



Australian Capital Territory

Magistrates Court (Nature Conservation Infringement Notices) Regulation 2005

Subordinate Law SL2005-33

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

Dated 10 November 2005.

JON STANHOPE
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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Magistrates Court Act 1930

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1 Name of regulation

This regulation is the *Magistrates Court (Nature Conservation Infringement Notices) Regulation 2005*.

2 Commencement

This regulation commences on the commencement of the *Statute Law Amendment Act 2005*, part 3.42.

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

3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Nature Conservation Act.

Note The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Dictionary

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

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*conservation officer*—see the Nature Conservation Act, dictionary.’ means that the term ‘conservation officer’ is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

5 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

6 Administering authority

The administering authority for an infringement notice offence against the Nature Conservation Act is the conservator of flora and fauna.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the Nature Conservation Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Nature Conservation Act, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the individual.
- (2) The penalty payable by a corporation for an offence against the Nature Conservation Act, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the corporation.
- (3) The cost of serving a reminder notice for an infringement notice offence against the Nature Conservation Act 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 Nature Conservation Act must include the company's ACN.

Note The requirement under this section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

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 Nature Conservation Act must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

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 Nature Conservation Act must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

A conservation officer may serve—

- (a) an infringement notice for an infringement notice offence against the Nature Conservation Act; and
- (b) a reminder notice for an infringement notice offence against the Nature Conservation Act.

Note For how documents may be served, see the Legislation Act, pt 19.5.

13 Expiry of regulation

- (1) This regulation expires on the default application date.
- (2) In this section:

default application date—see the Criminal Code, section 10.

Note This date is the date the provisions of the Criminal Code, ch 2 apply to all ACT offences.

Schedule 1 Nature Conservation Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	section 44 (1)—		
1.1	<ul style="list-style-type: none"> if the animal has special protection status 	100	500
1.2	<ul style="list-style-type: none"> in any other case 	50	250
2	section 45 (1)—		
2.1	<ul style="list-style-type: none"> if the animal has special protection status 	100	500
2.2	<ul style="list-style-type: none"> in any other case 	50	250
3	section 46 (1)—		
3.1	<ul style="list-style-type: none"> if the animal has special protection status 	100	500
3.2	<ul style="list-style-type: none"> in any other case 	50	250
4	section 47—		
4.1	<ul style="list-style-type: none"> if the animal has special protection status 	100	500
4.2	<ul style="list-style-type: none"> in any other case 	50	250

Schedule 1

Nature Conservation Act infringement notice offences and penalties

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
5	section 48—		
5.1	<ul style="list-style-type: none">if the animal has special protection status	100	500
5.2	<ul style="list-style-type: none">in any other case	50	250
6	section 49 (1) (a)—		
6.1	<ul style="list-style-type: none">if the animal has special protection status	100	500
6.2	<ul style="list-style-type: none">in any other case	50	250
7	section 49 (1) (b)—		
7.1	<ul style="list-style-type: none">if the animal has special protection status	100	500
7.2	<ul style="list-style-type: none">in any other case	50	250
8	section 49 (2) (a)	50	100
9	section 49 (2) (b)	50	100
10	section 49 (3)	50	75
9	section 51 (1) (a)—		
9.1	<ul style="list-style-type: none">if the plant has special protection status	100	500
9.2	<ul style="list-style-type: none">if the plant does not have special protection status but the person intended to sell it	50	250
9.3	<ul style="list-style-type: none">in any other case	50	150

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
10	section 51 (1) (b)—		
10.1	<ul style="list-style-type: none"> if the plant has special protection status 	100	500
10.2	<ul style="list-style-type: none"> if the plant does not have special protection status but the person intended to sell it 	50	250
10.3	<ul style="list-style-type: none"> in any other case 	50	150
11	section 51 (1) (c)—		
11.1	<ul style="list-style-type: none"> if the plant has special protection status 	100	500
11.2	<ul style="list-style-type: none"> if the plant does not have special protection status but the person intended to sell it 	50	250
11.3	<ul style="list-style-type: none"> in any other case 	50	150
12	section 52 (1) (a)	50	500
13	section 52 (1) (b)	50	500
14	section 53 (1) (a)—		
14.1	<ul style="list-style-type: none"> if the plant has special protection status 	100	500
14.2	<ul style="list-style-type: none"> in any other case 	50	250

Schedule 1

Nature Conservation Act infringement notice offences and penalties

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
15	section 53 (1) (b)—		
15.1	<ul style="list-style-type: none">• if the plant has special protection status	100	500
15.2	<ul style="list-style-type: none">• in any other case	50	250
16	section 54 (1)—		
16.1	<ul style="list-style-type: none">• if the plant has special protection status	50	250
16.2	<ul style="list-style-type: none">• in any other case	25	150
17	section 63 (3)	50	100
18	section 65 (2)	10	75
19	section 66 (1)	10	75
20	section 66 (2) (a)	50	75
21	section 66 (2) (b)	50	75
22	section 66 (2) (c)	50	75
23	section 67 (1) (a)	30	75
24	section 67 (1) (b)	30	75
25	section 67 (1) (c)	30	75
26	section 67 (1) (d)	30	75
27	section 67 (1) (e)	30	75
28	section 67 (1) (f)	30	75
29	section 67 (1) (g)	30	75
30	section 67 (2) (b)	50	150

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
31	section 67 (2) (c)	50	150
32	section 67 (2) (d)	50	150
33	section 67 (3) (a)	50	150
34	section 67 (3) (b)	50	150
35	section 68 (1) (a)	5	75
36	section 68 (1) (b)	5	75
37	section 70 (a)	50	100
38	section 70 (b)	50	100
39	section 70 (c)	50	100
40	section 111—		
40.1	<ul style="list-style-type: none"> if the licence relates to an animal with special protection status 	10	200
40.2	<ul style="list-style-type: none"> in any other case 	5	100
41	section 112 (3)—		
41.1	<ul style="list-style-type: none"> if the animal or fish kept, or plant sold or exported, as the case requires, has special protection status 	20	400
41.2	<ul style="list-style-type: none"> in any other case 	10	200
42	section 113	50	250

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- conservator of flora and fauna
- corporation
- Corporations Act
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

conservation officer—see the Nature Conservation Act, dictionary.

Nature Conservation Act means the *Nature Conservation Act 1980*.

Endnotes

1 Notification

Notified under the Legislation Act on 10 November 2005.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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