

## 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.

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**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

*Dog (Amendment) 1988*

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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.

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