



Australian Capital Territory

# **Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005**

**SL2005-29**

made under the

**Magistrates Court Act 1930**

**Republication No 1**

**Effective: 12 November 2005 – 30 April 2008**

Republication date: 12 November 2005

Regulation not amended

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 12 November 2005. It also includes any commencement, repeal or expiry affecting the republished law.

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](http://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 amendments

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 does not include 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.



Australian Capital Territory

# Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

made under the

**Magistrates Court Act 1930**

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R1  
12/11/05

Magistrates Court (Domestic Animals Infringement  
Notices) Regulation 2005  
Effective: 12/11/05-30/04/08

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Australian Capital Territory

# Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

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made under the

**Magistrates Court Act 1930**

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R1  
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Magistrates Court (Domestic Animals Infringement  
Notices) Regulation 2005  
Effective: 12/11/05-30/04/08

page 1

**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 Act.

*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 Act 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 Act mentioned in schedule 1, column 2.

**8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the Domestic Animals Act, 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 Act, 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 Act 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 Act—

- (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 Act 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 Act 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.



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**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 Act 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 Act; and
- (b) a reminder notice for an infringement notice offence against the Domestic Animals Act.

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

**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 Act infringement notice offences and penalties

(see s 7 and s 8)

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) (a)	keeper/carer with dog not wearing registration tag—on private premises (other than own premises)	3	75
6	15 (1) (b)	keeper/carer with dog not wearing registration tag—in public place	3	75
7	15 (3)	taking off registration tag without keeper's permission	5	75

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 description of offence</b>	<b>column 4 offence penalty (penalty units)</b>	<b>column 5 infringement penalty (\$)</b>
8	15 (4)	use of registration tag not issued for dog	5	75
9	16 (1)	registered keeper not tell registrar of change of address	5	50
10	16 (2)	registered keeper not tell registrar of change of address where registered dog kept	5	50
11	18 (1)	keeping 4 or more dogs	50	50
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

**Schedule 1**

## Domestic Animals Act infringement notice offences and penalties

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 description of offence</b>	<b>column 4 offence penalty (penalty units)</b>	<b>column 5 infringement penalty (\$)</b>
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
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/carers	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

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 description of offence</b>	<b>column 4 offence penalty (penalty units)</b>	<b>column 5 infringement penalty (\$)</b>
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
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 cat not de-sexed without permit	50	50
37	74 (2)	keeping dog not de-sexed without permit	50	50
38	82 (1)	cat in breach of cat curfew—keeper/carers	10	150
39	83 (1)	keeping dog or cat without prescribed form of identification	5	150
40	112 (7)	contravention of nuisance notice	5	150

## 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 Act*** means the *Domestic Animals Act 2000*.

***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

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### 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 \(see s 15  
and Criminal Code 2002 A2002-51 s 10\).](#)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

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