



Australian Capital Territory

Magistrates Court (Fisheries Infringement Notices) Regulation 2004

SL2004-5

made under the

Magistrates Court Act 1930

Republication No 5

Effective: 10 June 2015 – 10 June 2015

Republication date: 10 June 2015

Last amendment made by [A2015-15](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Fisheries Infringement Notices) Regulation 2004*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 June 2015.

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 changes

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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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R5
10/06/15

Magistrates Court (Fisheries Infringement Notices)
Regulation 2004

contents 1

Effective: 10/06/15-10/06/15

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Australian Capital Territory

Magistrates Court (Fisheries Infringement Notices) Regulation 2004

made under the

Magistrates Court Act 1930

1 Name of regulation

This regulation is the *Magistrates Court (Fisheries Infringement Notices) Regulation 2004*.

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 fisheries legislation.

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 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.

5 Meaning of *fisheries legislation*

In this regulation:

fisheries legislation means—

- (a) the *Fisheries Act 2000*; and
- (b) the *Fisheries Regulation 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 3.8 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 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 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 for this regulation.

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 for this regulation.

12 Authorised people for infringement notice offences

A conservation officer under the *Nature Conservation Act 1980*, section 8 may serve the following:

- (a) an infringement notice for an infringement notice offence against the fisheries legislation;
- (b) a reminder notice for an infringement notice offence against the fisheries legislation.

Schedule 1 Fisheries legislation infringement notice offences and penalties

(see s 7 and s 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	37 (1)	50	250
2	46 (1)	10	100
3	46 (2)	50	250
4	46 (3)	10	100
5	47 (1)	10	100
6	47 (2)	50	100
7	47 (3)	50	100
8	48 (1)	50	100
9	65 (2)	50	100
10	74 (2)	50	250
11	75 (1)	10	100
12	76 (2)	100	250
13	79 (1)	10	100
14	80 (1)	50	250
15	80 (3)	50	250
16	81 (3)	30	150
17	82 (2)	30	150
18	83 (1)	10	100

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 (\$)
19	84 (1)	30	150
20	85 (1)	10	100
21	86 (1)	50	250
22	86 (2)	30	150
23	87 (1)	50	250
24	87 (2)	30	150

Part 1.2 Fisheries Regulation 2001

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	5 (2)	5	100

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Magistrates Court (Fisheries Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

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

notified LR 22 January 2004
s 1, s 2 commenced 22 January 2004 (LA s 75 (1))
remainder commenced 23 January 2004 (s 2)

as amended by

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.43

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.43 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

Magistrates Court (Fisheries Infringement Notices) Amendment Regulation 2014 (No 1) SL2014-28

notified LR 12 November 2014
s 1, s 2 commenced 12 November 2014 (LA s 75 (1))
remainder commenced 13 November 2014 (s 2)

Nature Conservation Act 2014 A2014-59 sch 2 pt 2.10

notified LR 11 December 2014
s 1, s 2 commenced 11 December 2014 (LA s 75 (1))
sch 2 pt 2.10 awaiting commencement (s 2 (1))

Note default commencement under LA s 79: 11 June 2015

Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.23

notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
sch 3 pt 3.23 commenced 10 June 2015 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Name of regulation

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am [A2004-60](#) amdt 1.420, amdt 1.421

Infringement notice offences

s 7 am [A2004-60](#) amdt 1.422

Authorised people for infringement notice offences

s 12 am [SL2014-28](#) s 4; [A2015-15](#) amdt 3.100, amdt 3.101

Fisheries legislation infringement notice offences and penalties

sch 1 am R2 LA
sub [SL2014-28](#) s 5

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 23 Jan 2004	23 Jan 2004- 31 Oct 2004	not amended	new regulation
R2 1 Nov 2004	1 Nov 2004- 9 Jan 2005	A2004-60	editorial amendments under Legislation Act
R3 10 Jan 2005	10 Jan 2005- 12 Nov 2014	A2004-60	amendments by A2004-60
R4 13 Nov 2014	13 Nov 2014- 9 June 2015	SL2014-28	amendments by SL2014-28

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