



Australian Capital Territory

# **Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014**

**SL2014-3**

made under the

**Magistrates Court Act 1930**

**Republication No 5**

**Effective: 10 April 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 (Animal Welfare Infringement Notices) Regulation 2014*, 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](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 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](http://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).



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Australian Capital Territory

# Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014

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made under the

**Magistrates Court Act 1930**

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R5  
10/04/20

Magistrates Court (Animal Welfare Infringement Notices)  
Regulation 2014

page 1

Effective: 10/04/20

**1 Name of regulation**

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

**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 the following:

- (a) an infringement notice for an infringement notice offence against the *Animal Welfare Act 1992*;  
(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	6C (1)	25	500
2	6D (1)	25	500
3	6E (1)	25	500
4	6F (1)	25	500
5	6G (2)	50	500
6	8 (1)	25	500
7	9 (2)	50	500
8	9 (4)	20	500
9	9A (1)	50	1 400
10	9B (1)	50	1 400
11	9C (1)	50	1 400
12	10 (2)	20	200
13	11 (2)	50	500
14	11 (3)	50	500
15	12A (3)	20	500
16	14 (2)	20	500
17	15A (1)	20	500
18	15B (4)	50	750

**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>
19	16 (3)	50	500
20	19A (1)	50	1 400
21	19A (2)	50	1 400
22	19A (3)	50	1 400
23	24D (1)	20	500
24	24P (1)	25	250
25	24Q (1)	25	250
26	24R (1)	50	500
27	24S (1)	50	500
28	28 (2)	50	500
29	33 (1)	10	280
30	39 (2)	50	500
31	42 (3)	5	150
32	42 (4)	5	150
33	45 (1)	10	280
34	56 (2)	50	500
35	56 (3)	50	500
36	59 (1)	10	280
37	60 (1A)	50	500
38	60 (2)	15	250
39	62 (1)	50	500
40	65 (2)	50	500
41	70 (1)	10	280

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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>
42	73G (1)	10	280
43	78 (4)	5	150
44	82A (6)	15	300
45	86B (3)	50	500

## 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.

## 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

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### 3 Legislation history

#### **Magistrates Court (Animal Welfare Infringement Notices) Regulation 2014 SL2014-3**

notified LR 6 March 2014  
s 1, s 2 commenced 6 March 2014 (LA s 75 (1))  
sch 1 items 2 to 4 commenced 7 March 2014 (s 2 (2) and see [Animal Welfare \(Factory Farming\) Amendment Act 2014](#) A2014-3 s 2)  
remainder commenced 7 March 2014 (s 2 (1))

as amended by

#### **[Statute Law Amendment Act 2015](#) A2015-15 sch 3 pt 3.12**

notified LR 27 May 2015  
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))  
sch 3 pt 3.12 commenced 10 June 2015 (s 2)

#### **[Animal Welfare Amendment Act 2016](#) A2016-19 sch 1 pt 1.3**

notified LR 13 April 2016  
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))  
sch 1 pt 1.3 commenced 31 May 2016 (s 2, [CN2016-11](#) and see LA s 77 (3))

#### **[Animal Welfare Legislation Amendment Act 2019](#) A2019-35 pt 7**

notified LR 10 October 2019  
s 1, s 2 commenced 10 October 2019 (LA s 75 (1))  
s 134 commenced 10 April 2020 (s 2 (2))  
pt 7 remainder commenced 17 October 2019 (s 2 (1))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Authorised people for infringement notice offences**

s 12 am [A2015-15](#) amdt 3.66, amdt 3.67

#### **Animal Welfare Act 1992 infringement notice offences and penalties**

sch 1 am [A2016-19](#) amdt 1.5; items renum R3 LA  
sub [A2019-35](#) s 133  
am [A2019-35](#) s 134; items renum R5 LA

## 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 7 Mar 2014	7 Mar 2014– 9 June 2015	not amended	new regulation
R2 10 June 2015	10 June 2015– 30 May 2016	<a href="#">A2015-15</a>	amendments by <a href="#">A2015-15</a>
R3 31 May 2016	31 May 2016– 16 Oct 2019	<a href="#">A2016-19</a>	amendments by <a href="#">A2016-19</a>
R4 17 Oct 2019	17 Oct 2019– 9 Apr 2020	<a href="#">A2019-35</a>	amendments by <a href="#">A2019-35</a>

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