

## Public Information Paper

### Nhulunbuy (Animal Control) Amendment By-laws 2025

*Prepared for Nhulunbuy Corporation Ltd*

## Background

Nhulunbuy Corporation Limited (**NCL**) is changing the By-laws, which are the rules that apply to public places in and around Nhulunbuy.

These changes will give NCL new powers to deal with issues in public areas that affect the amenity for residents, including by:

- allowing NCL to remove cars and other property which are abandoned on public land;
- introducing fines for camping on public land without a permit;
- requiring residents to maintain overgrowth of plants, trees and other vegetation on public land; and
- introducing fines for littering and illegal dumping.

These changes will modernise the By-laws, bring the regulatory powers of NCL into line with other councils across the Northern Territory, and will better enable NCL to promote and maintain the amenity of Nhulunbuy's public places.

It is proposed that the new rules will apply from 1 April 2026.

## Overview of the key changes

### Abandoned goods

The By-laws will give authorised officers from NCL the power to take away any goods which are abandoned by a person on public land. This will include things such as food, drinks, clothes, cookware, bags, bicycles, scooters, cars and boats. However, NCL will not be allowed to take away the property of people experiencing homelessness, unless they are left unattended for more than 24 hours.

When goods are taken away, NCL will be required to provide notice to the owner of the goods within 14 days of them being taken, explaining how they may be recovered by the owner. A fee may apply when recovering the goods to cover the cost to NCL of taking and storing the goods. If the owner cannot be located, a notice may instead be uploaded to NCL's website.

If the goods are not collected within 28 days of receiving the notice, or of the notice being uploaded to the website, NCL may sell the goods or dispose of them (for example, by landfill). If the goods are sold, some of the money may be used to cover the cost of taking, storing and selling the goods, with the remainder to be provided to the owner. If the owner cannot be located, or does not claim the money within 6 months, it will be paid into NCL's general fund and used for Corporation purposes.

NCL will not be required to give notice of disposal if the abandoned goods are perishable, soiled, infested or otherwise hazardous or unusable.

## **Regulating activities on public land**

The By-laws will introduce rules about what people can and cannot do on public land. For example, NCL will be able to determine rules for specific vehicles on public land. This may include not allowing scooters or bicycles in a pedestrian mall.

Camping or setting up camp on public land without a permit will be banned, and a fine may apply. This includes setting up a tent, swag, bedding or other camping gear, or staying in a van between sunset and sunrise.

Penalties will also be introduced for placing posters, placards, pamphlets, advertisements or other handbills onto structures on public land, such as power poles, signposts, streetlights or vehicles, without a permit. Authorised officers of NCL may require certain people to take down old, dirty, or outdated handbills.

Leaving rubbish on public land which is not placed in a bin or at a waste management facility will be banned, and fines may apply. This will cover illegal dumping and littering. It will also cover depositing waste water and other liquid waste without a permit, such as pouring used cooking oil into drains.

Residents may also be fined if they keep rubbish or other discarded property in open areas on their premises. This may include leaving old appliances or damaged furniture in their front yard. Residents may also be fined if they allow the premises to become overgrown with vegetation, attract pests or become a fire hazard.

If a resident's premises are next to a public footpath, verge, or road, the resident must trim or maintain any vegetation (such as trees, hedges, shrubbery) to prevent overgrowth. NCL may require a person to trim or maintain vegetation if it is overgrown or becoming a hazard. If a resident fails to comply with the notice, they may be fined.

Fines will also be introduced for damaging or taking vegetation on public land without a permit. For example, driving over public parks or cutting flowers from a public flowerbed.

## **Issuing of permits**

The By-laws will set out a system by which people can apply to NCL for permits. Fees may be set by NCL for specific permits. NCL may issue permits, including on certain conditions. If a person does not comply with their permit, NCL may take steps to revoke or suspend it. The person must be given notice, along with the reasons why, and will be given an opportunity to explain why the permit should not be suspended or revoked.

## **Penalties for offences**

The By-laws will also set out a number of offences for which a person may be fined. For example, obstructing authorised officers, and providing false or misleading information will be offences for which a fine will apply.

In addition, authorised officers will be allowed to issue on-the-spot infringement notices where they reasonably believe someone is committing an offence against the By-laws. The amount payable in the infringement notice will vary from 1 to 7 penalty units, depending on which offence the person has committed, which is currently between \$189 and \$1,323.

For example, a person dumping rubbish on public land may be fined \$189 on the spot, while the owner of a dog which attacks a person may be fined \$1,323 on the spot. A person may

choose to challenge the fine in court, or may pay the fine to have the offence dealt with immediately.

## **Explanation of each clause**

### **Clause 1. Title**

This is a formal clause which provides for the name of these By-laws. Because these By-laws are changing the existing By-laws, they are called the *Nhulunbuy (Animal Control) Amendment By-laws 2025 (Amendment By-laws)*.

### **Clause 2. Commencement**

This is a formal clause that says when the Amendment By-laws will take effect. NCL anticipates the new By-laws will commence on 1 April 2026.

### **Clause 3. By-laws amended**

This is a formal clause which says that the Amendment By-laws make changes to the existing *Nhulunbuy (Animal Control) By-laws 1998 (By-laws)*.

### **Clause 4. Part 1, Division 1 heading omitted (General matters)**

This clause removes the heading “*General Matters*” from part 1, division 1 of the By-laws. This is because Part 1 is being restructured.

### **Clause 5. By-law 1 amended (Citation)**

This clause removes the words “*(Animal Control)*” from the title of the By-laws. That is because the new By-laws will deal with a wider variety of matters than just animal control.

### **Clause 6. By-law 2 replaced**

This is a formal clause which sets out that the area which the By-laws apply to is the “corporation area”. “Corporation area” includes the Nhulunbuy town centre, the main residential areas and the main industrial area.

### **Clause 7. By-law 4 amended (Interpretation)**

This clause replaces a number of definitions for terms used throughout the By-laws, and introduces some new ones.

### **Clause 8. Part 1A heading inserted**

This clause creates a new heading for Part 1A, called “*Corporation determinations and registers*”.

### **Clause 9. By-law 5 amended (Determinations, including determinations of charges)**

This clause removes the requirement that NCL must circulate notice of changes to charges, dues and fees in a local newspaper. It also provides matters that NCL may take into account when setting charges, dues and fees.

### **Clause 10. By-law 7 amended (Registers)**

This clause provides that the registers which NCL is required to keep must include all permits issued by NCL.

## **Clause 11. Part 1, Divisions 2 and 3 and Part 1A replaced**

This clause removes the existing by-laws relating to livestock and regulatory matters. Those by-laws are then replaced with new by-laws. In particular, the new by-laws will deal with the following matters:

1. New by-law 9 provides that NCL may make rules regarding how vehicles are used on public land.
2. New by-laws 10 and 11 deal with abandoned goods. They provide that an authorised officer may take away abandoned goods. This includes things such as food, drinks, cars, trucks, trailers, motorcycles, bicycles, scooters, skateboards, and rollerblades. They also set out the circumstances in which NCL may sell or dispose of abandoned goods. NCL is required to give notice to the owner within 14 days of taking abandoned goods away, and provide them an opportunity to come and collect the goods. If the goods are not collected within 28 days of that notice, NCL may either sell or dispose of the goods. If the goods are sold, some money will be kept to pay for the costs of the sale and storage of the goods. The remainder will be returned to the owner. If the owner does not claim the money within 6 months, it will form part of the Corporation's general fund.
3. New by-law 12 deals with "handbills", which are printed announcements or advertisements including posters, placards, notices, tickets, pamphlets and cards. The by-law will mean that handbills may not be put on public structures such as light poles or power poles without a permit. Doing so means a person may be fined. The by-law also provides that people who place handbills up under a permit must make sure the handbill remains in clean and tidy condition, they must take it down after it is no longer relevant, and they must properly dispose of any waste. Fines may apply if they do not comply.
4. New by-law 13 deals with camping or setting up camp. It provides that people may not camp in public areas without the owner or occupier of the land, or a permit. It includes things such as putting up a tent, setting up a bed or camping gear, or being in a vehicle used for sleeping (eg caravan or campervan) between sunset and sunrise. Fines may apply.
5. New by-laws 14 and 15 deal with vegetation. They provide that residents must prevent their vegetation, including trees and shrubs, from growing over onto public land, such as footpaths, roads, or verges. The CEO may require a person to trim their vegetation, and fines may apply for failing to do so. They also ban the taking or damage of vegetation from public land unless authorised. For example, driving on a public park or taking cuttings from a flowerbed. Fines may apply for doing so.
6. New by-laws 16, 17 and 18 deal with rubbish and liquid waste. They introduce fines for leaving rubbish or other waste in a place that it is not allowed to be left, and for depositing liquid waste, including wastewater or hazardous liquid, onto public land or into a drain on public land without a permit. They also introduce fines for keeping rubbish on premises other than in a bin, or allowing the premises to become overgrown, attract pests or vermin, or become a fire hazard.
7. New by-laws 17B–17F deal with permits. They provide the issuing of electronic permits by the CEO, which may be time-limited or subject to conditions. Fees may apply for an application for a permit. They also provide that the CEO may revoke or vary a permit when

requested by the permitholder. In addition, the CEO may revoke, suspend or vary a permit in certain circumstances. However, the CEO must first give notice to the permitholder, and provide them an opportunity to explain.

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

This clause replaces the words used in by-law 19F(4)(b) to align with modern drafting style. It is not intended to change the meaning or operation of the by-law.

**Clause 13. Part 2A inserted**

This clause moves the by-laws which deal with livestock into a new section. The rules which apply to keeping livestock are not being changed from before, but are being moved to better align with the structure of the By-laws and the new permit system set out in clause 11.

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

This clause makes minor changes to the words used in by-law 22B(2)(a)(ii) to align with the terminology used in the new By-laws. The meaning of the by-law is not being changed.

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

This clause makes minor changes to the words used in various parts of by-law 29 to align with the terminology used in the new By-laws. The meaning of the by-law is not being changed.

**Clause 16. Parts 3B and 3C inserted**

This clause introduces three new offences for:

1. obstructing an officer or contractor or subcontractor of the Corporation,
2. lying to an officer by providing false information, and
3. lying to an officer by providing false documents.

It also provides for the provision of infringement notices, which are on-the-spot fines that allow regulatory offences to be dealt with quickly, rather than going to Court. It sets out the information that an infringement notice is required to contain, including a statement that the person can either (1) choose to pay the fine and avoid any further action, or (2) elect to have the offence dealt with in Court.

**Clause 17. Part 5 inserted**

This is a formal clause which introduces transitional arrangements for the transition from the existing By-laws to the new ones. It provides that permits granted before the new By-laws come into effect continue to apply, as if they were granted under the new By-laws. It also provides that the previous offence provisions continue to apply to offences committed before the new By-laws come into effect.

**Clause 18. Schedule 1 replaced**

This clause makes formal changes to the definition of the Corporation Area. No changes are being made to the scope of the Corporation Area itself.

**Clause 19. Schedule 2 amended (Determinations)**

This clause removes some of the items from the table in schedule 2, which sets out the matters which NCL must take into account when making certain determinations. The items being removed do not have any matters required to be taken into account, so do not need to be in the table.

**Clause 20. Schedule 3 replaced**

This clause replaces the table setting out the amounts for the on-the-spot fines which may be issued for breaches of the By-laws.

**Clause 21. Repeal of By-laws**

This is a formal clause which provides that the Amendment By-laws are repealed the day after they commence. That is because the Amendment By-laws will have made the necessary changes to the By-laws, and will no longer be required.