

NORTHERN TERRITORY OF AUSTRALIA

NHULUNBUY (ANIMAL CONTROL) AMENDMENT BY-LAWS 2025

Subordinate Legislation No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2025*

Nhulunbuy (Animal Control) Amendment By-laws 2025

Nhulunbuy Corporation Limited ACN 009 596 598, at a meeting held on [] 2025, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised Shane Whitten, the Chief Executive Officer, to sign them.

Dated 2025

Chief Executive Officer

CONSULTATION DRAFT ONLY

PREPARED FOR THE NHULUNBUY CORPORATION

* Notified in the *Northern Territory Government Gazette* on [] 2025.

1 Title

These By-laws may be cited as the *Nhulunbuy (Animal Control) Amendment By-laws 2025*.

2 Commencement

These By-laws commence on [*date to be confirmed*].

3 By-laws amended

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

4 Part 1, Division 1 heading omitted (General matters)

Part 1, Division 1, heading

omit

5 By-law 1 amended (Citation)

By-law 1

omit

(Animal Control)

6 By-law 2 replaced

By-law 2

repeal, insert

2 Application

These By-laws apply in relation to and are in force within the whole of the corporation area.

7 By-law 4 amended (Interpretation)

(1) By-law 4(1), definitions ***appropriate fee, corporation area, infringement notice, infringement notice offence, prescribed amount and vehicle***

omit

(2) By-law 4(1)

insert

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

corporation area means the area described in Schedule 1.

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

handbill means a printed announcement or advertisement including a poster, placard, notice, ticket, pamphlet and card.

infringement notice, for Part 3C, see by-law 50F.

infringement notice offence, for Part 3C, see by-law 50E(1).

permit, see by-law 17B.

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

public land means a road, a reserve or land within the corporation area that is owned, controlled or maintained by the Corporation.

rubbish means litter, refuse and other organic or inorganic waste matter.

vehicle means any conveyance that runs on wheels.

Examples for definition vehicle

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

(3) By-law 4(1), definitions **dog exercise area** and **dog restriction area**

omit

declared

insert

determined

(4) By-law 4(1), definition **register**

omit

in pursuance of

insert

under

(5) By-law 4(1), at the end

insert

Note for clause 4(1)

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

8 Part 1A heading inserted

After by-law 4A

insert

Part 1A Corporation determinations and registers

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

(1) By-law 5(1)

omit

(2) By-law 5(4)

omit, insert

(4) For a determination made by the Corporation that is mentioned in Schedule 2, Column 1, the Corporation may take into account the matters specified opposite in Column 2 of the Schedule.

10 By-law 7 amended (Registers)

Before by-law 7(3)(a)

insert

(aa) all permits issued by the Corporation; and

11 Part 1, Divisions 2 and 3 and Part 1A replaced

Part 1, Divisions 2 and 3 and Part 1A

repeal, insert

Part 1B Public facilities and places**Division 1 Activities on public land****9 Control of vehicles**

- (1) The Corporation may determine that certain restrictions or prohibitions apply in relation to vehicles on public land.

Examples for clause (1)

1 *No bicycles on a footpath.*

2 *No skateboards in a pedestrian mall.*

- (2) If the Corporation determines that a restriction or prohibition applies in relation to vehicles on public land, the Corporation must take reasonable steps to post signs on the land, or on a fixture on the land, warning the public of the restriction or prohibition.
- (3) A person commits an offence of strict liability if:
- (a) the person rides, drives or propels a vehicle on public land contrary to a restriction or prohibition determined by the Corporation; and
 - (b) a sign is posted on the land, or on a fixture on the land, warning of the restriction or prohibition.

Maximum penalty: 50 penalty units.

Note for by-law 9

The parking infringement scheme in Part 3, Division 3 of the Traffic Regulations 1999 also applies to contraventions under this by-law.

10 Abandoned goods

- (1) Subject to clause (2), an authorised person may seize any goods abandoned on public land.

-
- (2) The goods of people experiencing homelessness or people sleeping rough must be respected as not abandoned, but may be considered abandoned if left unattended for more than 24 hours.

Note for by-law 10

Seized goods may be sold or otherwise disposed of under by-law 11.

11 Sale and disposal of seized goods

- (1) Within 14 days after the day that goods are seized under by-law 10, an authorised person must take reasonable steps to give written notice of the seizure to the owner of the goods.
- (2) The notice must include the following information:
 - (a) a description of the goods;
 - (b) the reason for seizing the goods;
 - (c) details of how the goods may be recovered, including any appropriate fee for recovery;
 - (d) a warning that the goods may be disposed of if the person fails to recover the goods within 14 days of receiving the notice.
- (3) If the owner cannot be found or the owner's name cannot be ascertained:
 - (a) an authorised person must certify to the CEO the reason for failure to give the notice; and
 - (b) the CEO may publish notice of the seizure on the Corporation's website if the goods are of sufficient value to justify the publication.
- (4) The Corporation may sell or dispose of the goods if the owner does not claim the goods and pay the expenses relating to their seizure and custody within 28 days of the later of the following:
 - (a) the day of service of a notice under clause (1);
 - (b) the first day of publication under clause (3)(b).
- (5) Any proceeds from the sale of the goods must be applied in the following priority:
 - (a) the costs incurred by the Corporation in the sale;

-
- (b) the Corporation's reasonable costs of seizure and custody before sale or disposal;
 - (c) any balance owing to the owner.
- (6) Any balance owing to the owner must be:
- (a) paid to the owner as soon as practicable; or
 - (b) if unclaimed by the owner within 6 months after the day the goods were seized – paid into the Corporation's general fund.
- (7) Despite clauses (1) to (4), seized goods may be destroyed or disposed of immediately if perishable, soiled, infested or otherwise hazardous or unusable.

12 Defacing property

- (1) A person must not, without a permit, affix a handbill to:
- (a) a power pole, signpost or fixture in a street; or
 - (b) a structure on land adjoining public land; or
 - (c) a vehicle on public land.
- (2) A person who affixes a handbill under a permit must:
- (a) ensure that the handbill is preserved in a clean and tidy condition; and
 - (b) remove the handbill after the information it contains expires or is no longer relevant; and
 - (c) properly dispose of any waste arising from the handbill.

Example for clause (2)(b)

Take down a concert handbill after the concert is over.

- (3) An authorised person may, by written notice, require any of the following persons to remove or remediate any handbill that is dirty, untidy, worn, torn or detached:
- (a) a person who was issued a permit to post the handbill;
 - (b) the owner or occupier of the land where the handbill is posted;
 - (c) the person who sponsored or is responsible for the handbill.
- (4) A person who receives a notice under clause (3) must comply with the notice.

-
- (5) A person commits an offence of strict liability if the person fails to comply with clause (1), (2) or (4).

Maximum penalty: 20 penalty units.

13 Camping or setting up camp

- (1) A person commits an offence of strict liability if the person:

- (a) camps or sets up camp on public land; and
- (b) does not:
 - (i) hold a permit to camp on the land; or
 - (ii) have the consent of the owner or occupier of the land.

Maximum penalty: 20 penalty units.

- (2) In this by-law:

camps or sets up camp includes the following:

- (a) erects a tent or other shelter used for camping;
- (b) sets up bedding, camping gear or other equipment used for camping;
- (c) occupies, between sunset and sunrise, a vehicle used for sleeping.

Division 2 Control of vegetation

14 Trimming vegetation

- (1) The owner or occupier of land adjoining a footpath, verge or road must trim or otherwise maintain vegetation on the land to prevent the vegetation:

- (a) obstructing or damaging the footpath, verge or road; or
- (b) becoming a hazard to persons or property.

Examples for clause (1)

- 1 *Trimming a tree or shrub that blocks a footpath.*
- 2 *Mowing grass to prevent infestation by snakes or vermin.*

-
- (2) The CEO may, by written notice, require an owner or occupier of land to trim or otherwise maintain vegetation on the land if the CEO considers that it is:
- (a) obstructing or damaging a footpath, verge or road; or
 - (b) becoming a hazard to persons or property.
- (3) The owner or occupier of land who receives a notice under clause (2) must trim or otherwise maintain the vegetation in accordance with the notice.
- (4) A person commits an offence of strict liability if the person fails to comply with clause (1) or (3).

Maximum penalty: 50 penalty units.

15 Prohibitions relating to vegetation on public land

- (1) A person must not remove or damage vegetation on public land unless:
- (a) the vegetation is being trimmed in accordance with by-law 14; or
 - (b) the person holds a permit to do so.

Examples for clause (1)

- 1 *Driving a vehicle on park land.*
- 2 *Plucking, cutting or taking from a public flowerbed.*

- (2) A person must not, without a permit, plant vegetation on public land.
- (3) A person commits an offence of strict liability if the person contravenes clause (1) or (2).

Maximum penalty: 50 penalty units.

Part 1C Rubbish

16 Leaving rubbish

- (1) A person commits an offence of strict liability if:
- (a) the person leaves or deposits rubbish on public land; and

-
- (b) the rubbish is not left or deposited:
 - (i) in a bin provided for that purpose; or
 - (ii) at a waste management facility.

Maximum penalty: 15 penalty units.

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

(3) In this by-law:

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

17 Depositing liquid waste

(1) A person commits an offence of strict liability if:

- (a) the person deposits or causes waste water, liquid waste or hazardous liquid to be deposited onto public land or into a drain on public land; and
- (b) the person does not hold a permit to do so.

Maximum penalty: 100 penalty units.

Examples for clause (1)

- 1 *Water leaking from faulty air conditioners.*
- 2 *Used cooking oil dumped in a drain.*

(2) It is a defence to a prosecution for an offence against clause (1) if the defendant took all reasonable steps and exercised due diligence to avoid committing the offence.

17A Untidy or unsafe premises

A person commits an offence of strict liability if the person:

- (a) is the owner or occupier of premises; and
- (b) does any of the following:
 - (i) keeps rubbish or discarded goods in open areas on the premises, other than in a bin;

-
- (ii) allows the premises to become overgrown with vegetation, attract pests or vermin or be a fire hazard.

Maximum penalty: 50 penalty units.

Examples for paragraph (b)

- 1 *Discarded goods may include damaged furniture, old appliances, cast-off vehicle parts and broken equipment.*
- 2 *Premises with overgrown grass and algae in unmaintained pools attract snakes and are breeding grounds for mosquitos.*

Note for by-law 17A

Non-compliance with this by-law can result in a regulatory order being made under the Act.

Part 1D Permits

17B Meaning of *permit*

A ***permit*** is a form of written or electronic permit issued by the CEO under this Part that is required under these By-laws to do something, to have something or to engage in other conduct.

17C Applying for permit

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

17D Issuing permit

- (1) The CEO may issue, or refuse to issue, a permit.
- (2) A permit remains in force for:
 - (a) the period of time, if any, specified in the permit; or
 - (b) if no period is specified in the permit – the period of 12 months commencing on the day of its issue.
- (3) A permit is subject to the conditions specified by the CEO.
- (4) A permit is not transferable, unless these By-laws expressly provide otherwise.

17E Revoking or varying on request

- (1) The CEO may, on the written request of the holder of a permit:
 - (a) revoke the permit; or
 - (b) vary the conditions of the permit.
- (2) The CEO must give the holder written notice of the revocation or variation.
- (3) A notice to revoke or vary a permit under by-law 21 takes effect on the day 14 days after the service of the notice.

17F Revoking, suspending or varying for cause

- (1) The CEO may, in accordance with this by-law, revoke, suspend or vary the conditions of a permit if the holder of the permit:
 - (a) obtained the permit improperly; or
 - (b) fails to comply with these By-laws or a condition of the permit;
or
 - (c) is not eligible or a fit and proper person to hold the permit.
- (2) Before making a decision under clause (1), the CEO must give the holder written notice:
 - (a) stating that the CEO proposes to revoke, suspend or vary the permit; and
 - (b) stating the grounds for the intended revocation, suspension or variation; and
 - (c) inviting the holder to show cause, in accordance with clause (3), why the revocation, suspension or variation should not be made.
- (3) Within 14 days of the date of the notice, the holder of the permit may make written representations to the CEO on why the revocation, suspension or variation should not be made.
- (4) After considering any representations made by the holder in accordance with clause (3), the CEO may:
 - (a) take no further action in relation to the permit; or
 - (b) revoke, suspend or vary the permit.

-
- (5) As soon as practicable after making a decision under clause (4), the CEO must give written notice of the decision to the holder of the permit.
 - (6) If the CEO decides to revoke, suspend or vary the conditions of a permit, the notice to the holder must include the following information:
 - (a) the date that the revocation, suspension or variation takes effect;
 - (b) in the case of suspension:
 - (i) the steps that the holder must take before the suspension will be lifted and the consequences for not completing those steps; and
 - (ii) the period of time that the suspension will remain in force;
 - (c) in the case of variation – how the conditions are being varied.

12 By-law 19F amended (Diseased dogs that have been impounded)

By-law 19F(4)(b)

omit

in any other case

insert

otherwise

13 Part 2A inserted

After by-law 20

insert

Part 2A Livestock

21 Livestock

- (1) All livestock is prohibited from being kept in the Corporation area, unless allowed under this by-law.

-
- (2) Chickens (other than roosters) may be kept if:
- (a) they are properly contained on the premises; and
 - (b) no more than 5 chickens are kept on the same premises; and
 - (c) the owner holds a permit to keep chickens on the premises.

21A Offence related to livestock

- (1) A person commits an offence of strict liability if the person keeps livestock contrary to by-law 21.
- Maximum penalty: 20 penalty units.
- (2) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

14 By-law 22B amended (Grant of registration)

By-law 22B(2)(a)(ii)

omit

sum specified in by-law 16(2)

insert

prescribed amount

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

- (1) By-law 29(1) and (2)

omit

may, by resolution, declare

insert

may determine

- (2) By-law 29(3)

omit

declare

insert

determine

(3) By-law 29(3)(a)

omit

declaration stating it intends to declare

insert

determination stating it intends to determine

(4) By-law 29(4)

omit, insert

(4) Before making a determination under clause (1) or (2) the Corporation must consider any comment received from the public within 28 days after the date the notice is published under clause (3)(a).

16 Parts 3B and 3C inserted

After by-law 50A

insert

Part 3B Regulatory matters

50B Compliance with notices

A requirement of a notice served by the Corporation under these By-laws is to be complied with by the person on whom it is served.

50C Obstruction of officer

(1) A person commits an offence if:

(a) the person intentionally obstructs another person; and

(b) the other person is one of the following:

(i) an officer;

(ii) an employee of a contractor or subcontractor of the Corporation; and

(c) the other person is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

(2) Strict liability applies to clause (1)(b).

(3) In this by-law:

acting in an official capacity, in relation to an officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of these By-laws.

obstruct includes hinder and resist.

50D Misleading information

(1) A person commits an offence if:

- (a) the person intentionally gives information to another person;
and
- (b) the other person is an officer; and
- (c) the information is misleading and the person has knowledge of that circumstance; and
- (d) the officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if:

- (a) a person intentionally gives a document to another person;
and
- (b) the other person is an officer; and
- (c) the document contains misleading information and the person has knowledge of that circumstance; and
- (d) the officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

(3) Strict liability applies to clauses (1)(b) and (2)(b).

(4) It is a defence to a prosecution for an offence against clause (1) or (2) if the defendant, when giving the information or document:

- (a) draws the misleading aspect of the information or document to the officer's attention; and

-
- (b) to the extent to which the defendant can reasonably do so – gives the officer the information necessary to remedy the misleading aspect of the information or document.

- (5) In this by-law:

acting in an official capacity, in relation to an officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of these By-laws.

Part 3C Infringement notice offences

50E Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 3.
- (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 3.

50F When infringement notice may be given

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

50G Contents of infringement notice

- (1) The infringement notice must specify the following:
- (a) the name and address of the person to whom it is issued, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency to which the prescribed amount is payable.

-
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the specified enforcement agency; and
 - (ii) not paying the prescribed amount;
 - (c) if the *Fines and Penalties (Recovery) Act 2011* 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).

50H 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.

50J 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.

50K Withdrawal of infringement notice

- (1) The Corporation 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.

50L 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.

17 Part 5 inserted

After by-law 52

insert

Part 5 Transitional matters for Nhulunbuy (Animal Control) Amendment By-laws 2025

53 Definition

In this Part:

commencement means the day on which the *Nhulunbuy (Animal Control) Amendment By-laws 2025* commence.

54 Permits

A permit or variation of a permit granted or renewed under the By-laws as in force before the commencement, that is in effect immediately before the commencement, continues in effect as if it were a permit or variation of a permit granted or renewed under these By-laws until revoked or expired.

55 Offence provisions

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

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

18 Schedule 1 replaced

Schedule 1

repeal, insert

Schedule 1 Corporation area

by-law 4(1), definition **corporation area**

All those parcels of land at Nhulunbuy in the Northern Territory of Australia containing a total area of 679.83 hectares more or less, being Northern Territory Portions 1192 and 1316 (which include the town centre, the main residential areas and the main industrial area) and being more particularly delineated on Survey Plans A708 and A952 lodged with the Surveyor General, Darwin.

19 Schedule 2 amended (Determinations)

Schedule 2, Column 1, items relating to *Dog Restriction Areas, Maintenance and Release Fees, Destruction of Impounded Animals and Other Determinations*

omit

20 Schedule 3 replaced

Schedule 3

repeal, insert

Schedule 3 Infringement notice offences and prescribed amounts

by-law 50E

Item	Provision	Prescribed amount in penalty units
1	by-laws 9(3), 12(5) and 13(1)	1
2	by-laws 14(4) and 15(3)	2
3	by-law 16(1)	1
4	by-law 17(1)	4
5	by-law 17A	2
6	by-law 19F(8)	1
7	by-law 21A(1)	2
8	by-laws 30(1), 30A(1) and 32(1) and (2)	1
9	by-laws 33(1) and 33A(1)	2
10	by-laws 33B(2), 34(1) and 35(2)	1
11	by-law 36	2
12	by-law 37(2)	7
13	by-laws 38(2) and 39(1)	1
14	by-laws 40(1) and 41(1)	2
15	by-laws 42(5) and 49(1A) and (2A)	1
16	by-laws 50C(1) and 50D(1) and (2)	2

21 Repeal of By-laws

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