

**2005**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT (NATURE CONSERVATION INFRINGEMENT NOTICES)  
REGULATION 2005**

**SUBORDINATE LAW SL2005-33**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
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# MAGISTRATES COURT (NATURE CONSERVATION INFRINGEMENT NOTICES) REGULATION 2005

## SUBORDINATE LAW SL2005- 33

### Outline

The *Magistrates Court Act 1930* Part 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. The Magistrates Court (Nature Conservation Infringement Notices) Regulation 2005 enables infringement notices to be issued for certain offences in the *Nature Conservation Act 1980*. The infringement notices provisions in these regulations were previously regulations under the Nature Conservation Act.

The Nature Conservation Act regulates activities that may cause harm to the natural environment of the ACT. The Act establishes the position of Conservator of Flora and Fauna, and the Parks and Conservation Service to assist him or her in carrying out functions under the Act. The Act also establishes the Flora and Fauna Committee to advise the Minister on threatened species issues.

The ability to issue infringement notices for offences against the Act will encourage compliance with the legislation and will allow immediate action to be taken against persons that breach the legislation. This should provide greater protection for the natural environment of the ACT.

### Notes on sections

**Section 1 – Name of regulation** – provides that the regulation is the *Magistrates Court (Nature Conservation Infringement Notice) Regulation 2005*.

**Section 2 – Commencement** – provides that the regulation commences at the same time as Part 3.42 of the *Statute Law Amendment Act 2005* (which has provisions that remove the infringement notice provisions from the Nature Conservation Act and establish the infringement notices under the *Magistrates Court Act 1930*).

**Section 3 – Purpose of regulation** – provides that the purpose of the regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Nature Conservation Act.

**Section 4 – Dictionary** – provides that the dictionary included in the regulation is part of the regulation.

**Section 5 – Notes** – provides that a note included in this regulation is explanatory and is not part of the regulation.

**Section 6 – Administering authority** – provides that the administering authority for an infringement notice offence against the Nature Conservation Act is the Conservator of Flora and Fauna.

**Section 7 – Infringement notice offences** – provides that infringement notices can be issued for offences listed in schedule 1, column 2.

**Section 8 – Infringement notice penalties** – provides that the penalties for the offences in schedule 1 are listed in column 4 of the schedule. The penalties for corporations are five times the amount listed in column 4 of the schedule.

This section also provides that a charge of \$34 will be imposed for serving a reminder notice on a person who has not paid their infringement notice.

**Section 9 – Contents of infringement notices – other information** – specifies how the notice must identify a company served with the infringement notice. An infringement notice served on a company must include the company's ACN. For the purpose of this regulation, a company is considered to be a company registered under the *Corporations Act 2001* (Cth).

**Section 10 – Contents of infringement notices – identifying authorised person** – provides that the infringement notice must identify the authorised person who served the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

**Section 11 – Contents of reminder notices – identifying authorised person** – provides that the reminder notice for the infringement notice must identify the authorised person who served the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

**Section 12 – Authorised people for infringement notice offences** – provides that an authorised officer may serve an infringement notice or a reminder notice under this regulation.

**Section 13 – Expiry of Regulation** – provides for the expiry of the regulation on the day the *Criminal Code 2002* applies to all ACT offences. This 'sunset clause' is included to ensure infringement notices schemes for Acts yet to be harmonised with the Criminal Code are reviewed.

**Schedule 1 – Nature Conservation Act infringement notice offences and penalties** – lists the infringement notice offences and penalties under clauses 7 and 8.

## **Dictionary**

The Dictionary sets out the definitions for the regulation.