

**2005**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**MAGISTRATES COURT (PEST PLANTS AND ANIMALS  
INFRINGEMENT NOTICES) REGULATION 2005**

**SUBORDINATE LAW NO SL2005-34**

**EXPLANATORY STATEMENT**

**Circulated by authority of the  
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Attorney General**

## **Overview**

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005 (the regulation) enables infringement notices to be issued for certain offences in the *Pest Plants and Animals Act 2005*.

The *Pest Plants and Animals Act 2005* sets out provisions that provide for a more strategic approach to protecting the ACT's land and aquatic resources from threats posed by pest plants and pest animals. It allows for the formal recognition of a pest by declaration, the development of a management response to threats from a declared pest and regulation of activities that may foster the spread of a pest or the introduction of a potential pest to the Territory.

The objective of the regulation is to ensure that infringement notices are in place for offences related to the commercial supply of prohibited pest plant and commercial supply of prohibited pest animal.

The ability to issue infringement notices for offences against the *Pest Plants and Animals Act 2005* will encourage compliance with the legislation and will allow for immediate action to be taken against people who are breaching the legislation. This should provide greater protection for the ACT environment.

## **Clause Notes**

### **Section 1 – Name of regulation**

This section provides that the regulation is the Magistrates Court (Pest Plants and Animals Infringement Notices) Regulations 2005.

### **Section 2 – Commencement**

This section provides that the regulation commences on the commencement of the *Pest Plants and Animals Act 2005*.

### **Section 3 – Purpose of Regulation**

This section provides that this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Pest Plants and Animals Act.

### **Section 4 – Dictionary**

The dictionary at the end of the regulation is part of the regulation.

### **Section 5 – Notes**

This section provides that a note is explanatory and is not part of the regulation.

### **Section 6 – Administering authority**

This section provides that the administering authority is the chief executive.

### **Section 7 – Infringement notice offences**

This section provides that the *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the Pest Plants and Animals Act in schedule 1, column 2.

### **Section 8 – Infringement notice penalties**

This provision provides that the penalties payable for an offence in schedule 1, column 2 for an individual is the amount mentioned in the schedule and for a corporation is five times the amount listed in the schedule. The cost of serving a reminder notice for an infringement notice offence against the Pest Plants and Animal Act is \$34.

### **Section 9 – Contents of infringement notices – other information**

This section provides that an infringement notice served on a company must include the company's ACN. A company is a company registered under the Corporations Act.

### **Section 10 – Contents of infringement notices – identifying authorised person**

This section provides that an infringement notice served on a person by an authorised person must identify the authorised person's full name or surname and initials or any unique number given to the authorised person by the administering authority.

### **Section 11 – Contents of reminder notices – identifying authorised person**

This section provides that a reminder notice served on a person by an authorised person must identify the authorised person's full name or surname and initials or any unique number given to the authorised person by the administering authority.

### **Section 12 – Costs of liability disputed**

The cost of beginning a proceeding is \$200.

### **Section 13 – Authorised people for infringement notice offences**

This section provides that an authorised person under the Act may serve an infringement notice for an infringement notice offence and may serve a reminder notice for an infringement notice offence under the Act.

### **Schedule 1 – Pest Plants and Animals Act infringement notice offences and penalties**

This schedule outlines the offence penalty units and infringement penalties for offences under section 11(1) and section 19(1) of the Pest Plants and Animals Act.

### **Dictionary**

The Dictionary sets out the definitions for the regulation.