



Australian Capital Territory

# Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

Subordinate Law SL2014-3

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The Australian Capital Territory Executive makes the following regulation under the *Magistrates Court Act 1930*.

Dated 28 February 2014.

SIMON CORBELL  
Minister

JOY BURCH  
Minister

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# Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

Subordinate Law SL2014-3

made under the

[Magistrates Court Act 1930](#)

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**1 Name of regulation**

This regulation is the *Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014*.

**2 Commencement**

- (1) This regulation (other than schedule 1, items 2 to 4) commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) Schedule 1, items 2 to 4 commence on the later of—

(a) the commencement of the *Animal Welfare (Factory Farming) Amendment Act 2014*, section 3; and

(b) the day after this regulation’s notification day.

**3 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 ‘*authorised officer*—see the [Animal Welfare Act 1992](#), dictionary.’ means that the term ‘authorised officer’ 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)).

#### **4 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.

#### **5 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 [Animal Welfare Act 1992](#).

*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.

#### **6 Administering authority**

The administering authority for an infringement notice offence against the [Animal Welfare Act 1992](#) is the Animal Welfare Authority.

#### **7 Infringement notice offences**

The [Magistrates Court Act 1930](#), part 3.8 applies to an offence against a provision of the [Animal Welfare Act 1992](#) mentioned in schedule 1, column 2.

#### **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the [Animal Welfare Act 1992](#), under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.

- (2) The penalty payable by a corporation for an offence against the *Animal Welfare Act 1992*, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the *Animal Welfare Act 1992* is \$34.

## **9 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 *Animal Welfare Act 1992* 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.

## **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 *Animal Welfare Act 1992* must include the company's ACN.

*Note* The requirement under this section 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 reminder notices—identifying authorised person**

A reminder notice served on a person by an authorised person for an infringement notice offence against the *Animal Welfare Act 1992* 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 Authorised people for infringement notice offences**

An inspector or authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the *Animal Welfare Act 1992*; or
- (b) a reminder notice for an infringement notice offence against the *Animal Welfare Act 1992*.



## Schedule 1      Animal Welfare Act 1992 infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	9 (1)	10	280
2	9A (1)	50	1 400
3	9B (1)	50	1 400
4	9C (1)	50	1 400
5	10 (2)	10	280
6	12A (3)	10	280
7	14 (2)	5	140
8	15A (1)	20	560
9	19A (1)	50	1 400
10	19A (2)	50	1 400
11	19A (3)	50	1 400
12	24B (1)	50	350
13	33 (1)	10	280
14	42 (3)	5	140
15	42 (4)	1	28
16	45 (1)	10	280
17	59 (1)	10	280
18	60 (2)	5	140
19	70 (1)	10	280
20	73G (1)	10	280

**Schedule 1**Animal Welfare Act 1992 infringement notice offences and penalties

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
21	78 (4)	1	28
22	85 (6)	50	1 400

## Dictionary

(see s 3)

*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.

***Animal Welfare Authority*** means the Animal Welfare Authority established under the [Animal Welfare Act 1992](#), section 5.

***authorised officer***—see the [Animal Welfare Act 1992](#), dictionary.

***inspector***—see the [Animal Welfare Act 1992](#), dictionary.

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 6 March 2014.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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