

2005

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**MAGISTRATES COURT (PLANT DISEASES INFRINGEMENT NOTICES)
REGULATION 2005**

SUBORDINATE LAW NO SL2005-32

EXPLANATORY STATEMENT

**Circulated by authority of
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Attorney General**

Outline

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Plant Diseases Infringement Notices) Regulation 2005 (the regulation) enables infringement notices to be issued for certain offences in the *Plant Diseases Act 2002*.

The *Plant Diseases Act 2002* sets out provisions for the regulation of plant diseases issues in the ACT. It provides for a number of measures to control diseases and pests of plants and a number of offences are established for non-compliance with control requirements and associated enforcement activities.

The objective of the regulation is to ensure that infringement notices are in place for these offences and more specifically for offences related to the contravention of a prohibition against the introduction of plants, insects, diseases and pests; contravention of a declaration of an area of land that is a quarantine area; contravention of an importation restriction; and contravention of an obligation to report notifiable diseases and pests.

The ability to issue infringement notices for offences against the *Plant Diseases Act 2002* 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 (Plant Diseases Infringement Notices) Regulation 2005*.

Section 2 – Commencement

This section provides that the regulation commences on the day after its notification.

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 Plant Diseases 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 Plant Diseases 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 5 times the amount listed in the schedule.

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.

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 inspector may serve an infringement notice for an infringement notice offence and may serve a reminder notice for an infringement notice offence under the Plant Diseases Act.

Schedule 1 – Plant Diseases Act infringement notice offences and penalties

This schedule outlines the offence penalty units and infringement penalties for offences under section 8(9), 10(9), 12(9), and 16(1) of the Plant Diseases Act.

Dictionary

The Dictionary for the regulations.