

2005

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT (DOMESTIC ANIMALS INFRINGEMENT
NOTICES) REGULATION 2005**

SUBORDINATE LAW SL2005-29

EXPLANATORY STATEMENT

**Circulated by the authority of
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Overview

Part 3.8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005 (the regulation) enables notices to be issued for certain offences against the *Domestic Animals Act 2000* (the DA Act).

The DA Act outlines legislative requirements for the registration of dogs and other control measures designed to encourage the effective and responsible care and management of domestic animals.

The regulation contains an infringement notice scheme similar to the scheme currently found in part 4 of the DA Act, which will be repealed by part 3.16 of the *Statute Law Amendment Act 2005*. The repeal of part 4 of the DA Act and the making of the regulation under the Magistrates Court Act will avoid unnecessary duplication of provisions and create a degree of standardisation with other infringement notice schemes.

The regulation also enables infringement notices to be issued for additional offences against the DA Act.

The ability to issue infringement notices for offences against the DA Act will encourage compliance with the legislation and allow for immediate action to be taken against people who breach the Act.

Section Notes

Section 1 - Name of regulations - explains that the name of the regulations is the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*.

Section 2 - Commencement - provides that the regulations commence on the commencement of the *Statute Law Amendment Act 2005*, part 3.16.

Section 3 - Purpose of regulations - explains that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the DA Act.

Section 4 - Dictionary - explains that the dictionary at the end of the regulation is part of the regulation.

Section 5 - Notes – explains that a note included in the regulation is explanatory and is not part of the regulation.

Section 6 - Administering authority – designates the Registrar, appointed under section 121 of the DA Act, to be the administering authority for an infringement notice offence.

Section 7 - Infringement notice offences - provides that infringement notices can be issued for the offences listed in schedule 1, column 2 of the regulation.

Section 8 - Infringement notice penalties - provides that the penalties for the offences against the DA Act are listed in column 4 of schedule 1 of the regulation. Penalties for an offence by a corporation are five times that applicable for an individual.

This section also provides that an additional fee of \$34 is charged for issuing a reminder notice for an infringement notice offence.

Section 9 – Contents of infringement notices – identifying particulars for dog or cat – specifies that an infringement notice issued in relation to a dog or cat must identify the animal by breed or description and colour. The animal may also be identified by other means, such as distinguishing marks or features, identification tags or sex.

Section 10 - Contents of infringement notices - other information - specifies that infringement notices served on a company must include the company's ACN.

Section 11 - Contents of infringement notices - identifying authorised person - provides that an infringement notice must identify the authorised person who served the notice. An authorised person may be identified in the notice by their full name, or surname and initials. Alternatively, the notice may identify that person by any unique number given to them by the administering authority.

Section 12 - Contents of reminder notices - identifying authorised person - provides that a reminder notice for an infringement notice offence must identify the authorised person who served the notice. An authorised person may be identified in the notice by their full name, or surname and initials, and the position held by the authorised person as it appears on their identity card. Alternatively, the notice may identify that person by any unique number given to them by the administering authority.

Section 13 – Cost if liability disputed – provides that if a person wishes to dispute liability for an infringement notice offence in the Magistrates Court, the cost of beginning a proceeding is \$200.

Section 14 – Authorised people for infringement notice offences - provides that an authorised person under the DA Act may serve infringement notices and reminder notices for infringement notice offences.

Section 15 – Expiry of Regulation – provides for the expiry of the regulation on the day the *Criminal Code 2002* applies to all ACT offences. This 'sunset clause' is included to ensure infringement notice schemes for Acts yet to be harmonised with the Criminal Code are reviewed.

Schedule 1 – Domestic Animals Act infringement notice offences and penalties - lists the infringement notice offences and penalties under Regulations 7 and 8.