do so by an authorised person.

Part 7 Council meetings and procedures

Division 1 Business

137 Procedures for meetings of council

(2) A motion to suspend the operation of the procedures set out in this Part may be moved without notice.

(3) A suspension under clause (2) is limited in its operation to the particular purpose for which the suspension has been sought.

138 Ordinary meetings

An ordinary meeting is to be held on the day and at the time in each month as the council determines.

139 Order of business

(1) The order of business at an ordinary meeting is as the council determines.

(2) Notwithstanding a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting where the members at the meeting pass a motion to that effect.

(3) A motion under clause (2) may be moved without notice.

140 Business paper

(1) The CEO is, as soon as practicable before each meeting, or within such time as the council determines, to prepare or have prepared a business paper.

(2) Copies of a business paper prepared under clause (1) are to be made available to the public at the council office, and any other place as the council determines, as soon as practicable before each meeting.

(3) A business paper prepared under clause (1) is to contain:

(a) business arising out of previous meetings;

(b) business which the Mayor wishes to have considered at the meeting without notice;

(c) matters of which notice, in accordance with by-law 141, has been given;

(d) matters referred to the council by a committee;

(e) officers' reports to the council referred to the meeting by the Mayor or the CEO; and

(f) any other business the council determines is to be contained in the business paper.

141 Notice of business to be given by member

(1) A matter is not to be considered at a meeting unless notice in accordance with this by-law is given to the members within the time before the meeting determined by the council.

(2) A notice under this by-law is to be in writing and signed by the member who wishes the matter to be considered.

(3) A notice under this by-law may be given to a member by serving it on the member personally (including by electronic means) or by posting it to the member at the member's address for service provided to the CEO under the Act.

(4) A matter for which notice under clause (1) has been given may be considered at an ordinary meeting during the part of the meeting set aside for general business.

(5) A member at a meeting is not to speak to a matter raised for consideration in general business under this by-law for longer than 5 minutes.

142 Mayoral minute

The Mayor may, by a signed minute, introduce a matter for consideration at an ordinary meeting and the matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

143 Petitions

(1) A petition may be presented to a meeting by a member who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.

(2) A member, on presenting a petition to a meeting, must:

(a) state the nature and prayer of the petition; and

(b) read the petition.

(3) A petition is not to be presented unless it is worded in respectful language.

(4) Each page of a petition presented to the council is to restate the whole of the petition.

(5) Where a page of a petition does not comply with clause (4) the signatures on that page are not to be taken into account by the council when considering the petition.

(6) A person is not to append to a petition:

(a) a signature purporting to be that of another person; or

(b) the name of another person.

(7) Where a member presents a petition to a meeting no debate on or in relation to it is allowed and the only motion that may be moved is:

(a) that the petition be received and consideration stand as an order of the day for the meeting or for a future meeting; or

(b) that the petition be received and referred to a committee or officer for consideration and a report to the council.

144 Deputations

(1) A deputation means a group of persons consisting of more than 2 persons.

(2) A deputation wishing to attend and be heard at a meeting may, not less than 7 clear days before the meeting, apply in writing to the CEO.

(3) The CEO must, on receiving an application under clause (2), notify the Mayor of the application and the Mayor is to determine whether the deputation may be heard and is to notify the CEO accordingly.

(4) If the CEO is notified under clause (3) the CEO must:

(a) inform the deputation of the determination of the Mayor; and

(b) where the Mayor has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting.

(5) Only 2 persons in a deputation may be heard at a meeting unless the members at the meeting at which the deputation is to be heard determine otherwise.

(6) A person in a deputation at a meeting must be temperate in speech and manner and not use insulting or offensive language.

(7) Subject to clause (8), a deputation at a meeting in accordance with this by-law is to be given adequate opportunity and facility to explain the purpose of the deputation.

(8) The Mayor may terminate an address by a person in a deputation at any time where:

(a) the Mayor is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or

(b) the person uses insulting or offensive language.

Division 2 Motions

145 Motions

(1) A motion brought before a meeting in accordance with the Act or this Part is to be received and put to the meeting by the Mayor.

(2) The Mayor may require a motion, or an amendment to a motion, to be stated in full or be in writing before permitting it to be received.

146 Unopposed notices of motion

At a meeting the Mayor may call over the notices of motion in the order in which they appear on the business paper, and, where no objection is taken to a motion being taken as a formal motion, the Mayor may, without discussion, put the motion to the vote.

147 Motions not to be withdrawn

A motion on the business paper for a meeting is not to be removed from the paper if a member at the meeting objects to it being removed.

148 Absence of mover of motion

Where a member, who has given notice of a motion under by-law 141, is absent from the meeting at which the motion is to be considered, the motion may be:

(a) moved by another member at the meeting; or

(b) deferred to the next ordinary meeting.

149 Motion to be seconded

(1) A motion or an amendment to a motion is not to be debated at a meeting unless or until the motion or the amendment is seconded.

(2) Notwithstanding clause (1), a member who moves a motion or an amendment to a motion may speak in support of the motion or amendment before it is seconded.

150 Amendment to motion

(1) Where an amendment to a motion is before a meeting, no other amendment to the motion is to be considered until after the first amendment has been put.

(2) Not more than one motion or one proposed amendment to a motion may be put before a meeting at any one time.

(3) An amendment to a motion is to be in terms that retain the identity of the original motion and do not negate the motion.

(4) A member who proposes or seconds a motion must not propose or second an amendment to the motion.

(5) Where a motion is amended by another motion, the original motion is not to be put as a subsequent motion to amend the other motion.

151 Motion of dissent

(1) A member at a meeting may, without notice, move a motion of dissent in relation to a ruling of the Mayor on a point of order.

(2) Where, under clause (1), a motion is moved, further consideration of the matter in relation to which the ruling of the Mayor was made is to be suspended until after the motion is put.

(3) Where a motion moved under clause (1) is carried, the matter in relation to which a ruling of the Mayor was made is to:

(a) proceed as though the ruling had not been made; or

(b) where as a result of the ruling the matter was discharged as out of order, be restored to the business paper and be dealt with in the normal course of business.

(4) Notwithstanding that the Mayor is chairing the meeting, the Mayor may, where a motion is moved under clause (1), speak to the motion and cast a deliberative vote in respect of it.

152 Rescinding or altering resolutions

(1) A resolution of the council may not be altered or rescinded:

(a) unless a notice of a motion to alter or rescind the resolution is given at the meeting at which the resolution is passed; or

(b) within 3 months after the date of the passing of the resolution, unless notice of motion is given in accordance with this Part to alter or rescind the resolution.

(2) Where, in accordance with clause (1)(a), a notice of a motion to rescind a resolution is given, the resolution is not to be carried into effect, except as provided in clause (3), unless the motion is put and lost.

(3) A resolution of the council referred to in clause (2) may be carried into effect where the members present at the meeting, by resolution, defer consideration of the motion to rescind the resolution.

(4) A resolution under clause (3) is not to defer consideration of the motion for longer than 3 months.

(5) Where a motion, of which notice in accordance with clause (1) is given, is lost, a motion to the same or similar effect may not be moved until after the expiration of 3 months after the date on which the first-mentioned motion was lost.

(6) This by-law does not apply to a motion referred to in by-law 153.

(7) Where a resolution of the council relates to a matter the subject of a previous resolution passed by the council more than 3 months before the later resolution, the previous resolution is, to the extent that it is inconsistent with the later resolution, altered or rescinded.

153 Procedural motions

(1) A member at a meeting may, during the debate of a matter, move, as a procedural motion, that:

(a) the question be put;

(b) the debate be adjourned;

(c) the meeting proceed to the next item of business;

(d) the meeting stand adjourned;

(e) the question lie on the table; or

(f) the council be resolved into committee of the whole.

(2) A procedural motion that the question be put may be moved if not less than 2 members have spoken for and not less than 2 members have spoken against the motion before the meeting, or an amendment to the motion, and the procedural motion is moved by a member who has not spoken in the debate of the motion or an amendment to the motion.

(3) Where a motion put under clause (2) is:

(a) carried, the Mayor must immediately put the question to the motion or the amendment to the motion; or

(b) lost, debate on the motion or the amendment to the motion is to continue.

(4) A procedural motion that the debate be adjourned may specify a time or date, within the limits specified in clause (6), to which the debate will be adjourned or, where the motion specifies no date a further motion may be moved, as a procedural motion, to specify the a time or date to which the debate will be adjourned.

(5) Where, under clause (4), no date or time is specified to which a debate will be adjourned, the matter to which the procedural motion relates is to be included in the business paper for the next ordinary meeting.

(6) A procedural motion under clause (4) is not to adjourn debate on the motion to a date that is more than 2 months after the date of the procedural motion.

(7) Where a procedural motion that the meeting proceed to the next item of business is carried, debate on the motion is to cease and the matter is to be removed from the business paper and may only be considered again by the council on the giving of notice in accordance with this Part.

(8) A procedural motion that the meeting stands adjourned may be moved by a member at the conclusion of debate on a matter on the business paper or at the conclusion of a member's time for speaking to a matter and is, on being seconded, to be put without debate.

(9) Where a procedural motion under clause (8) is lost the Mayor is not bound to accept a similar motion until the expiration of 30 minutes after the time the motion was lost.

(10) A procedural motion that the meeting stands adjourned is to specify a time for the resumption of the meeting unless a time has previously been resolved, and on resumption of the meeting the council is to continue with the business before the meeting at the point where it was discontinued on the adjournment of the meeting.

(11) A procedural motion that the question lie on the table is to only be moved where:

(a) the Mayor or a member requires additional information on the matter before the meeting; or

(b) the result of some other action of the council or person is required before the matter may be concluded at a meeting.

(12) Where a procedural motion under clause (11) is passed the council is to proceed with the next matter on the business paper.

(13) A motion that a question be taken from the table may be moved in respect of a matter the subject of a procedural motion under clause (11) at the meeting at which the procedural motion was carried or at a later meeting.

(14) Where a procedural motion that the council be resolved into committee of the whole is passed, the council is to immediately go into committee and consideration of the matter that was before the council at the time of the procedural motion is to continue in committee and is to not be considered further by the council except on the report of the committee of the whole.

(15) A procedural motion referred to in clause (1) may be moved at the conclusion of a speaker's time and the Mayor must, on the motion being moved and seconded, immediately put the motion without permitting debate on the motion.

(16) Where a procedural motion referred to in clause (1)(a), (b) or (c) is lost, the member who moved the motion may not, until after the expiration of 10 minutes after the motion was put, move a similar motion.

Division 3 Questions and discussions

154 Questions

(1) A member may at a meeting ask a question for reply by another member or an officer or employee.

(2) Such notice as the Mayor determines of a question under clause (1) is to be given to the member, officer or employee to whom it is directed to permit consideration of a reply and, if necessary, reference to other persons or documents.

(3) A question under clause (1) is to be asked categorically and without argument, and no discussion is to be permitted at the meeting in relation to a reply or a refusal to reply to the question.

(4) Notwithstanding clause (2), a member, officer or employee of whom a question is asked may, at the meeting at which the question is asked, request that the question be taken on notice for the next ordinary meeting.

(5) A member who asks a question at a meeting is deemed not to have spoken to the debate of the motion to which the question relates.

155 Mayor to take precedence

The Mayor may, at any time during the debate of a matter at a meeting, indicate an intention to speak and, on so doing, a member speaking or proposing to speak to the debate is to cease speaking and remain silent or refrain from speaking until the Mayor has been heard.

156 Mode of addressing members and officers or employees

A member is, at all times during a meeting, to address and refer to another member or an officer or employee by the member's, officer's or employees' official title or designation.

157 Limitation of number of speeches

(1) A member who moves a motion has a right to speak to the motion and to an amendment proposed to it and has a right of reply.

(2) A member at a meeting, not being a member who moves a motion, has a right to speak once to the motion and to an amendment proposed to it.

(3) Subject to clauses (4) and (5), a member at a meeting may not speak for more than 5 minutes on a question before the meeting.

(4) A member who moves a motion may not speak:

(a) to the motion for longer than 10 minutes; and

(b) in the member's right of reply for longer than 5 minutes.

(5) Notwithstanding clause (3), where:

(a) the members present at a meeting consent, a member's time to speak on a question before the meeting may be extended for a further period, not longer than 5 minutes, determined by the members; or

(b) a member considers that he or she has been misrepresented or misunderstood, the member may be permitted by the Mayor to answer, without further observation than is necessary, the misrepresentation or misunderstanding.

(6) A ruling of the Mayor under clause (5) is final and conclusive and is not to be discussed or be the subject of a motion of dissent.

158 Priority of speaking

Where 2 or more members at a meeting rise to speak at the same time the Mayor is to decide which member will be heard first.

159 Members to stand when speaking

A member at a meeting is to stand when speaking to a matter being considered at the meeting unless:

(a) prevented from doing so by a physical disability; or

(b) the council has determined otherwise.

160 Imputation

A member speaking at a meeting is not to make a personal reflection on, or impute an improper motive to, another member.

Division 4 Order and disorder

161 Question of order

(1) A member is guilty of an act of disorder if, at a meeting, the member:

(a) is in breach of the Act or these By-laws;

(b) uses language that, according to common usage, would be considered disorderly;

(c) uses an expression inconsistent with good order or decorum; or

(d) says or does anything calculated to bring the council into contempt.

(2) At a meeting the Mayor may, with or without the intervention of another member, call a member to order where the Mayor considers the member is out of order.

(3) At a meeting a member may raise a question of order with the Mayor where the member considers another member is:

(a) guilty of an act of disorder; or

(b) out of order.

(4) Where, under clause (3), a question of order is raised, the Mayor is to rule on the question but may, before ruling, seek the opinions on the question of the other members at the meeting.

(5) A ruling of the Mayor made under clause (4) is to be obeyed except where a motion of dissent is subsequently passed in respect of the ruling.

(6) A member who, under clause (4), is ruled to be out of order more than once at a meeting is guilty of an offence.

(7) Where the Mayor, under clause (4), rules a member is guilty of an act of disorder, the Mayor may request the member to leave for the remainder of the meeting the place where the meeting is taking place and to apologise, without reservation, to the other members present.

(8) A member must not refuse to leave the place where a meeting is taking place on being requested to do so under clause (7).

162 Disorder

(1) The Mayor may, where disorder arises at a meeting, adjourn the meeting for 15 minutes and quit the chair.

(2) Where, under clause (1), a meeting is adjourned, the Mayor is, on resumption of the meeting, to move a motion to determine whether the meeting will proceed and that meeting is to be put without debate.

(3) Where a motion under clause (2) is lost, the Mayor is to declare the meeting closed.

163 Business of objectionable nature

If at a meeting the Mayor or a member considers that a matter before the meeting is objectionable, the Mayor may, on the Mayor's own motion or on that of another member, declare on a point of order that the matter not be considered further.

Division 5 Attendance and non-attendance

164 Quorum not present

(1) Where a meeting is postponed, that fact together with the names of the members present at the time is to be recorded in the minutes kept by the council.

(2) Where at a meeting a quorum of members is not present the Mayor is to suspend the meeting for a period of 30 minutes and, if at the expiration of that period a quorum is not present, the names of the members present at the time are to be recorded in the minutes kept by the council and the Mayor is to adjourn the meeting to a later time or to another date, as the Mayor thinks fit.

(3) A member is taken to be present at a meeting if the member is in the room in which the meeting is taking or is to take place and is seated at the place allocated to the member for the meeting.

Division 6 Media and public

165 Attendance of public and media at meetings

At a meeting:

(a) an area at the place where the meeting is held is to be made available for members of the public to attend the meeting, and as many of them as reasonably can be accommodated in the area are be permitted to attend the meeting; and

(b) journalists may be present for the purpose of reporting on the meeting.

166 Removal of persons from meetings

(1) A person, other than a member, who interrupts the orderly conduct of a meeting must, on being requested to do so by the Mayor, immediately leave the place where the meeting is being held.

(2) A person who fails to comply with a request of the Mayor under clause (1) may, on the order of the Mayor, be removed with such force as is necessary from the place where the meeting is taking place.

167 Public participation at meeting

Except when invited to do so by the members at a meeting or in accordance with by-law 144, a member of the public is not to take part, or attempt to take part, in the meeting.

Division 7 Committees of council

168 Procedures for meetings of committees

Subject to the Act, the procedures for the conduct of a meeting of a committee are, except as otherwise provided by this Part, to be as determined from time to time by the members of the committee.

169 Meetings of committees

A meeting of a committee is to be held at the dates and times from time to time determined by the council or the committee.

170 Disorder in committee

By-laws 162 and 163 apply to and in relation to a meeting of a committee as if the meeting was a meeting of the council and the chairman of the committee was the Mayor.

171 Reports by committees

(1) A report to the council by a committee is to be presented by the chairman of the committee or, in the chairman's absence, by another member of the committee as the Mayor determines.

(2) Where more than one recommendation is made by a committee in a report to the council, the decision of the council in relation to each recommendation may be taken separately.

Division 8 Miscellaneous

172 Mode of proceeding in cases not provided for

(1) If, at a meeting of the council or a committee, a matter arises that is not provided for, in part or in whole, by this Part, the matter is to be dealt with in accordance with a resolution of the council or the committee carried by not less than two thirds of the members present at the meeting.

(2) If, at a meeting of the council or a committee, a question arises relating to the interpretation of this Part, the question is to be determined by reference to the 11th edition of Joske's Law and Procedures at Meetings in Australia by P.E. Joske.

173 Penalty

The penalty for an offence against this Part is 15 penalty units.

Part 7A Infringement notice offences

173A Infringement notice offence and prescribed amount payable

(1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 1.

(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 1.

173B 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.

173C Contents of infringement notice

(1) The infringement notice must specify the following:

(a) the name and address of the person to whom it was 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).

173D 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.

173E 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.

173F Withdrawal of infringement notice

(1) The council may withdraw the infringement notice by written notice given to the person.

(2) The notice must be given:

(a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

173G 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 prescribed amount in accordance with any of the notices.

Part 8 Repeals, transitional matters and savings provisions

Division 1 Repeals and savings

174 Repeal

The By-laws set out in Schedule 4 are repealed.

175 Savings

(1) Without limiting the generality of section 12 of the *Interpretation Act 1978*, all services, appointments, authorisations, permissions, permits, licences, rights, privileges, obligations and liabilities established, made, given, granted, acquired, accrued or incurred under the By-laws repealed by by-law 174 that were operating or having effect immediately before the commencement of these by-laws, and all matters in process under those repealed By-laws immediately before that commencement, are to continue, and may be dealt with, as if established, made, given, granted, acquired, accrued, incurred or in process under the relevant corresponding provisions of these By-laws, and those provisions are, with the necessary changes, to be construed accordingly.

(2) All registers kept and maintained under the by-laws repealed by by-law 174 are, on the commencement of these By-laws, to become part of the registers that are kept and maintained under these By-laws.

Division 2 Transitional matters for Katherine Town Council Amendment By-laws 2023

176 Definitions

In this Division:

commencement means the commencement of by-law 3 of the *Katherine Town Council Amendment By-laws 2023*.

repealed, in relation to a by-law, means the by-law as in force immediately before the commencement.

177 Determinations

A determination made under repealed by-law 5 and in force immediately before the commencement continues in effect as if it were determined under by-law 5, as in force after the commencement, until amended or revoked by the council.

178 Dog exercise areas and dog restriction areas

(1) A dog exercise area declared under repealed by-law 51(1) is taken to be a dog exercise area declared under by-law 46H(1) as in force after the commencement.

(2) A dog restriction area declared under repealed by-law 51(2) is taken to be a dog restriction area declared under by-law 46J(1) as in force after the commencement.

179 Pounds

A pound established under repealed by-law 65 is taken to be a pound established under by-law 64 as in force after the commencement.

180 Continuation of library

(1) The Katherine Public Library, and any branches of that library, as in existence immediately before the commencement, are continued after the commencement as the public library, as if they were established under by-law 114(1) as in force on the commencement.

(2) The services provided by the Katherine Public Library, as in existence immediately before the commencement, are continued as the services provided by the public library as if they had been determined under by-law 114(2) as in force on the commencement.

181 Registration of borrowers

(1) A person registered as a resident borrower or a non-resident borrower under repealed by-law 114 immediately before the commencement is taken to be registered as a borrower of library material under by-law 115(1) as in force on the commencement.

Note for clause (1)

The person may be registered according to a class of borrower and borrowing privileges under by-law 115(1) as in force on the commencement.

(2) A borrower's card issued under repealed by-law 116(1) and existing immediately before the commencement is taken to be library identification under by-law 117 as in force on the commencement.

182 Offence provisions – before and after commencement

(1) The offence provisions, as amended or inserted on the commencement, apply only in relation to offences committed after the commencement.

(2) The offence provisions, as in force immediately before the commencement, continue to apply in relation to offences committed before the commencement.

(3) For this by-law, if any of the conduct constituting an offence occurred before the commencement, the offence is taken to have been committed before the commencement.

(4) In this by-law:

offence provisions means the provisions of these By-laws that create or relate to offences (including in relation to criminal responsibility, defences and penalties).

Schedule 1 Infringement notice offences and prescribed amounts

by-law 173A

Provision	Prescribed amount in penalty units
by-laws 26(2), 30(1), 32, 33(1) and (2), 46(1), 46B(1), 46C(2), 46D(2), 46E(3), 46G(4), 46K(1) and (3), 55(2), 63(1), 75, 83(1), (3) and (4), 86(3) and (3A), 87(1) and (3), 91(1), 94(1), 95(1), 96(3), 97(1), (2), (3) and (4), 98(2), 99(1), (2), (3), (4), (5), (6), (7) and (8), 100(1) and (2), 102(9), 109(2) and 110(2)	1
by-laws 28B(1), (3) (4) and (5), 31A(1), 37(1), 46F(2), 46K(2) and (4), 46L(2), 66(3), 71A(2), 71B, 74(1) and (3), 88(1), 90(1) and 93(1)	2
by-laws 51(3), 69(7), 71C(8) and 97(5)	3
by-law 31B(1)	4
by-law 52(2)	5
by-laws 29(1), 29A(2) and (4) and 29B(6)	6
by-law 53(2)	7
by-laws 53(2) (for aggravated offence) and 59(1)	9

Schedule 4 Repealed By-laws

by-law 174

	YEAR	NO.
By-laws of the Katherine Town Council	1982 1987	85 21
Katherine (Control of Dogs)	1992	14
Katherine (Council Meetings and Procedures)	1990	47
Katherine (Parking)	1987 1989	21 15
Katherine Swimming Pool Complex	1982	23

The common seal of the Katherine Town Council is affixed in pursuance of a resolution of the council authorising the seal to be affixed passed on 15 December 1997.

J.B. FORSCUTT
Mayor

G.D. PATTLE
Clerk

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Katherine Town Council By-laws* (SL No. 1, 1998)**
Notified 4 February 1998
Commenced 4 February 1998

***Amendment of Katherine Town Council By-laws* (SL No. 8, 2000)**
Notified 10 February 2000
Commenced 10 February 2000

***Statute Law Revision Act 2001* (Act No. 3, 2001)**
Assent date 22 March 2001
Commenced 22 March 2001

***Amendments of Katherine Town Council By-laws* (SL No. 41, 2002)**
Notified 30 October 2002
Commenced 30 October 2002

***Statute Law Revision Act 2004* (Act No. 18, 2004)**
Assent date 15 March 2004
Commenced 5 May 2004 (s 2(1), s 2 *Associations Act 2003* (Act No. 56, 2003) and *Gaz* G18, 5 May 2004, p 2)

***Statute Law Revision Act 2005* (Act No. 44, 2005)**
Assent date 14 December 2005
Commenced 14 December 2005

***Local Government (Consequential Amendments) Act 2008* (Act No. 28, 2008)**
Assent date 14 November 2008
Commenced 1 July 2008 (s 2)

***Katherine Town Council Amendment By-laws* (SL No. 5, 2011)**
Notified 8 June 2011
Commenced 8 June 2011

ENDNOTES

Local Court (Related Amendments) Act 2016 **(Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Local Government Act 2019 **(Act No. 39, 2019)**

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (*Gaz* S27, 30 June 2021)

Amending Legislation

Statute Law Revision Act 2020 **(Act No. 26, 2020)**

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Local Government Amendment Act 2021 **(Act No. 15, 2021)**

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

Katherine Town Council Amendment By-laws 2023 **(SL No. 7, 2023)**

Notified	28 April 2023
Commenced	1 July 2023

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: bl 1, 3, 34, 42, 105, 111 and 175 and sch 2.

4 LIST OF AMENDMENTS

bl 3	amd No. 7, 2023, bl 4
bl 4A	ins No. 7, 2023, bl 5
bl 5 – 6	sub No. 7, 2023, bl 5
bl 7	rep No. 7, 2023, bl 5
bl 9	amd No. 7, 2023, bl 37
pt 1	
div 2 hdg	rep No. 7, 2023, bl 6
bl 12	rep No. 7, 2023, bl 6
bl 14	amd No. 7, 2023, bl 37
bl 18	amd No. 7, 2023, bl 37
bl 20	sub No. 7, 2023, bl 7
bl 21	amd No. 5, 2011, bl 5 sub No. 7, 2023, bl 7
bl 22	amd No. 7, 2023, bl 8
bl 26	amd No. 7, 2023, bl 9
pt 2	
div 1A hdg	ins No. 7, 2023, bl 10
bl 27A	ins No. 7, 2023, bl 10
bl 28	amd No. 7, 2023, bl 37
bl 29	sub No. 7, 2023, bl 11
bl 29A – 29B	ins No. 7, 2023, bl 11

ENDNOTES

pt 2	
div 2 hdg	amd No. 7, 2023, bl 37
bl 30	sub No. 7, 2023, bl 12
pt 2	
div 2A hdg	ins No. 7, 2023, bl 13
bl 31A – 31B	ins No. 7, 2023, bl 13
pt 2	
div 3 hdg	amd No. 7, 2023, bl 37
bl 33	amd No. 7, 2023, bl 37
bl 34 – 36	rep No. 7, 2023, bl 14
bl 37	amd No. 7, 2023, bl 37
pt 3	
div 1 hdg	amd No. 7, 2023, bl 15
bl 37A – 37C	ins No. 7, 2023, bl 16
bl 40 hdg	amd No. 7, 2023, bl 37
bl 41	rep No. 7, 2023, bl 17
pt 3	
div 2	
sdiv 1 hdg	rep No. 7, 2023, bl 18
bl 42 – 44	rep No. 7, 2023, bl 18
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div 2	
sdiv 2 hdg	amd No. 7, 2023, bl 19
bl 45	amd No. 7, 2023, bl 20
bl 46	sub No. 7, 2023, bl 21
bl 46A – 46L	ins No. 7, 2023, bl 21
bl 47	amd No. 5, 2011, bl 6
pt 3	
div 2	
sdiv 4 hdg	sub No. 7, 2023, bl 22
bl 51	amd No. 5, 2011, bl 7
	sub No. 7, 2023, bl 22
bl 52	amd No. 5, 2011, bl 8
	sub No. 7, 2023, bl 22
bl 53 – 60	sub No. 7, 2023, bl 22
pt 3	
div 2	
sdiv 5 – 8 hdg	rep No. 7, 2023, bl 22
pt 3div 3 hdg	ins No. 7, 2023, bl 22
bl 61 – 63	sub No. 7, 2023, bl 22
pt 3	
div 4 hdg	ins No. 7, 2023, bl 22
bl 64 – 70	sub No. 7, 2023, bl 22
bl 70A –70B	ins No. 7, 2023, bl 22
pt 3	
div 5 hdg	ins No. 7, 2023, bl 22
bl 71	amd No. 7, 2023, bl 37
pt 3	
div 6 hdg	ins No. 7, 2023, bl 23
bl 71A – 71C	ins No. 7, 2023, bl 23
bl 74	amd No. 7, 2023, bl 37
bl 76 – 79	amd No. 7, 2023, bl 37
bl 80	amd No. 7, 2023, bl 24
bl 82	amd No. 7, 2023, bl 25
pt 4	
div 2 hdg	amd No. 7, 2023, bl 37
bl 83	amd No. 7, 2023, bl 37
bl 86	amd No. 41, 2002; No. 5, 2011, bl 9; No. 7, 2023, bl 37

ENDNOTES

bl 88	amd No. 7, 2023, bl 37
bl 90 – 91	amd No. 7, 2023, bl 37bl 93 amd No. 7, 2023, bl 26
bl 94	amd No. 7, 2023, bl 37
bl 97	amd No. 7, 2023, bl 37
pt 4	
div 6 hdg	amd No. 7, 2023, bl 37
bl 98	amd No. 7, 2023, bl 27
bl 99	amd No. 7, 2023, bl 37
bl 100	amd Act No. 44, 2005, s 35; No. 7, 2023, bl 28
bl 102	amd No. 7, 2023, bl 37
bl 105	amd Act No. 18, 2004, s 3
bl 107	amd Act No. 3, 2001, s 9
bl 109	amd No. 7, 2023, bl 37
pt 5 hdg	amd No. 7, 2023, bl 37
bl 110	amd No. 7, 2023, bl 37
bl 111	sub No. 7, 2023, bl 29
bl 111A	ins No. 7, 2023, bl 29
pt 6 hdg	sub No. 5, 2011, bl 10; No. 7, 2023, bl 30
pt 6	
div 1 hdg	rep No. 5, 2011, bl 10 ins No. xx 2023, bl 30
bl 112	sub No. 5, 2011, bl 10 amd No. 7, 2023, bl 31
bl 113	sub No. 5, 2011, bl 10 amd No. 7, 2023, bl 37
bl 114 – 122	sub No. 5, 2011, bl 10; No. 7, 2023, bl 32
pt 6	
div 2 hdg	sub No. 5, 2011, bl 10; No. 7, 2023, bl 32
bl 123 – 125	sub No. 5, 2011, bl 10; No. 7, 2023, bl 32
bl 126 – 129	rep No. 5, 2011, bl 10 ins No. 7, 2023, bl 32
pt 6	
div 3 hdg	ins No. 7, 2023, bl 32
bl 130	rep No. 5, 2011, bl 10 ins No. 7, 2023, bl 32
bl 131 – 136	rep No. 5, 2011, bl 10
bl 137	amd Act No. 28, 2008, s 4
bl 140 – 141	amd No. 7, 2023, bl 37
bl 144	amd No. 7, 2023, bl 37
bl 164	amd Act No. 28, 2008, s 4
bl 168	amd Act No. 28, 2008, s 4
bl 172 – 173	amd No. 7, 2023, bl 37
pt 7A hdg	ins No. 7, 2023, bl 33
bl 173A – 173G	ins No. 7, 2023, bl 33
pt 8 hdg	sub No. 7, 2023, bl 34
pt 8	
div 1 hdg	ins No. 7, 2023, bl 34
pt 8	
div 2 hdg	ins No. 7, 2023, bl 35
bl 176 – 181	ins No. 7, 2023, bl 35
sch 1	sub No. 7, 2023, bl 36
sch 2	sub No. 8, 2000 amd Act No. 8, 2016, s 45; Act No. 39, 2019, s 370 rep No. 7, 2023, bl 36
sch 3	sub No. 5, 2011, bl 11 rep No. 7, 2023, bl 36

KATHERINE
TOWN COUNCIL

COUNCIL POLICY

CONFLICTS OF INTEREST – ELECTED MEMBERS

Type:	Council Policy – Elected Members		
Owner:	Chief Executive Officer		
Responsible Officer:	Chief Executive Officer		
Approval Date:	24/02/2026	Next Review:	1/02/2030
Records Number:	178214	Council/CEO Decision:	OMC-2026-30
Legislation Reference:	Sections 114-117 of the *Local Government Act 2019*		

1 PURPOSE

The community has the right to expect that Elected Members of Katherine Town Council perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest or personal gain. Conflicts of interest can arise when elected members are influenced, or appear to be influenced, by personal interests when doing their jobs. The perception of a conflict of interest can be as damaging as an actual conflict because it undermines public confidence in the integrity of Council.

The purpose of this policy is to set out a framework to guide the elected members of Katherine Town Council to ensure that any actual, potential or perceived conflicts of interest are appropriately identified, considered and managed.

2 SCOPE

This policy applies to all Elected Members of Council.

3 DEFINITIONS

Associate means the definition outlined at Section 8 of the *Local Government Act 2019*.

Conflict of Interest means a situation in which an individual's private interests interfere, or appear to interfere, with their duty to put the public interest first. It refers to circumstances where an elected member of council is, or could be, influenced by a private interest when performing an official function.

Financial interests mean the following (not exhaustive):

- shares
- trustee or beneficiary of a family or business trust
- owner of real estate
- directorship of a company
- partnership
- substantial source of income (eg additional employment)

- debts.

Non-financial interests mean the following (not exhaustive):

- effects on or from family or spouse/partner, friends or associates
- political membership
- other memberships of another organisation (not for profit, sporting bodies, clubs and associations)
- hostility or competition with another individual, family or group
- future employment or business ventures.

4 DETAILS

Council provides a diverse range of services and is trusted with a range of decision-making powers so that it can govern in the best interests of the Katherine community. These powers must be exercised properly and impartially, with integrity and in accordance with the *Local Government Act 2019*.

Avoiding conflicts of interest is an important factor in public decision making. This is particularly important at local government level, where councillors and staff have interests in the local area and close connections within the local community.

WHAT IS A CONFLICT OF INTEREST?

Sometimes elected members are asked to make choices that affect both the community and their own interests. If members have either a financial or non-financial interest in a decision, they should appropriately disclose this interest and not participate in the decision-making process.

An elected member has a conflict of interest in a question arising for decision by the audit and risk management committee, Council or a council committee if the elected member, or an associate of the elected member, has any of the following interests in how the question is decided:

- a direct interest
- an indirect financial interest
- an indirect interest by close association
- an indirect interest due to conflicting duties.

A direct interest occurs when an elected member is likely to be directly affected if the matter is decided in a particular way. These can affect financial or non-financial interests.

Indirect financial interest occurs when an elected member is likely to receive a benefit or incur a loss because another person has an interest, for instance owning shares in a company tendering for contract being decided by Council.

Indirect interest by close association occurs when an associate of an elected member has a direct or indirect interest, or a resident of the member's household has a direct interest.

Indirect interest due to conflicting duties occurs when an elected member is a director, partner, agent, trustee, manager, office holder or employee of a person or entity, including a non-profit body or association, that has a direct interest.

TYPES OF CONFLICT OF INTEREST

Conflicts can be actual, potential, or perceived.

An **actual** conflict occurs when the elected members public duties conflict with their private interests at the time a decision is being made.

A **potential** conflict occurs when an elected member considers their private interests and associations and can reasonably anticipate the possibility these could unduly influence their public duties. The link must be reasonably foreseeable and not remote. Steps can then be taken to mitigate any risk.

A **perceived** conflict occurs when it could be perceived by a fair-minded, impartial person that a conflict between the elected members private interests is present and could improperly influence their decisions or actions, or the actions or decisions of Council.

All conflicts of interest need to be disclosed. The key is to determine whether the situation is likely to interfere or appear to interfere with the independent judgment elected members are required to demonstrate in performing their official duties.

WHAT IS NOT A CONFLICT OF INTEREST?

Section 114(2) of the *Local Government Act 2019* states that a conflict of interest does not apply in some situations, for example:

- if the elected member's interest is a common interest that is shared with the general public or other ratepayers, or
- is so remote or insignificant that it could not reasonably be regarded as likely to influence a decision.

DISCLOSE AND MANAGE A CONFLICT OF INTEREST

The *Local Government Act 2019* requires elected members to disclose their conflicts of interest in two ways.

Section 111 requires elected members to provide the Chief Executive Officer with an annual return of interests within 60 days of being elected, or September 30 in a non-election year. This annual return is also published on Council's website.

Sections 115 and 116 require an elected member to disclose a conflict of interest as soon as they become aware of it, and this will be noted in a register of declared conflicts which is published on Council's website. The order of business for Ordinary Meetings of Council provide an opportunity for elected members to declare conflicts of interest.

The elected member must also tell other members at the meeting before the matter is talked about and leave the meeting room while that decision is being talked about or voted on so that the decision cannot influenced.

FAILURE TO COMPLY

The *Local Government Act 2019* provides a range of penalties if elected members fail to comply with disclosing conflicts of interest, or intentionally engage in conduct that results in a failure to disclose a conflict of interest, including fines or imprisonment, or losing their position on Council.

Irregularities that appear to involve improper conduct must also be reported to the Minister and the Independent Commissioner Against Corruption (ICAC).

5 ASSOCIATED POLICIES/DOCUMENTS

Code of Conduct for Elected Members

Gifts and Benefits policy – elected members

Annual return of interests

Declaration of Interest Form

Register of declared conflicts

Fraud and Corruption Control policy

6 REFERENCES AND RELATED LEGISLATION

Local Government Act 2019

Local Government (General) Regulations 2021

Independent Commissioner Against Corruption Act 2017

Revision History

Version	Approval date	Details of change	Responsible officer
1	14/04/2023	Created	CEO
2	16/02/2026	Reviewed including the Declaration of Interest Form	A/CEO

KATHERINE
TOWN COUNCIL

DECLARATION OF CONFLICT

The Local Government Act 2019 requires members of council and committees to disclose any conflicts of interest. Sections 115 and 116 require the member to disclose a conflict of interest as soon as they become aware of it, and this will be noted in a register of declared conflicts which is published on Council's website.

Declarations of any conflicts of interest in line with Conflict-of-Interest Policy. A copy of this policy can be downloaded from www.katherine.nt.gov.au

All members declaring a conflict of interest must leave the room while the decision is discussed.

Name: _____

Meeting Date: _____ Meeting Agenda Item: _____

Meeting Type: _____

Nature of Interest - *Please provide a brief outline of the nature of the conflict. Include the details of any organisation or individual concerned*:

_____

_____

_____

_____

_____

Nature of the question - *Please provide the decision the conflict relates to eg recommendation to approve successful contractor of tender*:

_____

_____

_____

_____

_____

The conflict of interest has been identified as: (**Note:** Tick all applicable boxes)

ACTUAL PERCEIVED POTENTIAL

I hereby declare that the above details are correct to the best of my knowledge and I make this conflict of interest declaration in good faith.

Signature
Name:_____
Date:_____

I hereby declare that I have received and appropriately noted this conflict of interest declaration. (Secretariate of meeting)

Signature
Name:_____
Date: _____

KATHERINE
TOWN COUNCIL

COUNCIL POLICY

ELECTED MEMBERS CODE OF CONDUCT

Type:	Council Policy – Elected Members		
Owner:	Mayor		
Responsible Officer:	Chief Executive Officer		
Approval Date:	24/02/2026	Next Review:	1/02/2030
Reference Number:	177173	Council/CEO Decision:	OMC-2026-30
Legislation Reference:	Section 119 of the *Local Government Act 2019*		

1 PURPOSE

The purpose of this policy is to outline the conduct obligations of Elected Members of Council and members of Council Committees.

2 SCOPE

This policy applies to all Elected Members and members of Council committees and replaces all previous policies.

3 DEFINITIONS

Elected Member means the Mayor and Councillors elected by the community.

Council committee means the committees established by the Council, including the Audit and Risk Management Committee, Advisory Committee, and any other committees that may be established by the Council from time to time.

4 DETAILS

The *Local Government Act 2019* Code of Conduct outlined in Schedule 1 governs the conduct of members of a Council and Council committee.

1. HONESTY AND INTEGRITY

A member must act honestly and with integrity in performing official functions.

2. CARE AND DILIGENCE

A member must act with reasonable care and diligence in performing official functions.

3. COURTESY

A member must act with courtesy towards other members, council staff, electors and members of the public.

4. PROHIBITION ON BULLYING

A member must not bully another person in the course of performing official functions.

5. CONDUCT TOWARDS COUNCIL STAFF

A member must not direct, reprimand, or interfere in the management of, council staff.

6. RESPECT FOR CULTURAL DIVERSITY AND CULTURE

A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public

7. CONFLICT OF INTEREST

A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

8. RESPECT FOR CONFIDENCES

A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

9. GIFTS

A member must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.

10. ACCOUNTABILITY

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

11. INTERESTS OF MUNICIPALITY, REGION OR SHIRE TO BE PARAMOUNT

A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

12. TRAINING

A member must undertake relevant training in good faith.

5 ASSOCIATED POLICIES/DOCUMENTS

Breach of Code of Conduct policy

Gifts and benefits (Council Members) policy

Other reasonable expenses and non-monetary benefits (Council Members) policy

Register of declared conflicts – elected members

Register of declared gifts and benefits – elected members

Professional development allowance policy

Register of declared conflicts (audit committee members and council committee members)

Confidential information policy

Privacy policy

Elected Member Conflict of Interest Policy

6 REFERENCES AND RELATED LEGISLATION

Local Government Act 2019

Local Government (General) Regulations 2021

Information Act 2002

Revision History

Version	Approval date	Details of change	Responsible officer
1	22/02/2022	Creation, effective from 1 July 2021	CEO
2	16/02/2026	Reviewed changed Owner of the policy to the Mayor, removed specific advisory committee names and addition of the Elected Member Conflict of Interest Policy	Acting CEO

1.3 BACKGROUND AND CURRENT INITIATIVES

Overview of community safety initiatives undertaken by Katherine Town Council to date, including:

- Governance Working Group Officer
- Community Roundtable Meetings
- Youth Interruptions Program
- By-Law consultations and regulatory framework

Attachments

Nil

GOVERNANCE WORKING GROUP OFFICER

As part of the 2026/27 Municipal Plan deliverables, Council identified the need for a dedicated full-time position to support the administration and coordination of its various Council working groups. Funding for the position was subsequently included in the budget, and recruitment was initiated.

The recruitment process has been successful, and the successful candidate has been appointed and is expected to commence duties shortly. The role will provide administrative and governance support to Council's working groups, helping to improve coordination, communication, reporting, and the effective delivery of group objectives and outcomes.

COMMUNITY ROUNDTABLE MEETINGS

Katherine's community safety challenges are complex. Policing and enforcement are essential, but lasting change also depends on preventing crime, supporting young people and families, and making public spaces safer. Council does not deliver policing or youth justice services, but we can bring the right people together and press for action.

In June, Council resolved to seek support for a short-term program to engage young people during periods when they may be most at risk. We have since worked with Aboriginal organisations and youth program partners to develop the proposal and seek funding.

We also put forward practical proposals at a recent Community Safety Roundtable. They cover safer public spaces, better reporting, support for young people and families, and reducing alcohol-related harm.

Council's discussion paper for the Community Safety Roundtable sets out six priorities:

- Safer public spaces: assess locations where better lighting, clearer sightlines, vegetation management or CCTV could improve safety, then develop a staged plan informed by police information and community feedback.
- Better community reporting: explore whether a reporting tool could help residents and frontline workers pass information about suspicious activity to the appropriate authorities and identify recurring problem areas.
- A short-term youth emergency response: seek support for supervised activities, meals, transport and engagement with trusted Aboriginal youth workers during periods when young people may be most at risk.
- A youth night space: investigate a safe, supervised place that offers activities and connects young people with mentoring, wellbeing, education and employment support.
- Stronger support for families: explore more coordinated, intensive help for families with complex needs, including ways to make services easier to access.

- Reducing alcohol-related harm: work with Aboriginal organisations, health services, police and government on evidence-based options, alongside treatment, rehabilitation and family support.

These proposals are a starting point for action. Some could be progressed locally; others need funding, service partners or decisions by the Northern Territory and Australian governments,

Our focus now is to work with government agencies, Aboriginal organisations and other local partners to decide what can be delivered, who will lead it and how we will measure progress.

Council has also appointed eight community members to its new Community Safety Action Group. The group will help us understand local concerns, identify good actionable ideas, and shape Council's next steps.

KATHERINE YOUTH EMERGENCY RESPONSE - KALANO COMMUNITY ASSOCIATION INCORPORATED.

The proposed model replicates a successful pilot delivered in Kununurra during 2025, where intensive overnight engagement of at-risk young people contributed to a significant reduction in youth offending and anti-social behaviour. The program provides supervised recreational, cultural and educational activities, nutritious meals, safe transport, and consistent engagement with trusted Aboriginal youth workers.

The program would be administered by Kalano Community Association Incorporated.

The aim of the Katherine Youth Emergency Response program is to interrupt the cycle of offending by youth in Katherine. This program was delivered in Kununurra over two months in 2025 resulting in a significant reduction in offending by youth.

The program activities are structured, culturally grounded night-time alternative to street presence during peak risk period between 11pm to 4am. The activities are delivered by six youth workers locally recruited, where possible persons who are seen as positive role models by the youth. The key elements of the activity are:

- Supervised activities (sport, arts, cultural engagement)
- Nutritious meals
- Safe transport to and from the program
- Consistent engagement with trusted Aboriginal staff

The delivery model proposed for Katherine would align with the approach successfully implemented in Kununurra. It is proposed that Kalano Community Association Incorporated be the funding recipient and lead delivery partner for the program.

Kalano is an Aboriginal organisation established to meet the diverse needs of the Aboriginal community, its members, and their families within Katherine. For more than 50 years, Kalano has developed and delivered a broad range of programs and services that address key community priorities, including housing availability, employment and economic development, social support, community development, and health and wellbeing initiatives.

Through its long-standing presence and strong community relationships, Kalano has built significant experience and credibility in advocating for Aboriginal people and responding to local community needs. The organisation is well positioned to represent the views of its members and the wider Aboriginal community, engaging with government agencies, authorities, and other stakeholders on a range of issues affecting Aboriginal people from both cultural and contemporary perspectives.

Kalano is well placed to administer funding and support the delivery of the program in Katherine.

BY-LAW CONSULTATIONS AND REGULATORY FRAMEWORK

Council By-laws are local laws adopted by Council to regulate activities within the municipality and promote the safety, health, amenity, and wellbeing of the community. They provide a framework for managing matters such as public spaces, streets and roads, parking, animal management, public behaviour, and the protection of Council assets and infrastructure.

The administration of By-laws is undertaken by authorised Council officers who are responsible for community education, monitoring compliance, investigating complaints, and taking appropriate enforcement action where necessary. While By-laws provide Council with enforcement powers, their primary purpose is to establish clear standards and expectations that support a safe, orderly, and well-managed community for residents, businesses, and visitors.

The most recent major review of Katherine Town Council's By-laws was undertaken in 2023 and involved more than 55 pages of amendments. These amendments primarily focused on updating terminology, incorporating new Council policies, strengthening provisions relating to dangerous dogs and on-street parking management, and replacing nominal dollar infringement amounts with penalty units to provide a more contemporary and flexible enforcement framework.

The current review seeks to build on that work and focuses on:

- Updating terminology that was previously overlooked or omitted;
- Implementing amendments that were inadvertently missed during the 2023 review;
- Correcting minor administrative errors;
- Addressing operational and enforcement issues identified by Council officers;
- Clarifying and modernising wording to improve interpretation and application; and
- Enhancing Council's ability to deliver services and respond to community needs.

Due to competing priorities and resource constraints between February 2025 and June 2025, Council was unable to meet the proposed review timeframes recommended by the Northern Territory Office of Parliamentary Counsel (OPC). Progress was further impacted by preparations for the Caretaker Period, which commenced on 11 July 2025.

As part of its commitment to good governance and continuous improvement, Katherine Town Council regularly reviews its By-laws to ensure they remain current, effective, and responsive to the needs of the community. Regular reviews help maintain clear and practical regulatory frameworks, support compliance with legislative requirements, address emerging issues, and minimise the need for substantial amendments in the future.

Council resolved on 28 April 2026 to approve the draft amendments for public consultation. The consultation paper is currently with the Office of Parliamentary Counsel for review. Once returned, Council will commence a formal public consultation process, providing the community with an opportunity to review the proposed amendments and make submissions before the By-laws are finalised and presented for adoption.

1.4 GROUP OBJECTIVES AND ACTION ITEMS

- Identification of actions arising from discussions and agreement on the process for recording, tracking, and reporting action items between meetings.

Attachments

Nil

1.5 FUTURE MEETING ARRANGEMENTS AND COMMUNICATIONS

- Confirm meeting frequency and preferred meetings times.
- Establish communication and reporting arrangements. The Governance Working Group Officer will be your primary administrative contact, while the Chairs will be your point of contact for all other matters.
- This group will be co-chaired by Deputy Mayor Mel Doyle and Councillor Anjali Palmer
- A group email distribution listing group has been established for circulation of communication and meeting papers.

Katherine Community Safety Action Group
Email Address:KCSAWG@ktc.nt.gov.au

Attachments

Nil

2 GROUP MEMBER BUSINESS

3 CLOSURE OF THE MEETING

The next Katherine Community Safety Action Group (KCSAG) will be held on XXXEnterDayDateMonthYearXXX.