

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

Domestic Animals (Cat Containment) Bill 2005

EXPLANATORY STATEMENT

**Circulated by the authority of
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Domestic Animals (Cat Containment) Bill 2005

Outline

This is an amending Bill. It amends the *Domestic Animals Act 2000* referred to in the Amending Bill as the 'Act'. The Act and the Domestic Animals Regulation 2001 (the Regulation) provide the legislative basis for the management of domestic animals, predominantly dogs and cats, in the Territory. Domestic Animal Services provide the regulatory services under the legislation operating from Mugga Lane, Symonston where the dog pound is located. Domestic Animal Services is a municipal service delivered by City Operations within the Department of Urban Services under a service level agreement with Canberra Urban Parks and Places which is responsible for domestic animals policy.

The Act commenced in December 2000. The Government has foreshadowed a further review of the Act as a whole in its legislation review program proposed for 2005-06.

The need to amend the Act to introduce additional provisions for cat management has arisen from the Government's decision to declare the new suburbs of Forde and Bonner in Gungahlin, together with the adjacent Mulligans Flat and Goorooyarroo Nature Reserves, as an area where domestic cats must be permanently confined to their keeper's or carer's premises, or within purpose-built cat runs (enclosures), for twenty-four hours a day. The disallowable instrument giving effect to this decision to declare a cat curfew area took effect on 18 February 2005.

In January 2005, the Chief Minister approved a minor amendment to the Act as part of the Government's Statute Law Amendment Bill. This amendment, which took effect on 2 June 2005, removes any doubt that the meaning of 'curfew' as defined in the Act may include 'at all times'.

The purpose of the declared cat containment area is to reduce the effect of domestic cats in Forde and Bonner as predators of endangered species in the nearby Nature Reserves. These endangered species include four native bird species listed as vulnerable under the ACT's threatened species legislation.

To ensure the declared cat containment area is effective, the amendments to the Act and the Regulation introduce new cat management provisions. In summary, these amendments provide for:

- (a) enforcement of cat containment within the declared areas;
- (b) compulsory identification of cats by microchip in the cat containment area, and progressive introduction of identification of cats over 12 weeks of age by microchip at point of sale for the rest of Canberra over a three year period;
- (c) seizure of stray cats;
- (d) temporary housing of seized stray cats; and
- (e) identification, release to their owners or disposal of seized cats.

These amendments do not provide for cat registration or cat registration fees.

Revenue and cost implications

These amendments assume the Government has no plans to establish a cat pound. Services for housing of seized cats will be provided by the RSPCA or by commercial catteries. For cats whose ownership can be established, housing or microchipping costs will be met by cat owners, on a fee-for-service basis. A schedule of fees for these new charges will be established under existing section 144 of the Act. For seized cats whose ownership cannot be established, these costs will be met by Government. The cost impact of introducing compulsory cat identification in the cat containment area, and progressively at point of sale for the rest of Canberra over three years, will be met by the local pet industry and owners, not by Government.

The Department of Urban Services will fund the cost of implementing these amendments in the ordering of departmental priorities following outcomes of the 2005-06 budget development process. Media, education and signage costs have been estimated at \$30,000 over two years. Specialist training for rangers and outfitting one vehicle for one additional half-time ranger would cost approximately \$75,000 in 2005-06 and \$50,000 per year thereafter. Veterinary and database services are estimated at \$20,000 per annum.

Clause Notes

Part 1. Preliminary

Clauses 1 and 2 are formal requirements. They deal with the name of the Act, and the commencement provisions. The Act will commence immediately the day after it is notified.

Clause 3 explains that this first part of the Bill amends the *Domestic Animals Act 2000*.

Part 2. Domestic Animals Act 2000

Clause 4 inserts a new section 4A in Part 1 of the Act.

This new section 4A provides for other legislation to apply, namely the Criminal Code and the Legislation Act, in relation to particular offences, that is, for section 82 (Cats in breach of curfew) and section 83A (Identification of dogs and cats – requirement).

Clauses 5 and Clause 6 substitute a new Note for section 7 and section 13(2), respectively. In both cases, the new Notes identify the new section 138A which deals with how persons are disqualified from keeping an animal.

Clause 7 relocates existing section 72 as section 138A.

Clause 8 substitutes a new section 82 (Cats in breach of cat curfew).

Section 82. Cats in breach of cat curfew.

New section 82 defines the offences for which the keeper or carer of a cat who lives in an area for which declaration of a cat curfew area has been made may be liable under section 81 of the Act.

New subsection 82(1) establishes that a cat's keeper or carer commits an offence if a cat is in an area for which a declaration has been made under section 81, and the cat is not confined to the premises of a keeper or carer during the time that the declaration is in force. The maximum penalty for this offence is 10 penalty units.

The Dictionary of the Act defines the meaning of 'keeper'. For a dog, the keeper means the registered keeper of the dog. For a cat, the keeper means the owner of the cat.

The Dictionary of the Act defines the meaning of 'carer'. For any animal, including a dog or cat, at any particular time, the carer means an individual over 14 years of age who is in charge of the animal.

New subsection 82(2) provides that the subsection 82(1) offence is a strict liability offence, that is, the offender will be liable regardless of whether fault can be proved.

New subsection 82(3) provides that section 82 will not apply if the cat's keeper or carer has a reasonable excuse.

New subsection 82(4) provides for a definition of 'premises' for this section which means a completely or partly enclosed space from which a cat cannot escape including: (a) building or part of a building; (b) a vehicle; and (c) a cat cage. This makes it clear that a cat being transported in a car to a veterinary surgeon for treatment will not be an offence under subsection 82(1); and that the meaning of premises includes a purpose-built cat cage or enclosure which may or may not form part of a residential building.

Clause 9 substitutes new sections 83 and 84 in the Act providing a regulation-making power which extends to the compulsory identification of both dogs and cats with associated penalties for non-compliance.

Section 83. Identification of dogs and cats-regulations

New section 83 provides for regulations to identify dogs and cats.

New subsection 83(1) provides for regulations for the compulsory identification of dogs and cats.

New subsection 83(2) provides regulations for specifying:

- (a) how dogs and cats are identified;
- (b) procedures for compulsory identification of dogs and cats;
- (c) the people who may carry out compulsory identification and their duties; and
- (d) the particulars required making up an identification.

A registration tag is given as the example of how dogs may be required to be identified. For cats, an implanted microchip is given as the example of how cats may be required to be identified. These amendments do not propose that cats will be identified by a registration tag.

Section 84. Identification of dogs and cats - requirement

New section 84 provides for penalties if regulations are made for the identification of dogs or cats.

New subsection 84(1) provides that if a person (a) keeps a dog or cat, and (b) the dog or cat is required to be identified by a regulation made under section 83, and (c) the dog or cat is not so identified, that person commits an offence.

The maximum penalty for this offence is 5 penalty units.

New subsection 84(2) provides that if a person (a) sells a cat, and (b), the cat, after sale, is required to be identified by a regulation made under section 83, and (c) the cat is not so identified, that person commits an offence.

The maximum penalty for this offence is 5 penalty units.

New subsection 84(3) provides that offences in section 84 are a strict liability offence, that is, the offender will be liable regardless of whether fault can be proved.

Clause 10 inserts a new part 4 in the Act.

Part 4. Seizing cats and dealing with them

These new provisions for cats in this part closely follow those which currently apply for dogs, see Division 2.7 of the Act.

Section 85. Approved providers

New section 85 allows for approved providers to be approved by the registrar. An approved provider is approved to provide temporary care to cats seized under this Part.

New subsection 85(1) provides that at: (a) an approved provider may be either the Royal Society for Prevention of Cruelty to Animals, or (b) another entity approved under section 85(2).

New subsection 85(2) provides a general power to the registrar to approve any suitable entity as an approved provider. The registrar is a public servant appointed by the chief executive under section 121 of the Act. The registrar is normally the Manager of Domestic Animal Services.

New subsection 85(3) provides for approval to be given by means of a notifiable instrument notified under the Legislation Act.

Section 86. Seizure of cats

New section 86 provides for the seizure of cats by authorised officers.

New subsection 86(1) provides that an authorised officer may seize a cat if (a), the cat is in an area for which a declaration under section 81 is in force; and (b), the cat is not confined to the premises of a keeper or carer during the time the declaration is in force.

New subsection 86(2) provides that an authorised officer may also seize a cat if the officer reasonably believes (a) the cat is required to be identified by a regulation under section 83; and (b) the cat is not so identified.

New subsection 86(3) provides that the definition of ‘premises’ used in this section is the same as that defined in section 82 of the Act.

Section 87. Temporary care of seized cats

New section 87 provides for the temporary care of seized cats by authorised officers.

New subsection 87(1) provides that an authorised officer must (a) arrange for a seized cat to be temporarily cared for by an approved provider; (b) make reasonable enquiries to find out who is the keeper of the cat; and (c) if the keeper of the cat is established, give oral or written notice to the cat’s keeper in accordance with section 88 about the cat’s seizure.

New subsection 87(2) allows the authorised officer to give notice by telephone.

A fee may be determined for this section under section 144 of the Act.

Section 88. Information to be given in notice of cat's seizure

New section 88 specifies matters about which information must be given in a notice issued under subsection 87(1)(c) above, if a cat is seized.

These matters are: (a) when and where the cat was seized; (b) the reason a cat was seized; (c) where the cat may be claimed; (d) if a cat is not identified by microchip, the implanting of act by microchip for identification, including the cost of implanting a microchip; (e) that the cat may be sold or destroyed if not claimed; (f) the period within which a cat may be claimed; and (g) that the keeper may relinquish ownership of the cat. A fee may be determined for this section under section 144 of the Act.

Section 89. Releasing seized cats

New section 89 provides for the release of seized cats.

New subsection 89(1) specifies that an authorised officer or an approved provider must release a cat to a person claiming its release if, but only if, the officer or provider is satisfied that: (a) the person claiming release is the cat's keeper, and; (b) if the cat is required to be identified under section 83, the cat is identified as required, and; (c) if the cat was seized because of an offence against the Act, subsection 89(2) applies to the offence, and; (d) the keeper of the cat has not relinquished ownership under section 91, and; (e) any fee payable under section 144 has been paid.

New subsection 89(2) applies when cat has been seized because of an offence under the Act. The subsection applies if: (a) 28 days have passed since the offence was committed, and (i) a prosecution has not been started for the offence; and (ii) and infringement notice for the offence has not been served; or (b) an infringement notice has been served and the penalty paid, or the notice withdrawn; or (c) a prosecution was started within 28 days, and (i) the prosecution has lapsed; or (ii) the keeper has been found guilty of the offence, but is not disqualified by an order under section 138A from keeping the cat.

Section 90. Selling or destroying seized cats

New section 90 provides for the selling or destroying of seized cats.

An authorized officer or approved provider may sell or destroy a seized cat, if (a) within seven days after seizure, after making reasonable enquiries, the keeper of the cat cannot be found out; or (b) the keeper of the cat relinquishes ownership under section 91; or (c) within 7 days after notice was given to the keeper under section 88, the keeper does not write to tell the officer or provider that the keeper wishes to claim the cat.

Section 91. Relinquishing ownership of seized cats

New section 91 provides for relinquishing ownership of seized cats.

New subsection 91(1) provides that section 91 applies to cat seized under Part 4 of the Act.

New subsection 91(2) provides that a keeper may relinquish ownership of a cat by means of signed writing to an authorised officer or approved provider.

New subsection 91(3) provides that (a) an instrument relinquishing ownership takes effect after 3 days beginning on the day the authorised officer or approved provider is given the signed instrument, and (b) the instrument itself must contain words to that effect.

New subsection 91(4) provides that after the instrument relinquishing ownership takes effect, an authorised officer or approved provider, (a) is not obliged to return the cat to its keeper, and (b) may sell or destroy the cat.

New subsection 91(5) removes any doubt that an authorised officer or approved provider must not sell or destroy a cat until the instrument relinquishing ownership takes effect.

Section 92. Returning a seized cat to its keeper

New section 92 provides for returning a seized cat to its keeper.

New subsection 92(1) allows an authorised officer to decide to return a seized cat to its keeper under section 92, if satisfied that it would be in the public interest to do so.

New subsection 92(2) provides that, when making a decision under subsection 92(1), an authorised officer must consider: (a) the safety of the public; and (b) the cost of temporary care by an approved provider; and (c) whether financial or other hardship would be caused by the cat remaining temporarily cared for by an approved provider.

New subsection 92(3) provides that subsection 92(2) does not limit the matters the authorised officer may consider in making a decision.

New subsection 92(4) allows a authorised officer to return the cat to its keeper subject to specified conditions.

New subsection 92(5) provides that if an authorised officer is satisfied financial hardship is being caused, the officer may waive all or part of any fee payable by the keeper of the cat.

Section 93. Guidelines about returning seized cats

New section 93 provides for the issuing of guidelines about returning seized cats.

New subsection 93(1) provides that the Minister may issues guidelines for authorised officers under section 92.

New subsection 93(2) provides that if guidelines are issued, an authorised officer must comply with them.

New subsection 93(3) provides that any guideline issued under this section is a disallowable instrument which must be notified and presented to the Legislative Assembly under the Legislation Act.

Clause 11 adds the decision to impose a condition on the return of a seized cat (subsection 92(4)) to the list of reviewable decisions in section 118 under part 8 of the Act. These decisions, made by the registrar, may be referred to the administrative appeals tribunal for review under section 119. Clause 11 inserts the reviewable decision at subsection 118(m).

Clause 12 renumbers paragraphs (n) to (q) in the list of decisions in section 188 as a consequence of Clause 11 which inserts subsection 118(m) into the list of reviewable decisions.

Clause 13 substitutes a new section 119 to replace the existing section 119 in the Act.

Section 119. Review of decisions

New section 119 provides that an application may be made to the administrative appeals tribunal to review a decision made by the registrar or an authorised person.

Clause 14 substitutes a new subsection 120(1) to replace the existing subsection 120(1) in the Act.

Section 120. Notification of decisions

New subsection 120(1) provides that if the registrar or an authorised person makes a reviewable decision, written notice of the decision must be given to the person affected.

Clause 15 inserts a new definition in the Dictionary of defined terms for the Act. The new term is *'approved provider'* as defined in the new section 85 for part 4: Seizing cats and dealing with them.

Clause 16 substitutes a new paragraph b(ii) defining section 82 (Cats in breach of cat curfew) as a section with an offence which falls within the definition of *'excluded offences'* in the Dictionary of defined terms for the Act.

Part 3. Domestic Animals Regulation 2001

Clause 17 explains that this third part of the Bill amends the Domestic Animal Regulation 2001.

Clause 18 inserts a new Part 1 heading: 'Part 1 Preliminary' in the Regulation.

Clause 19 omits everything after the existing section 1 in the Regulation including Schedule 1, and inserts new sections numbered 2 to 17. Schedule 1 is no longer needed because the offences, penalties and infringement notices applying will now be made under the *Magistrates Court Act 1930*.

Section 2. Dictionary

New section 2 provides that the Dictionary at the end of the Regulation forms part of the Regulation.

Note 1 to section 2 explains that the Dictionary defines terms used in the Regulation including signpost definitions which are defined elsewhere in the Regulation. For example, the term *'authorised identifier'* is defined in section 7 of and applies to Part 4 of the Regulation. Note 2 explains that a signpost definition applies to the whole Regulation, unless otherwise indicated.

Section 3. Notes

New section 3 explains that Notes are explanatory and are not part of the Regulation.

Section 4. Offences against the regulation - application of the Criminal Code

New section 4 provides for other legislation to apply, namely the Criminal Code and the Legislation Act, in relation to offences for the Regulation.

Note 1 explains that chapter 2 of the Criminal Code applies to all offences in the Regulation and sets out the principles of criminal responsibility which apply. Note 2 explains that the Legislation Act deals with the meaning of penalties for offences which are expressed in penalty units. Currently, for individuals, 1 penalty unit equals a \$100 fine; for corporations, 1 penalty unit equals \$500.

Part 2. Dogs

New sections 5 and 6 are essentially the same as sections 2 and 3 in the existing Domestic Animal Regulation 2001.

Section 5. Dog registration information-Act s 8

New section 5 (Dog registration information-Act, s 8) replaces existing section 2 in the Regulation. This section specifies the information that must be recorded in the register of a dog's registration. This information includes: (a) the name and address of the dog's keeper; (b) the dog's address, if it is kept at a different address; (c) the dog's registration number; (d) if the dog is an assistance animal, a statement to that effect; and (d) if the dog is has been declared dangerous, a statement to that effect.

Section 6. Information on dog registration certificates – Act s 11(2)

New section 6 (Information on dog registration certificates-Act, s 11(2)) replaces existing section 3 in the Regulation. This section specifies the information that must appear on a dog's registration certificate. This information includes: (a) the dog's registration number; (b) the breed of the dog, if applicable; (c) the dog's colour; (d) if the dog is an assistance animal, a statement to that effect; (d) the name and address of the dog's keeper; and (e) the day the dog's registration ends.

Section 7. Identification of dogs – Act s 83

New section 7 (Identification of dogs-Act, s 83) replaces existing section 4 (Identifying particulars) which formerly specified the identifying particulars for both dogs and cats. This new section deals with the identification of dogs.

New subsection 7(1) specifies that all dogs must be identified by a registration tag attached to the dog's collar.

New subsection 7(2) specifies that a dog's registration tag must include one or more of the following identification particulars: (a) the name and address of the dog's keeper; (b) the name and address of the dog's carer; (c) a contact telephone number for the dog's keeper; (d) a contact number for the dog's carer; (e) the dog's registration number.

Part 3. Identifying cats

This new part of the Regulation covers the identification of cats.

Section 8. Cats to which compulsory identification applies – Act s 83

New section 8 (Cats to which compulsory identification applies-Act, s 83) specifies the age and status of cats which must be identified.

New subsection 8(1) provides that a cat must be identified if the cat: (a) is at least 12 weeks old; or (b) the cat has been sold.

New subsection 8(2) provides that a cat need not be identified if: (a) the cat is less than 6 months old; and (b) a veterinary surgeon has specified in writing, before the cat was 12 weeks old or first sold (whichever is the earlier), that identification as required by the following section 9 would be a serious health risk to the cat.

Section 9. How cats must be identified – Act s 83

New section 9 (How cats must be identified-Act, s. 83) replaces existing section 4 (Identifying particulars-Act, s 83) for both cats and dogs in the Regulation.

New subsection 9(1) provides that the cat must be identified by a microchip that: (a) is implanted in the cat; and (b) contains a number by which the identifying particulars of a cat can be worked out; and (c) the microchip functions properly.

New subsection 9(2) specifies that the identification particulars for a cat must include one or more of the following: (a) the name and address of the cat's keeper; (b) the name and address of the cat's carer; (c) a contact telephone number for the cat's keeper; (d) a contact telephone number for the cat's carer.

New subsection 9(3) provides that section 9 does not apply if: (a) the keeper or carer of the cat does not live in an area for which a declaration under section 81 (Declaration cat curfew area) is in force; (b) the cat is identified by a tag attached to the collar worn by the cat; and (c) the tag includes: (i) the identification particulars for the cat specified in section 9(2); or (ii) a number by which the identification particulars can be worked out; and (d) the cat has not been sold since the commencement of section 9.

New subsection 9(4) provides that subsection 9(3) and this subsection expire on 30 June 2008. This subsection and the previous subsection allow for the compulsory microchipping of all cats in the Territory to be progressively introduced over a 3 year period. Cats in a declared curfew area must be identified by microchip from commencement of the new Act. Cats living outside the declared cat curfew area which are already identified by a functioning microchip will also comply with the new Act. However, for cats outside the curfew area, identification may be by collar and tag until 30 June 2008, after which identification of cats by microchip is compulsory throughout the ACT.

Part 4. Implanting microchips in cats

This new part of the Regulation covers procedures for implanting of microchips in cats, who may be authorised to undertake this work, and how decisions regarding authorisation may be reviewed by the administrative appeals tribunal.

Section 10. Meaning of *authorised identifier*

New section 10 provides that for this part, an authorised identifier is a person who is authorised under section 14 (Authorisation of identifiers) of the Regulation.

Section 11. Approval of identifying microchip

New section 11 provides for the approval of an identifying microchip to be used for identifying cats.

New subsection 11(1) provides that the Minister may approve a microchip as an identifying microchip.

New subsection 11(2) provides that the Minister gives approval for an identifying microchip by means of a notifiable instrument notified under the Legislation Act.

Section 12. Identifying microchip to be implanted only by authorised people etc

New section 12 provides that identifying microchips are to be implanted only by authorised people.

New subsection 12(1) provides that a person commits an offence if (a) a person implants an identifying microchip in a cat; and (b) the person is not a veterinary surgeon or an authorised identifier. The maximum penalty for this offence is 10 penalty units.

New subsection 12(2) provides that a person commits an offence if (a) the person is asked by the keeper or carer of a cat to implant an identifying microchip in the cat; and (b) the person implants a microchip in the cat; and (c) the microchip is not an identifying microchip. The maximum penalty for this offence is 10 penalty units.

New subsection 12(3) provides that an offence against subsection 12(1) or 12(2) is a strict liability offence, that is, the offender will be liable regardless of whether fault can be proved.

New subsection 12(4) provides that a person who is not an authorised identifier commits an offence if that person represents himself or herself as an authorised identifier. The maximum penalty for this offence is 5 penalty units.

Section 13. Procedure for identification of cats

New section 13 specifies the procedure to be followed when implanting an identifying microchip in a cat.

New subsection 13(1) provides that a person must follow a procedure for implanting an identifying microchip in a cat. The person must: (a) scan the cat to determine the cat does not have a functioning microchip already implanted; (b) scan the microchip before it is implanted (i) to ensure the microchip is functioning properly; and (ii) check the scanned number is the number shown on supporting documentation as the unique identifying number for the microchip; and (c) implant the microchip under the cat's skin in the dorsum between the scapulae so that the microchip lies at an oblique angle to the plane of the skin; and (d) scan the cat after the microchip is implanted to ensure the microchip is properly implanted and functioning properly.

New subsection 13(2) provides that the Minister may issue guidelines about the procedures to be followed when implanting an identifying microchip in a cat.

New subsection 13(3) specifies that a person implanting an identifying microchip in a cat must comply with subsection 13(1) and the guidelines.

New subsection 13(4) specifies that a guideline is a disallowable instrument which must be notified and presented to the Legislative Assembly under the Legislation Act.

Section 14. Authorisation of identifiers

New section 14 provides for the authorisation of identifiers.

New subsection 14(1) provides that a person may apply to the registrar to become an identifier of cats.

New subsection 14(2) provides that the registrar may either: (a) authorise a person to become an identifier of cats; or (b) refuse to authorise a person to become an identifier of cats.

New subsection 14(3) provides that the registrar must approve a person to become an identifier of cats if satisfied that the person (a) is qualified and competent to be an authorised identifier; and (b) will comply with the requirements of this part of the Regulation in identifying cats.

New subsection 14(4) provides that the registrar must give the person written notice of the registrar's decision.

Section 15. Withdrawal of authorisation

New section 15 provides procedures for the withdrawal of authorisation as an identifier of cats.

New subsection 15(1) provides that section 15 applies to a person authorised under section 14 of the Regulation.

New subsection 15(2) provides that the registrar may, by giving written notice, withdraw a person's authorisation as an identifier of cats if satisfied that the person: (a) is not qualified, or is no longer qualified or competent to be an authorised identifier; or (b) has been negligent or incompetent as an authorised identifier; or (c) has failed to comply with requirements in Part 4 of the Regulation.

Section 16. Review of decisions

New section 16 provides for the review of decisions by the registrar to refuse or withdraw authorisation of a person as an identifier of cats.

New subsection 16(1) specifies that for section 16 a reviewable decision means a decision: (a) refusing to authorise a person as an identifier of cats under section 14 of the Regulation; or (b) withdrawing a person's authorisation to be an identifier of cats under section 15 of the Regulation.

New subsection 16(2) provides that notice of a reviewable decision under section 14(4) or section 15(2) of the Regulation must comply with the code of practice in force under section 25B(1) of the *Administrative Appeals Tribunal Act 1989*.

New subsection 16(3) provides that an application for review of an administrative decision may be made to the administrative appeals tribunal.

Part 5. Miscellaneous

Section 17. Dishonoured cheques

New section 17 provides for the circumstance where a person pays a fee under the Act by cheque and the cheque payment is not met on presentation. The registrar may waive liability in cases of hardship. This new section replaces and updates the existing section 14 in the Regulation.

New subsection 17(1) provides that when a person pays a fee by cheque under the Act, and the cheque is not met on presentation, (a) the person is liable for: (i) any charge imposed by a bank because the cheque is not met; and (ii) the amount of the cheque; and (b) the registrar may suspend the benefit paid for by the cheque until the amount for which the person is liable is paid.

New subsection 17(2) provides that the registrar may waive liability under subsection 17(1)(a) in cases of hardship.

New subsection 17(3) provides that the Minister may issue guidelines about the exercise of the registrar's function under subsection (2).

New subsection 17(4) provides that the registrar must comply with any guidelines under this section.

New subsection 17(5) provides that a guideline under this section is a disallowable instrument which must be notified and presented to the Legislative Assembly under the Legislation Act

New subsection 17(6) defines 'benefit' as any service under the Act for which a fee is payable including a registration, renewal, licence or permit.

Clause 20 inserts a new Dictionary.

Dictionary

Note 1 to the Dictionary explains that the Legislation Act has definitions and other provisions relevant to this Regulation. Note 2 to the Dictionary gives examples of definitions of terms in the Legislation Act which are relevant to this Regulation. The examples given of terms defined are: 'penalty unit', 'person' and 'veterinary surgeon'. Note 3 to the Dictionary explains that terms in this Regulation have the same meaning as they do in the *Domestic Animals Act 2000*. The examples given of terms which have the same meaning are: 'carer', 'keeper', 'registrar' and 'registration tag'.

The Dictionary then list two terms for which signpost definitions are given by reference to the relevant sections of the Regulation. The two terms are:

'*authorised identifier*' which applies to Part 4 (Implanting microchips) which is defined in section 10 of the Regulation.

'*identifying microchip*' which is defined in section 11 of the Regulation.