

DOG (AMENDMENT) ACT 1988 No. 62

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Dog Act 1966 No. 2
4. Amendment of Justices Act 1902 No. 27, s. 100i

SCHEDULE 1—AMENDMENT OF DOG ACT 1966



1970-1971

DOG (AMENDMENT) ACT 1988 No. 62

NEW SOUTH WALES



Act No. 62, 1988

An Act to amend the Dog Act 1966 to provide for penalty notices for certain offences; and to amend consequentially the Justices Act 1902. [Assented to 21 November 1988]

*Dog (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Dog (Amendment) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Dog Act 1966 No. 2

3. The Dog Act 1966 is amended as set out in Schedule 1.

Amendment of Justices Act 1902 No. 27, s. 100i

4. The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100i (1) the following matter:

Dog Act 1966, section 22A;

SCHEDULE 1—AMENDMENT OF DOG ACT 1966

(Sec. 3)

(1) Section 4 (Definitions)—

Section 4 (2B) (b), (c)—

At the end of section 4 (2B) (b), insert:

; or

- (c) another owner of the dog has paid the amount of the penalty prescribed under section 22A for an alleged offence arising out of the same circumstances.

(2) Section 22A—

After section 22, insert:

Penalty notices for certain offences

22A. (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act, being an offence prescribed by the regulations.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

- (3) A penalty notice may be served personally or by post.

SCHEDULE 1—AMENDMENT OF DOG ACT 1966—*continued*

(4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment under this section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

(6) The regulations may—

- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and
- (b) prescribe the amount of penalty payable for the offence if dealt with under this section; and
- (c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence shall not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings which may be taken in respect of offences.

(9) In this section, “authorised officer” means—

- (a) an employee of a council authorised by the council for the purposes of this section; or
- (b) an administrator of prescribed land or a person authorised by the administrator for the purposes of this section; or
- (c) a member of the Police Force.

(10) An employee of a council or an administrator (or a person authorised by the administrator) is not an authorised officer for the purposes of an alleged offence if the council or the administrator (as the case requires) is not authorised under this Act to institute proceedings for the offence.

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SCHEDULE 1—AMENDMENT OF DOG ACT 1966—*continued*

(3) Section 25—

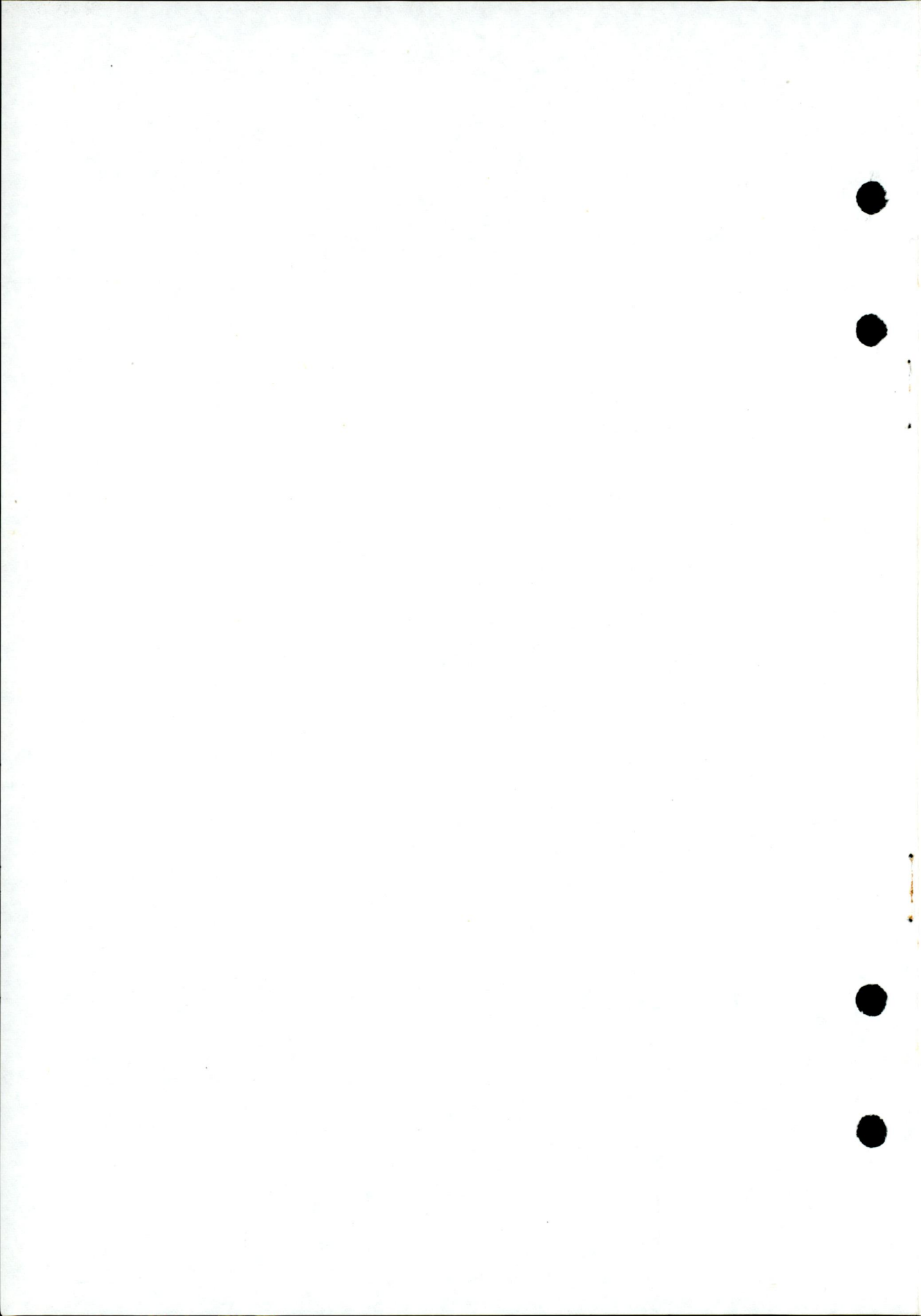
Omit the section, insert instead:

Disposal of certain penalties

25. A penalty for an offence against this Act recovered as a result of an information laid, or penalty notice served, by the registration clerk or another employee of a council shall be paid to the council.

[*Minister's second reading speech made in—
Legislative Assembly on 31 August 1988
Legislative Council on 9 November 1988*]





DOG (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Dog Act 1966 to provide for “on-the-spot” fines for certain offences under that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 4 makes a consequential amendment to the Justices Act 1902 to provide for the enforcement of penalty notices referred to in proposed section 22A of the Principal Act.

SCHEDULE 1—AMENDMENT OF DOG ACT 1966

“On-the-spot” fines

Schedule 1 (2) inserts a new section 22A into the Principal Act. The new section will allow an authorised officer to serve a notice on any person who appears to have committed an offence under the Act, being an offence prescribed by the regulations. The notice will give the person the option of paying an “on-the-spot” fine instead of going to court. Officers who may serve notices include council employees authorised by a council and members of the Police Force.

Consequential amendments

Schedule 1 (1) amends section 4 (2B) of the Principal Act as a consequence of the insertion of proposed section 22A. The amended subsection will read (in part) as follows:

(2B) In any prosecution of the owner of a dog in respect of an offence against this Act it shall be a sufficient defence if the defendant proves that—

- (a) another owner of the dog has been convicted of an offence arising out of the same circumstances; or

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(b); or

(c) **another owner of the dog has paid the amount of the penalty prescribed under section 22A for an alleged offence arising out of the same circumstances.**

Schedule 1 (3) replaces section 25 of the Principal Act (as a consequence of the insertion of proposed section 22A) to allow a council to keep an "on-the-spot" fine if an employee of the council served the notice giving rise to its payment.

DOG (AMENDMENT) BILL 1988

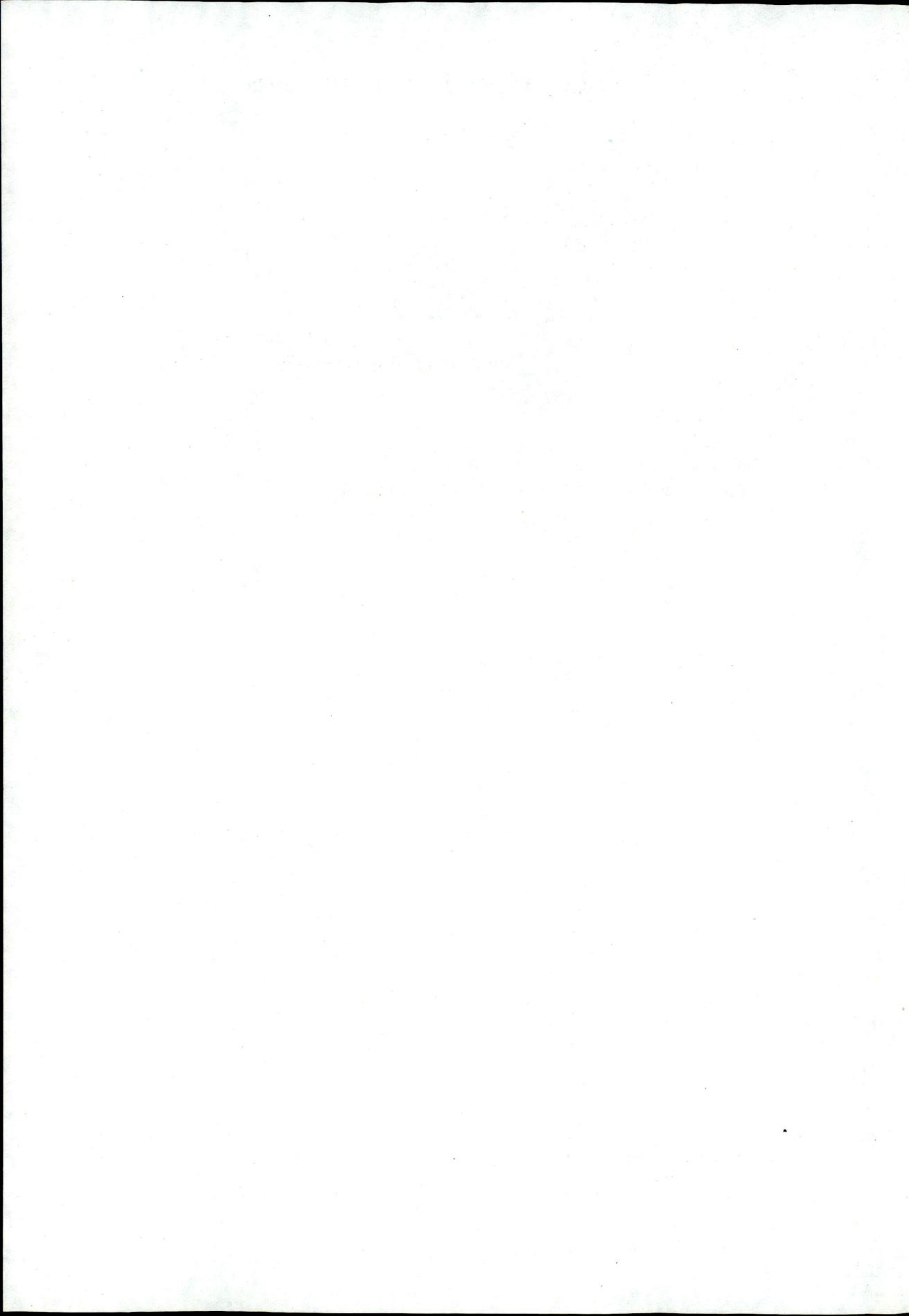
NEW SOUTH WALES



TABLE OF PROVISIONS

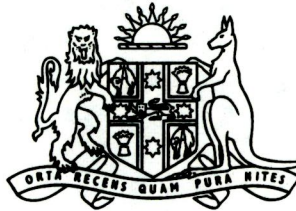
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SCHEDULE 1—AMENDMENT OF DOG ACT 1966



DOG (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Dog Act 1966 to provide for penalty notices for certain offences; and to amend consequentially the Justices Act 1902.

*Dog (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Dog (Amendment) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Dog Act 1966 No. 2

3. The Dog Act 1966 is amended as set out in Schedule 1.

Amendment of Justices Act 1902 No. 27, s. 100i

4. The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100i (1) the following matter:

Dog Act 1966, section 22A;

SCHEDULE 1—AMENDMENT OF DOG ACT 1966

15

(Sec. 3)

(1) Section 4 (Definitions)—

Section 4 (2B) (b), (c)—

At the end of section 4 (2B) (b), insert:

; or

20

- (c) another owner of the dog has paid the amount of the penalty prescribed under section 22A for an alleged offence arising out of the same circumstances.

(2) Section 22A—

After section 22, insert:

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Penalty notices for certain offences

22A. (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act, being an offence prescribed by the regulations.

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(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

35

- (3) A penalty notice may be served personally or by post.

SCHEDULE 1—AMENDMENT OF DOG ACT 1966—*continued*

(4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

5 (5) Payment under this section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

(6) The regulations may—

- 10 (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and
- (b) prescribe the amount of penalty payable for the offence if dealt with under this section; and
- 15 (c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence shall not exceed the maximum amount of penalty which could be imposed for the offence by a court.

20 (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings which may be taken in respect of offences.

(9) In this section, “authorised officer” means—

- 25 (a) an employee of a council authorised by the council for the purposes of this section; or
- (b) an administrator of prescribed land or a person authorised by the administrator for the purposes of this section; or
- (c) a member of the Police Force.

30 (10) An employee of a council or an administrator (or a person authorised by the administrator) is not an authorised officer for the purposes of an alleged offence if the council or the administrator (as the case requires) is not authorised under this Act to institute proceedings for the offence.

(3) Section 25—

35 Omit the section, insert instead:

Disposal of certain penalties

40 25. A penalty for an offence against this Act recovered as a result of an information laid, or penalty notice served, by the registration clerk or another employee of a council shall be paid to the council.

