



Australian Capital Territory

# Magistrates Court (Fisheries Infringement Notices) Regulations 2004

## Subordinate Law SL2004-5

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

Dated 20 January 2004.

JON STANHOPE  
Minister

BILL WOOD  
Minister





Australian Capital Territory

# Magistrates Court (Fisheries Infringement Notices) Regulations 2004

**Subordinate Law SL2004-5**

made under the

*Magistrates Court Act 1930*

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**1 Name of regulations**

These regulations are the *Magistrates Court (Fisheries Infringement Notices) Regulations 2004*.

**2 Commencement**

These regulations commence on the day after their notification day.

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

**3 Purpose of regulations**

The purpose of these regulations is to provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the fisheries legislation.

*Note* The *Magistrates Court Act 1930*, pt 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 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**5 Meaning of *fisheries legislation***

In these regulations:

*fisheries legislation* means—

- (a) the *Fisheries Act 2000*; and
- (b) the *Fisheries Regulations 2001*.

**6 Administering authority**

The administering authority for an infringement notice offence against the fisheries legislation is the conservator of flora and fauna.

**7 Infringement notice offences**

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the fisheries legislation mentioned in schedule 1, column 2.

**8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the fisheries legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the fisheries legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the fisheries legislation is \$34.

**9 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 fisheries legislation 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 regulation:

***company*** means a company registered under the Corporations Act.

**10 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 fisheries legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given to the authorised person by the administering authority under regulation 6 (Administering authority) for these regulations.

**11 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 fisheries legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given to the authorised person by the administering authority under regulation 6 (Administering authority) for these regulations.

**12 Authorised people for infringement notice offences**

A conservation officer under the *Nature Conservation Act 1980*, section 8 may serve—

- (a) an infringement notice for an infringement notice offence against the fisheries legislation; and
- (b) a reminder notice for an infringement notice offence against the fisheries legislation.

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# **Schedule 1      Fisheries legislation infringement notice offences and penalties**

(see reg 7 and reg 8)

## **Part 1.1                  Fisheries Act 2000**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	section 37 (1)	50	250
2	section 46 (1)	10	100
3	section 46 (2)	10	100
4	section 47 (1)	10	100
5	section 47 (2)	50	100
6	section 48	50	100
7	section 49 (3)	50	250
8	section 61 (2)	50	250
9	section 65 (2)	50	100
10	section 70	50	250
11	section 74 (1)	50	250
12	section 74 (2)	50	250
13	section 75	10	100
14	section 76 (1)	100	250



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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
15	section 76 (2)	100	250
16	section 77 (1)	100	250
17	section 78	50	150
18	section 79	10	100
19	section 80 (1)	50	250
20	section 80 (2)	50	250
21	section 81 (1)	50	250
22	section 81 (2)	30	150
23	section 82	30	150
24	section 84 (1)	10	100
25	section 85 (1)	30	150
26	section 85 (2)	30	150
27	section 86	10	100
28	section 87 (1)	50	250
29	section 87 (2)	30	150
30	section 88 (1)	50	250
31	section 88 (2)	30	150

## Part 1.2 Fisheries Regulations 2001

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	regulation 5	5	100

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### Endnotes

**1 Notification**

Notified under the Legislation Act on 22 January 2004.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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