



Australian Capital Territory

# **Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005**

**Subordinate Law SL2005-34**

---

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

# Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005

Subordinate Law SL2005-34

made under the

Magistrates Court Act 1930

## Contents

---

	Page
1 Name of regulation	1
2 Commencement	1
3 Purpose of regulation	1
4 Dictionary	1
5 Notes	2
6 Administering authority	2
7 Infringement notice offences	2
8 Infringement notice penalties	2
9 Contents of infringement notices—other information	3

---

J2005 - 769

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Contents

---

	Page
10	Contents of infringement notices—identifying authorised person
11	Contents of reminder notices—identifying authorised person
12	Costs if liability disputed
13	Authorised people for infringement notice offences
<b>Schedule 1</b>	<b>Pest Plants and Animals Act infringement notice offences and penalties</b>
	<b>5</b>
<b>Dictionary</b>	<b>6</b>

**1 Name of regulation**

This regulation is the *Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005*.

**2 Commencement**

This regulation commences on the commencement of the *Pest Plants and Animals Act 2005*.

*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 Pest Plants and Animals 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.

*Note 2* A definition in the dictionary 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 Pest Plants and Animals Act is the chief executive for the Pest Plants and Animals Act.

## **7 Infringement notice offences**

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

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the Pest Plants and Animals Act, 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 Pest Plants and Animals Act, 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 Pest Plants and Animals 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 Pest Plants and Animals 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 Pest Plants and Animals 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 Pest Plants and Animals 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 Costs if liability disputed**

The cost of beginning a proceeding is \$200.

**13      **Authorised people for infringement notice offences****

An authorised person under the Pest Plants and Animals Act, section 30 (Appointment of authorised people) may serve—

- (a) an infringement notice for an infringement notice offence against the Pest Plants and Animals Act; and
- (b) a reminder notice for an infringement notice offence against the Pest Plants and Animals Act.

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



---

## Schedule 1      Pest Plants and Animals Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	11 (1)	50	1000
2	19 (1)	50	1000

## Dictionary

(see s 4)

*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:

- 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.

*Pest Plants and Animals Act* means the *Pest Plants and Animals Act 2005*.

---

## 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](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2005