

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (FISHERIES INFRINGEMENT NOTICES)
REGULATIONS 2004

Subordinate Law No SL2004-5

EXPLANATORY STATEMENT

Circulated by authority of Jon Stanhope MLA
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BACKGROUND AND OUTLINE

The Fisheries Act 2000 and Fisheries Regulations 2001 provide for the management of fisheries. The *Magistrates Court (Fisheries Infringement Notices) Regulations 2004* (the regulations) are made under part 8 of the *Magistrates Court Act 1930* to create a system of infringement notices for certain offences against the *Fisheries Act* and the *Fisheries Regulations*.

DETAILS OF REGULATIONS

Regulation 1 provides that the name of the regulations is the *Magistrates Court (Fisheries Infringement Notices) Regulations 2004*.

Regulation 2 provides that the regulations commence on the day after their notification day.

Regulation 3 provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8, for certain offences against the fisheries legislation.

Regulation 4 provides that the note included in the regulations is explanatory and is not part of the regulations.

Regulation 5 provides that the reference to fisheries legislation means the *Fisheries Act* and the *Fisheries Regulations*.

Regulation 6 provides that the administering authority for an infringement notice offence is the conservator of flora and fauna.

Regulation 7 provides that an infringement notice can be issued for an offence against the fisheries legislation mentioned in schedule 1, column 2.

Regulation 8 provides for infringement notice penalties payable by an individual or corporation. The penalty payable by a corporation is five times that payable by an individual. The regulation also provides that the cost of serving a reminder notice for an infringement notice offence is \$34.

Regulation 9 provides that an infringement notice served on a company must include the company's ACN.

Regulation 10 provides that an authorised person issuing an infringement notice offence 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.

Regulation 11 provides that a reminder notice issued for an infringement notice offence must identify the authorised person. The identifying particulars are the same as those provided in regulation 10.

Regulation 12 provides that a conservation officer under the *Nature Conservation Act 1980* may serve an infringement notice and a reminder notice for an infringement notice offence.

Schedule 1 specifies the provisions of the fisheries legislation for the offences under which infringement notices may be issued. It also specifies the infringement penalties.

FINANCIAL IMPLICATIONS

Nil.