



Australian Capital Territory

Magistrates Court (Fisheries Infringement Notices) Regulations 2004 No 5

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 23 January 2004 – 31 October 2004

Republication date: 23 January 2004

Regulations not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Fisheries Infringement Notices) Regulations 2004*, made under the *Magistrates Court Act 1930*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law up to 23 January 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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1 Name of regulations

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

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.

Schedule 1 Fisheries legislation infringement notice offences and penalties

(see reg 7 and reg 8)

Part 1.1 Fisheries Act 2000

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

Schedule 1
Part 1.1

Fisheries legislation infringement notice offences and penalties
Fisheries Act 2000

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

Endnotes

1 About the endnotes

Endnotes

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Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 **Legislation history**

Magistrates Court (Fisheries Infringement Notices) Regulations 2004 SL2004-5

notified LR 22 January 2004

reg 1, reg 2 commenced 22 January 2004 (LA s 75 (1))

remainder commenced 23 January 2004 (reg 2)

4 **Amendment history**

Commencement

reg 2 om LA s 89 (4)

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