



Australian Capital Territory

Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005

Subordinate Law SL2005-29

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

Dated 9 November 2005.

JON STANHOPE
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005*.

2 Commencement

This regulation commences on the commencement of the *Statute Law Amendment Act 2005*, schedule 3, part 3.16.

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

3 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 Domestic Animals Act.

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.

4 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 ‘*registration tag*—see the Domestic Animals Act, dictionary.’ means that the term ‘registration tag’ 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)).

5 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.

6 Administering authority

The administering authority for an infringement notice offence against the Domestic Animals Act is the registrar.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the Domestic Animals Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

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

9 Contents of infringement notices—identifying particulars for dog or cat

An infringement notice in relation to a dog or cat served on a person by an authorised person for an infringement notice offence against the Domestic Animals Act—

- (a) must identify the dog or cat by—
 - (i) breed or description; and
 - (ii) colour; and
- (b) may identify the dog or cat by any of the following:
 - (i) sex;
 - (ii) age;
 - (iii) any identification or, for a dog, registration tags;
 - (iv) any collars;
 - (v) any brands or tattoo;
 - (vi) any electronically coded implant;
 - (vii) any marks or scars;
 - (viii) any other noticeable distinguishing marks or features.

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 Domestic Animals Act must include the company's ACN.

Note The requirement under this regulation 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 infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the Domestic Animals Act 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 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 Domestic Animals Act 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.

13 Cost if liability disputed

The cost of beginning a proceeding is \$200.

14 Authorised people for infringement notice offences

An authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the Domestic Animals Act; and
- (b) a reminder notice for an infringement notice offence against the Domestic Animals Act.

Note For how documents may be served, see the Legislation Act, pt 19.5.

15 Expiry of regulation

- (1) This regulation expires on the default application date.
- (2) In this section:

default application date—see the Criminal Code, section 10.

Note This date is the date the provisions of the Criminal Code, ch 2 apply to all ACT offences.

Schedule 1 Domestic Animals Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
1	12 (1)	former keeper fail to tell registrar of change of ownership of dog	5	50
2	12 (2)	new keeper for longer than 28 days not tell registrar is keeper	5	50
3	14 (1) (a)	keeping unregistered dog	5	150
4	14 (1) (b)	keeping of registered dog by person not registered keeper	5	150
5	15 (1) (a)	keeper/carer with dog not wearing registration tag—on private premises (other than own premises)	3	75
6	15 (1) (b)	keeper/carer with dog not wearing registration tag—in public place	3	75
7	15 (3)	taking off registration tag without keeper's permission	5	75

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
8	15 (4)	use of registration tag not issued for dog	5	75
9	16 (1)	registered keeper not tell registrar of change of address	5	50
10	16 (2)	registered keeper not tell registrar of change of address where registered dog kept	5	50
11	18 (1)	keeping 4 or more dogs	50	50
12	23 (1)	keeping dangerous dog except in accordance with dangerous dog licence	50	150
13	27 (1)	unmuzzled dangerous dog in public place—carer	10	150
14	27 (2)	uncontrolled dangerous dog in public place—keeper	10	150
15	41 (4)	taking dog into prohibited area	5	150
16	42 (1)	taking dog into grounds of child-care centre etc	5	75
17	42 (2)	taking dog into grounds of high school etc	5	75
18	42 (3)	taking dog onto sporting field etc	5	75

Schedule 1**Domestic Animals Act infringement notice offences and penalties**

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
19	42 (4)	taking dog into public place within 10m of certain things	5	75
20	44 (1)	dog not on leash in public place—carer	5	150
21	44 (2)	dog not on leash in public place—keeper	5	150
22	44 (3)	dog without carer in public place—keeper	5	150
23	45 (1)	dog not on leash on private premises—carer	5	150
24	45 (3)	dog not on leash on private premises—keeper	5	150
25	45 (5)	dog without carer on private premises and without occupier's consent—keeper	5	100
26	46 (1)	not removing faeces	5	50
27	46 (2)	not carrying equipment for removal of faeces	1	50
28	47 (1)	female dog on heat in public place—keeper/carers	5	150
29	48 (1)	unmuzzled greyhound in public place—carer	5	150
30	48 (2)	unmuzzled greyhound without carer in public place—keeper	5	150

column 1 item	column 2 offence provision	column 3 description of offence	column 4 offence penalty (penalty units)	column 5 infringement penalty (\$)
31	48 (3)	4 or more leashed greyhounds in public place—carer	5	150
32	48 (4)	4 or more leashed greyhounds in public place—keeper	5	150
33	50 (1)	carer allows dog to attack/harass person/animal	50	200
34	50 (2)	dog attacks/harasses person/animal when not with carer—keeper	50	200
35	54 (2)	fail to produce attacking/harassing dog for inspection—keeper/carers	50	200
36	74 (1)	keeping cat not de-sexed without permit	50	50
37	74 (2)	keeping dog not de-sexed without permit	50	50
38	82 (1)	cat in breach of cat curfew—keeper/carers	10	150
39	83 (1)	keeping dog or cat without prescribed form of identification	5	150
40	112 (7)	contravention of nuisance notice	5	150

Dictionary

(see s 4)

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.

authorised officer—see the Domestic Animals Act, dictionary.

Domestic Animals Act means the *Domestic Animals Act 2000*.

registrar—see the Domestic Animals Act, dictionary.

registration tag—see the Domestic Animals Act, dictionary.

Endnotes

1 Notification

Notified under the Legislation Act on 10 November 2005.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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