

### Legislation

- The Domestic Animals Act 1994
- Infringement Act 2006
- Fines Reform Act 2014

The Domestic Animal Act 1994 places clear responsibilities on the owners of dogs & cats to ensure they are registered from three months of age and that they are securely confined to the owner's property. The Act also places a clear responsibility on the owner of an animal to ensure it does not create a nuisance to people or cause any harm.

### Why are Dog & Cat Infringement Notices Issued

#### Dogs & cats at large or causing a nuisance.

Dogs & cats at large are a concern to the community. Dog attacks generally occur when an animal is roaming and dogs and cats at large can be threatening or a nuisance to the community. Roaming pets can cause car accidents and often suffer injuries or death. Owners of dogs and cats must do whatever is necessary to secure their dog or cat to their property.

#### Pet Registration

Dogs and cats are required to be registered with the Shire from three months of age. The most important benefit of pet registration is that the information on the tag can be used to reunite lost pets with their owners, often without the need for the pet to be impounded.

### Information Regarding the Infringement Notices that may be Issued

- Dogs found at large outside the premises of the owner or not securely confined to the owner's property are liable to on the spot penalties of **\$248** during daylight hours and **\$330** during the hours of darkness.
- Dogs or cats creating a nuisance are liable to on the spot penalties of **\$83**.
- Cats found at large or not securely confined to owner's property are liable to on the spot penalties of **\$83**.
- Owners contravening a Council Order relating to presence of dogs and cats in public places are liable to on the spot penalties of **\$165**.
- Owners failing to apply to register a dog or cat that is three months or older are liable to on the spot penalties of **\$330**

### The Process if an Infringement Notice is Issued

#### Pay the infringement notice (on the spot fine) within 21 days.

There are many ways you can make payment for an infringement:

- By sending a cheque to the Mornington Peninsula Shire at Private Bag 1000 Rosebud, 3939
- By cash at one of our Customer Service Offices, Besgrove Street Rosebud, Queen Street Mornington, Marine Parade Hastings or Frankston-Flinders Road Somerville
- Via internet payment on the Shire website [www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au).

**For further payment options you can telephone the Shire on 1300 850 600.**

### **Request an extension of time to pay.**

If you require further time to pay the infringement notice you may telephone the Shire on 1300 850 600 and request an extension. One month may be given to pay.

### **Appeal the infringement notice.**

You may appeal the infringement notice. This must be in writing and lodged within **21 days** of the original infringement notice being issued. If you are concerned your appeal will not be lodged in time, please ring for an extension.

An appeal is to include the following information:

- Your name and address.
- The infringement notice number.
- The reason for the appeal.
- Any supporting evidence.

### **How an appeal is reviewed**

An appeal is decided on the following grounds:

- Did the offence occur?
- Were the circumstances that led to the offence beyond the control of the pet owner?
- Has the infringement been issued to the correct person? If so then the registered owner must nominate the responsible owner using a Statutory Declaration Form.
- Special circumstances may be considered i.e. does the offender have a mental or intellectual disability or illness or a serious addiction to drugs or alcohol where this results in the offender being unable to understand or control conduct that constitutes an offence?

An appeal generally takes two weeks to process and you will receive a reply in writing.

If you disagree with the Shire's decision you may elect to have the matter heard at the Magistrates Court.

## **The Enforcement Process**

### **What happens if your appeal is unsuccessful?**

You have the option of either paying the infringement notice or electing to have the matter heard by a Magistrate. This request should be in writing and forwarded to the Shire.

### **What happens if you don't pay or respond within 21 days.**

After **21 days** you will be sent a reminder, called a Penalty Reminder Notice, and further costs of **\$25.80** will be incurred.

You have three options:

- Pay within another **14 days**.
- Further appeal the notice.
- Choose to have the matter heard in the Magistrates Court, by completing the form on the rear of the Penalty Reminder Notice and sending it to the Shire.

### **Notice of Final Demand**

If you don't respond to the Penalty Reminder Notice in **14 days**, the infringement notice will be registered with Fines Victoria. Fines Victoria will issue a Notice of Final Demand and further costs of **\$77.20** will be incurred. You will receive paperwork from Fines Victoria setting out your options. This is Notice of Final Demand should be treated seriously.

You can appeal the Notice by contacting Fines Victoria. If you do so and you are successful your infringement notice may still be referred to the Magistrates Court for a hearing date. You also have various payment options.

**Sheriffs Warrant** If you ignore the Notice of Final Demand a Warrant will be issued authorising the Sheriff to demand payment.