

Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2008 (No 1)

Subordinate Law SL2008-19

made under the

Magistrates Court Act 1930, section 119 – Regulations about infringement notice offences

EXPLANATORY STATEMENT

OVERVIEW

Part 3.8 of the *Magistrates Court Act 1930* provides that offences prescribed under a regulation made under that Act can be dealt with by way of an infringement notice. Part 3.8 contains provisions about:

- how infringement notices are to be served;
- what infringement notices should contain;
- how much time a person has to pay an infringement notice;
- how someone goes about paying an infringement notice;
- reminder notices relating to infringement notices;
- how someone seeks an extension of time to pay an infringement notice;
- how someone disputes liability for an infringement notice; and
- what happens if someone doesn't pay an infringement notice.

The *Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2008* (the Regulation) is to be made pursuant to Part 3.8 of the *Magistrates Court Act 1930* and will enable infringement notices to be issued for prescribed offences under the *Domestic Animals Act 2000* (as amended), and the *Domestic Animals Regulation 2001* (as amended).

The *Domestic Animals Act 2000* has been amended by the *Domestic Animals Amendment Act 2007* which was notified on 22 November 2007. The amended Act outlines legislative requirements for the life-time registration, compulsory microchipping of dogs and other control measures designed to encourage the effective and responsible care and management of domestic animals in the ACT.

Similarly, the *Domestic Animals Regulation 2001* has been amended by the *Domestic Animals Amendment Regulation 2008*, which commences on 1 May 2008.

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

SUMMARY OF CLAUSES

Clause 1 - Name of regulation - explains that the name of the regulation is the *Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2008 (No 1)*.

Clause 2 - Commencement - provides that the Regulation commence on the same day to the Amendment Act.

Clause 3 – Legislation amended – The Regulation amends the Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005.

Clause 4 - Section 3 etc – omits reference to Domestic Animals Act in sections 3, 6, 7, 8, 9, 10(1), 11, 12, and 14 and replaces with a reference to “domestic animals legislation”.

Clause 5 – Schedule 1 heading – the heading “Domestic Animals Act infringement notice offences and penalties” has been changed to “Domestic animals legislation infringement notice offences and penalties”.

Clause 6 – Schedule 1, items 5 to 8 – provides that infringement notices can be issued for the offence listed in Schedule 1, items 5 to 8A in relation to registered dog not wearing registration tag as well as wearing inappropriate registration tag.

Clause 7 – Schedule 1, item 11 – omits item 11 in Schedule 1.

Clause 8 – Schedule 1, items 36 and 37 - provides that infringement notices can be issues for keeping dogs and cats not de-sexed without appropriate permit.

Clause 9 – Schedule 1, item 39 – indicates that infringement notice can be issued for keeping and selling dog or cat without prescribed form of identification. The animal must be identified by identification tag.

Clause 10 – Schedule 1, new Part 1.2 - provides that infringement notices can be issued for the offence listed in the Domestic Animals Regulation. The offence includes keeping 4 or more dogs and cats without a multiple license. It is also an offence for a person not vet or authorised identifier for implanting microchips.

Clause 11 – Dictionary, new definition of *domestic animals legislation* - provides definition of domestic animals legislation which means that (i) the *Domestic Animals Act*; and (ii) the Domestic Animals Regulation 2001.