



Australian Capital Territory

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

SL2005-29

made under the

Magistrates Court Act 1930

Republication No 11

Effective: 10 April 2020 – 27 August 2020

Republication date: 10 April 2020

Last amendment made by [A2019-35](#)

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 10 April 2020. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 April 2020.

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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Magistrates Court Act 1930

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R11
10/04/20

Magistrates Court (Domestic Animals Infringement
Notices) Regulation 2005

contents 1

Effective: 10/04/20-27/08/20

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Australian Capital Territory

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

made under the

Magistrates Court Act 1930

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 ‘*registrar*—see the *Domestic Animals Act 2000*, dictionary.’ means that the term ‘registrar’ 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 collars;

- (iv) any brands or tattoo;
- (v) any electronically coded implant;
- (vi) any marks or scars;
- (vii) 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

A person appointed as an authorised person under the *Domestic Animals Act 2000*, section 123 (Authorised people) may serve the following:

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

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	10	250
2	12 (2)	new keeper of dog for longer than 28 days fail to tell registrar	10	250
3	14 (1) (a)	keeping unregistered dog	15	350
4	14 (1) (b)	keeping of registered dog by person not registered keeper	15	350
5	16 (1)	registered keeper fail to tell registrar of change of address	5	150
6	16 (2)	registered keeper fail to tell registrar of change of address where registered dog kept	5	150
7	18 (1)	keeping multiple dogs without licence	50	750

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
8	21 (5)	multiple dog licence—fail to comply with condition prescribed under s 21 (4) (a)	50	750
9	23 (1)	keeping dangerous dog without licence	100	1 500
10	23 (1)	dangerous dog licence—fail to comply with condition prescribed under s 26 (3) (a)	100	1 500
11	27 (1)	unmuzzled dangerous dog in public place—carer	20	500
12	27 (2)	dangerous dog in public place without carer—keeper	20	500
13	28 (1)	fail to display dangerous dog warning sign	5	150
14	39D (1) (a)	keep unregistered racing greyhound	50	1 000
15	39D (1) (b)	keeping of registered racing greyhound by person not registered keeper or licensed racing greyhound controller	50	1 000

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 (\$)
16	39G (1)	have day-to-day control of racing greyhound without holding racing greyhound controller licence	50	1 000
17	39G (2)	fail to comply with condition of racing greyhound controller licence	50	750
18	41 (5)	taking dog into prohibited area	5	150
19	42 (1)	taking dog into grounds of child-care centre etc	15	350
20	42 (2)	taking dog into grounds of high school etc	10	150
21	42 (3)	taking dog onto sporting field etc where sport etc being played	10	150
22	42 (4)	taking dog into public place within 10m of certain things	10	150
23	44 (1)	dog not on leash in public place—keeper/carer	15	250
24	44 (2)	dog not under effective control in public place—keeper/carer	15	250

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
25	44 (3)	dog without carer in public place—keeper	15	350
26	45 (1)	dog off leash on private premises without occupier's consent—carer	10	250
27	45 (3)	dog off leash on private premises without occupier's consent—keeper	10	250
28	45 (5)	dog without carer on private premises without occupier's consent—keeper	15	350
29	46 (1)	not hygienically disposing of faeces	5	150
30	46 (2)	not carrying equipment for hygienic disposal of faeces	5	75
31	47 (1)	female dog on heat in public place—keeper/carers	15	350
32	49A (1)	dog attacks or harasses person/animal—carer	50	500
33	49A (2)	dog attacks or harasses person/animal—keeper	50	500

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	53CB (2)	fail to give carer copy of control order—keeper	50	350
35	53E (1)	control order—fail to comply with order prescribed under s 53CA (a)	50	500
36	56A (6)	home impoundment direction—fail to comply with condition prescribed under s 56A (4) (a)	50	750
37	60 (6)	home impoundment direction—fail to comply with condition prescribed under s 60 (4) (a)	50	750
38	72 (1)	breeding dog or cat without licence	50	1 500
39	72 (2)	breeding racing greyhound without licence	50	1 500
40	72K (1)	breeding and selling dog or cat without licence	50	1 500
41	72K (2)	licensed breeder fail to include breeding licence number when advertising sale of dog or cat	10	250
42	72M (1)	fail to report breeding of litter of greyhounds	10	300

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
43	74 (1)	keeping dog not de-sexed without permit	50	500
44	74 (2)	keeping cat not de-sexed without permit	50	350
45	74A (1)	sale of older dog or cat not de-sexed	50	500
46	79 (1)	fail to produce permit for not de-sexed dog or cat within 24 hours	5	150
47	82 (1)	cat in breach of cat containment—keeper/carer	10	300
48	84 (1)	keeping dog or cat without prescribed form of identification	15	450
49	84 (2)	selling dog or cat without prescribed form of identification	15	450
50	106E (3) (b) (i)	stop person accompanied by accredited assistance animal entering public place/public premises	50	500
51	106E (3) (b) (ii)	stop accredited assistance animal entering public place/public premises	50	500

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 (\$)
52	106E (3) (b) (iii)	remove accredited assistance animal from public place/public premises	50	500
53	106E (4)	impose fee or charge for accredited assistance animal in public place/public premises	50	500
54	106F (2)	falsely claiming animal is accredited assistance animal	20	500
55	112 (7)	fail to comply with nuisance notice	5	150
56	134A (2)	fail to comply with request to produce animal for inspection	50	650

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	9A (1)	keeping multiple cats without licence	20	500
2	11 (1)	selling or supplying fake identifying microchip	10	300
3	15 (1)	person not vet or authorised identifier implanting identifying microchip in dog or cat	10	150
4	15 (2)	implanting microchip in dog or cat that is not identifying microchip	10	50
5	16 (3)	implanting identifying microchip not in accordance with code	10	300
6	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	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.

domestic animals legislation means—

- (a) the [Domestic Animals Act 2000](#); and
- (b) the [Domestic Animals Regulation 2001](#).

registrar—see the [Domestic Animals Act 2000](#), 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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)

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 commenced 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](#))

[Domestic Animals Amendment Act 2010](#) A2010-3 sch 1 pt 1.2

notified LR 17 February 2010

s 1, s 2 commenced 17 February 2010 (LA s 75 (1))

sch 1 pt 1.2 commenced 18 February 2010 (s 2)

[Statute Law Amendment Act 2014](#) A2014-18 sch 3 pt 3.15

notified LR 20 May 2014

s 1, s 2 commenced 20 May 2014 (LA s 75 (1))

sch 3 pt 3.15 commenced 10 June 2014 (s 2 (1))

[Territory and Municipal Services Legislation Amendment Act 2014](#) A2014-32 pt 4

notified LR 20 August 2014

s 1, s 2 commenced 20 August 2014 (LA s 75 (1))

pt 4 commenced 21 August 2014 (s 2)

Domestic Animals Amendment Act 2014 A2014-39 sch 1

notified LR 30 September 2014

s 1, s 2 commenced 30 September 2014 (LA s 75 (1))

sch 1 commenced 1 October 2014 (s 2)

Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.19

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.19 commenced 10 June 2015 (s 2)

**Domestic Animals (Racing Greyhounds) Amendment Act 2017
A2017-44 sch 1 pt 1.2 (as am by A2018-11 sch 1)**

notified LR 5 December 2017

s 1, s 2 commenced 5 December 2017 (LA s 75 (1))

sch 1 pt 1.2 commenced 30 April 2018 (s 2)

Domestic Animals Legislation Amendment Act 2018 A2018-11 sch 1

notified LR 18 April 2018

s 1, s 2 commenced 18 April 2018 (LA s 75 (1))

sch 1 commenced 30 April 2018 (s 2 (2) and see [Domestic Animals \(Racing Greyhounds\) Amendment Act 2017 A2017-44 s 2](#))

Note Sch 1 amends the [Domestic Animals \(Racing Greyhounds\) Amendment Act 2017 A2017-44](#).

**Magistrates Court (Domestic Animals Infringement Notices)
Amendment Regulation 2018 (No 1) SL2018-12**

notified LR 29 June 2018

s 1, s 2 commenced 29 June 2018 (LA s 75 (1))

remainder commenced 30 June 2018 (s 2)

Animal Welfare Legislation Amendment Act 2019 A2019-35 pt 8

notified LR 10 October 2019

s 1, s 2 commenced 10 October 2019 (LA s 75 (1))

pt 8 commenced 10 April 2020 (s 2 (2))

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am [A2008-19](#) s 4

Dictionary

s 4 am [SL2018-12](#) 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

Contents of infringement notices—identifying particulars for dog or cat

s 9 am [A2008-19](#) s 4; [SL2018-12](#) s 5; pars renum R10 LA

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; [A2010-3](#) amdt 1.2; [A2015-15](#) amdt 3.92, amdt 3.93

Expiry of regulation

s 15 om [A2008-7](#) amdt 1.62

Domestic animals legislation infringement notice offences and penalties

sch 1 hdg sub [SL2008-19](#) s 5; [SL2018-12](#) s 6

Domestic Animals Act 2000

sch 1 pt 1.1 hdg ins [SL2008-19](#) s 5

sch 1 pt 1.1 am [SL2008-19](#) ss 6-9; items renum R2 LA; [A2014-18](#) amdts 3.66-3.68; [A2014-32](#) s 9; [A2014-39](#) amdt 1.1;

[A2017-44](#) amdt 1.3; items renum R9 LA

sub [SL2018-12](#) s 6

am [A2019-35](#) s 135, items renum R11 LA

Domestic Animals Regulation 2001sch 1 pt 1.2 hdg ins [SL2008-19](#) s 10sch 1 pt 1.2 ins [SL2008-19](#) s 10sub [SL2018-12](#) s 6**Dictionary**

dict

def **authorised officer** om [A2010-3](#) amdt 1.3def **Domestic Animals Act** om [SL2008-19](#) s 11def **domestic animals legislation** ins [SL2008-19](#) s 11def **registration tag** om [SL2018-12](#) s 7**5 Earlier republications**

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication 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
R2 1 May 2008	1 May 2008– 6 May 2008	SL2008-19	amendments by SL2008-19
R3 7 May 2008	7 May 2008– 17 Feb 2010	SL2008-19	amendments by A2008-7
R4 18 Feb 2010	18 Feb 2010– 9 June 2014	A2010-3	amendments by A2010-3
R5 10 June 2014	10 June 2014– 20 Aug 2014	A2014-18	amendments by A2014-18
R6 21 Aug 2014	21 Aug 2014– 30 Sept 2014	A2014-32	amendments by A2014-32
R7 1 Oct 2014	1 Oct 2014– 9 June 2015	A2014-39	amendments by A2014-39

Endnotes

5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R8 10 June 2015	10 June 2015– 29 Apr 2018	A2015-15	amendments by A2015-15
R9 30 Apr 2018	30 Apr 2018– 29 June 2018	A2018-11	amendments by A2017-44 as amended by A2018-11
R10 30 June 2018	30 June 2018– 9 Apr 2020	SL2018-12	amendments by SL2018-12

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