

## LOCAL GOVERNMENT ACT 1995

*Shire of Cocos (Keeling) Islands*

### LOCAL LAW - ANIMAL CONTROL

In pursuance of the powers conferred upon it by the Act and all other powers enabling it the council of the above mentioned Local Government hereby records having resolved on **17 December 2003** to adopt the following Local Law.

#### **Citation:**

1. This Local Law may be cited as the *Shire of Cocos (Keeling) Islands Local Law Animal Control*.

#### **Objects:**

2. The object of this Local Law is:-
  - (a) to reduce the public and environmental nuisance caused by animals.
  - (b) to encourage responsible animals ownership.
  - (c) to promote the effective management of animals.

#### **Interpretation:**

3. In this Local Law:-
  - (a) "Act" means the Local Government Act 1995.
  - (b) "Authorised Person" means a person authorised by the Council to administer the provisions of this Local Law.
  - (c) "Council" means the Council of the Shire of Cocos (Keeling) Islands.
  - (d) "District" means the Local Government district of the Shire of Cocos (Keeling) Islands.
  - (e) "Identified Animals" means an animal identified in the manner of having a collar around it's neck and the collar or a

tag securely attached to the collar is marked with an identifying number which identifies the name and address of owner of other person entitled to possession of the animal.

- (f) "Premises" shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is intended to be occupied as a separate residence from any other tenement.
- (g) "Unidentified Animal" means an animal that is not identified in the manner as defined in sub-clause (e).

#### **Restrictions on Entry of Animals:**

- 4. (a) no person shall allow the entry of any animal into the district without first making application to council, in writing, and receiving permission from Council, in writing, to allow the entry of the animal.
- (b) no person shall allow the entry of an animal without showing proof, to the satisfaction of Council, that the animal has been sterilised.

#### **Animals not to be a Nuisance**

- 5. No person shall keep or allow to remain on any Premises of which he or she is the owner or occupier, any animal or animals so as to be a nuisance to another person or injurious to the health or amenity of another person by reason of:-
  - (a) the number of animals;
  - (b) the noise or odour generated by the presence of the animal or animals;
  - (c) the aggressive nature of the animals;
  - (d) the wandering of the animal or animals.

#### **Limit of Animal Numbers:**

- 6. (a) Subject to sub-clause (b) the limit on the number of animals kept on any premises shall be two.

- (b) No person shall keep any animal on the premises where the number of animals kept upon the premises exceeds the limit without the permission of the Council.

**Identified Animals:**

- 7. No person shall without permission of the Council keep an animal over the age of three months on any Premises unless the animal is an identified animal.

**Authorised Person**

- 8. (a) The Council may appoint suitable persons to be Authorised Persons for the purpose of administering this Local Law.
- (b) An Authorised person may exercise powers conferred by this Local Law as an Authorised Person within the district.

**Penalties:**

- 9. A person who contravenes or fails to comply with any provisions of this Local Law is upon conviction, liable to a penalty of \$200.00 for each offence.

**Modified Penalties:**

- 10. (a) The offences described in the table set out in the First Schedule to this Local Law are prescribed pursuant to Section 3.10 and 9.17 of the Act as an offence to which a modified penalty applies and the amount appearing in that table directly opposite an offence is the prescribed modified penalty in respect of that offence if dealt with pursuant to this sub-clause.
- (b) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the First Schedule a notice may be served on that person in the form contained in the Second Schedule (in this clause referred to as "an Infringement Notice") informing that person that if the person does not wish to have a complaint of the alleged offence heard and determined by the Court,

the person may pay to Council, within the time therein specified, the amount prescribed as the modified penalty.

- (c) An Infringement Notice may be served on an alleged offender personally or by posting to that person's address as ascertained from the person or immediately following the occurrence giving rise to the allegation of the offence.
  
- (e) Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the Notice, or within any further times in particular case is allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon:-
  - (i) appropriate that amount in satisfaction of the penalty an issue an acknowledgment;
  - or
  - (ii) withdraw the Infringement Notice and refund the amount to paid.
  
- (f) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by Council by sending of a notice in the form contained in the Third Schedule to the alleged offender at the address specified in the notice or to the person's last known place of residence or business and in the event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceedings in respect of the alleged offence be deemed not to have been issued.
  
- (g) Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgement from the Council that the modified penalty has been to the Council is a defence to a charge of the offence in respect of which the modified penalty was paid.

*First Schedule*

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<u>Item</u>	<u>Clause</u>	<u>Nature of Offence</u>	<u>Modified Penalty</u>
1.	5	Keeping an animal so as to be a nuisance or injurious to health	\$50
2.	6(b)	Keeping more than the approved limit on the number of animals	\$50
3.	7	Keeping an unidentified animal over the age of three months	\$50

*Second Schedule*

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INFRINGEMENT NOTICE

No:.....

Date:.....

To.....  
.....

It is alleged that at .....on the.....  
day of.....20.....you committed an offence that you.....  
.....  
.....  
.....  
.....

.....  
(Authorised Person)

You may dispose of this matter:

- (a) by payment of the modified of \$..... within twenty eight days of this notice to the office of the Shire of Cocos (Keeling) Islands or
- (b) by having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken against you.