



Australian Capital Territory

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

SL2005-29

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 1 May 2008 – 6 May 2008

Republication date: 1 May 2008

Last amendment made by SL2008-19

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 May 2008. It also includes any amendment, repeal or expiry affecting the republished law to 1 May 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

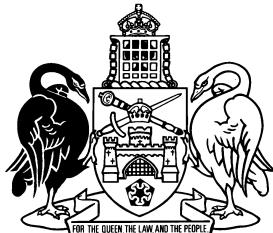
Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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made under the

Magistrates Court Act 1930

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R2
01/05/08

Magistrates Court (Domestic Animals Infringement
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Australian Capital Territory

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R2
01/05/08

Magistrates Court (Domestic Animals Infringement
Notices) Regulation 2005
Effective: 01/05/08-06/05/08

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1 Name of regulation

This regulation is the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*.

3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the domestic animals legislation.

Note The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*registration tag*—see the Domestic Animals Act, dictionary.’ means that the term ‘registration tag’ is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

5 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

6 Administering authority

The administering authority for an infringement notice offence against the domestic animals legislation is the registrar.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the domestic animals legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the domestic animals legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 5 for the offence.
- (2) The penalty payable by a corporation for an offence against the domestic animals legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 5 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the domestic animals legislation is \$34.

9 Contents of infringement notices—identifying particulars for dog or cat

An infringement notice in relation to a dog or cat served on a person by an authorised person for an infringement notice offence against the domestic animals legislation—

- (a) must identify the dog or cat by—
 - (i) breed or description; and
 - (ii) colour; and

- (b) may identify the dog or cat by any of the following:
- (i) sex;
 - (ii) age;
 - (iii) any identification or, for a dog, registration tags;
 - (iv) any collars;
 - (v) any brands or tattoo;
 - (vi) any electronically coded implant;
 - (vii) any marks or scars;
 - (viii) any other noticeable distinguishing marks or features.

10 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the domestic animals legislation must include the company's ACN.

Note The requirement under this regulation is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

company means a company registered under the Corporations Act.

11 Contents of infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the domestic animals legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12

Contents of reminder notices—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the domestic animals legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

13

Cost if liability disputed

The cost of beginning a proceeding is \$200.

14

Authorised people for infringement notice offences

An authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the domestic animals legislation; and
- (b) a reminder notice for an infringement notice offence against the domestic animals legislation.

Note For how documents may be served, see the Legislation Act, pt 19.5.

U

15

Expiry of regulation

- (1) This regulation expires on the default application date.
- (2) In this section:

default application date—see the Criminal Code, section 10.

Note This date is the date the provisions of the Criminal Code, ch 2 apply to all ACT offences.

Schedule 1

**Domestic animals legislation
infringement notice offences
and penalties**

(see s 7 and s 8)

Part 1.1

Domestic Animals Act 2000

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
1	12 (1)	former keeper fail to tell registrar of change of ownership of dog	5	50
2	12 (2)	new keeper for longer than 28 days not tell registrar is keeper	5	50
3	14 (1) (a)	keeping unregistered dog	5	150
4	14 (1) (b)	keeping of registered dog by person not registered keeper	5	150
5	15 (1)	keeper/carer with registered dog not wearing registration tag or tag showing registration number—on private premises (other than own premises)	3	75

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
6	15 (2)	keeper/carer with registered dog not wearing registration tag or tag showing registration number—in public place	3	75
7	15 (3)	dog in public place or on private premises (other than keeper's premises) not with carer and not wearing registration tag or tag showing registration number—keeper	3	75
8	15 (4)	taking off dog's registration tag or tag showing registration number without keeper's consent	5	75
9	15 (5)	allowing dog to wear registration tag not issued for dog or tag showing registration number that's not the dog's number—keeper	5	75
10	16 (1)	registered keeper not tell registrar of change of address	5	50
11	16 (2)	registered keeper not tell registrar of change of address where registered dog kept	5	50

Schedule 1
Part 1.1

Domestic animals legislation infringement notice offences and penalties
Domestic Animals Act 2000

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
12	23 (1)	keeping dangerous dog except in accordance with dangerous dog licence	50	150
13	27 (1)	unmuzzled dangerous dog in public place—carer	10	150
14	27 (2)	uncontrolled dangerous dog in public place—keeper	10	150
15	41 (4)	taking dog into prohibited area	5	150
16	42 (1)	taking dog into grounds of child-care centre etc	5	75
17	42 (2)	taking dog into grounds of high school etc	5	75
18	42 (3)	taking dog onto sporting field etc	5	75
19	42 (4)	taking dog into public place within 10m of certain things	5	75
20	44 (1)	dog not on leash in public place—carer	5	150
21	44 (2)	dog not on leash in public place—keeper	5	150
22	44 (3)	dog without carer in public place—keeper	5	150

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
23	45 (1)	dog not on leash on private premises—carer	5	150
24	45 (3)	dog not on leash on private premises—keeper	5	150
25	45 (5)	dog without carer on private premises and without occupier's consent—keeper	5	100
26	46 (1)	not removing faeces	5	50
27	46 (2)	not carrying equipment for removal of faeces	1	50
28	47 (1)	female dog on heat in public place—keeper/carer	5	150
29	48 (1)	unmuzzled greyhound in public place—carer	5	150
30	48 (2)	unmuzzled greyhound without carer in public place—keeper	5	150
31	48 (3)	4 or more leashed greyhounds in public place—carer	5	150
32	48 (4)	4 or more leashed greyhounds in public place—keeper	5	150
33	50 (1)	carer allows dog to attack/harass person/animal	50	200

Schedule 1
Part 1.1

Domestic animals legislation infringement notice offences and penalties
Domestic Animals Act 2000

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
34	50 (2)	dog attacks/harasses person/animal when not with carer—keeper	50	200
35	54 (2)	fail to produce attacking/harassing dog for inspection—keeper/carers	50	200
36	74 (1)	keeping dog not de-sexed without permit	50	75
37	74 (2)	keeping cat not de-sexed without permit	50	75
38	82 (1)	cat in breach of cat curfew—keeper/carers	10	150
39	84 (1)	keeping dog or cat without prescribed form of identification	5	75
40	84 (2)	selling dog or cat without prescribed form of identification	5	75
41	112 (7)	contravention of nuisance notice	5	150

Part 1.2

**Domestic Animals Regulation
2001**

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
1	6A (1)	keeping 4 or more dogs without multiple dog licence	20	100
2	9A (1)	keeping 4 or more cats without multiple cat licence	20	100
3	15 (1)	person not vet or authorised identifier implanting identifying microchip in dog or cat	10	50
4	15 (2)	person implanting microchip in dog or cat that is not identifying microchip	10	50
5	17 (1)	operator of animal shelter or pound not scanning dog or cat for identifying microchip within 3 days after day dog or cat enters shelter or pound	10	50

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- corporation
- Corporations Act
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

authorised officer—see the Domestic Animals Act, dictionary.

domestic animals legislation means—

- (a) the *Domestic Animals Act 2000*; and
- (b) the *Domestic Animals Regulation 2001*.

registrar—see the Domestic Animals Act, dictionary.

registration tag—see the Domestic Animals Act, dictionary.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005 SL2005-29

notified LR 10 November 2005

s 1, s 2 commenced 10 November 2005 (LA s 75 (1))

remainder commenced 12 November 2005 (s 2 and see Statute Law Amendment Act 2005 A2005-20, s 2 (2) and LA s 79)

Note This regulation exp on the default application date (see s 15 and Criminal Code 2002 A2002-51 s 10).

as amended by

Justice and Community Safety Legislation Amendment Act 2008 A2008-7 sch 1 pt 1.12

notified LR 16 April 2008

s 1, s 2 commenced 16 April 2008 (LA s 75 (1))

sch 1 pt 1.12 commences 7 May 2008 (s 2)

Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2008 (No 1) SL2008-19

notified LR 30 April 2008

s 1, s 2 commenced 30 April 2008 (LA s 75 (1))

remainder commenced 1 May 2008 (s 2 and see Domestic Animals Amendment Act 2007 A2007-35, s 2 and CN2008-6)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am A2008-19 s 4

Administering authority

s 6 am A2008-19 s 4

Infringement notice offences

s 7 am A2008-19 s 4

Infringement notice penalties

s 8 am A2008-19 s 4

Endnotes

Amendment history 4

Contents of infringement notices—identifying particulars for dog or cat
s 9 am A2008-19 s 4
Contents of infringement notices—other information
s 10 am A2008-19 s 4
Contents of infringement notices—identifying authorised person
s 11 am A2008-19 s 4
Contents of reminder notices—identifying authorised person
s 12 am A2008-19 s 4
Authorised people for infringement notice offences
s 14 am A2008-19 s 4
Expiry of regulation
s 15 <u>om A2008-7 amdt 1.62</u>
Domestic animals legislation infringement notice offences and penalties
sch 1 hdg sub SL2008-19 s 5
Domestic Animals Act 2000
sch 1 pt 1.1 hdg ins SL2008-19 s 5 am SL2008-19 ss 6-9; items renum R2 LA
Domestic Animals Regulation 2001
sch 1 pt 1.2 hdg ins SL2008-19 s 10 sch 1 pt 1.2 ins SL2008-19 s 10
Dictionary
dict def Domestic Animals Act om SL2008-19 s 11 def domestic animals legislation ins SL2008-19 s 11

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier publications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised publication has been published in electronic pdf format on the ACT legislation register. A selection of authorised publications have also been published in printed format. These publications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised publication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 12 Nov 2005	12 Nov 2005– 30 Apr 2008	not amended	new regulation

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Justice and Community Safety Legislation Amendment
Act 2008 A2008-7 sch 1 pt 1.12**

Part 1.12

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

[1.62] Section 15

omit

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