



Australian Capital Territory

# Magistrates Court (Nature Conservation Infringement Notices) Regulation 2015

Subordinate Law SL2015-20

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The Australian Capital Territory Executive makes the following regulation under the *Magistrates Court Act 1930*.

Dated 9 June 2015.

SIMON CORBELL  
Minister

JOY BURCH  
Minister

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made under the

[Magistrates Court Act 1930](#)

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**1 Name of regulation**

This regulation is the *Magistrates Court (Nature Conservation Infringement Notices) Regulation 2015*.

**2 Commencement**

This regulation commences on the later of—

- (a) the commencement of the *Nature Conservation Act 2014*, section 3; and
- (b) the day after this regulation’s notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*conservation officer*—see the *Nature Conservation Act 2014*, dictionary.’ means that the term ‘conservation officer’ is defined in that dictionary and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) 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)).

**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 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 *Nature Conservation Act 2014*.

*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.

## **6 Administering authority**

The administering authority for an infringement notice offence against the *Nature Conservation Act 2014* 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 *Nature Conservation Act 2014* mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the *Nature Conservation Act 2014*, 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 *Nature Conservation Act 2014*, 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 *Nature Conservation Act 2014* is \$34.

**9 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 *Nature Conservation Act 2014* 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.

**10 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 *Nature Conservation Act 2014* 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*.

**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 *Nature Conservation Act 2014* 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 Authorised people for infringement notice offences**

A conservation officer may serve the following:

- (a) an infringement notice for an infringement notice offence against the *Nature Conservation Act 2014*;
- (b) a reminder notice for an infringement notice offence against the *Nature Conservation Act 2014*.



## Schedule 1 Nature Conservation Act 2014 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	135 (1)	50	1500
2	138 (1)	50	1500
3	147 (1)	50	1500
4	149 (1)	25	750
5	149 (2)	50	1500
6	152 (1)	25	750
7	152 (2)	50	1500
8	209 (1)	50	1500
9	213 (1)	20	600
10	214 (1)	50	1500
11	215 (1)	10	300
12	216 (1)	30	900
13	217 (1)	50	1500
14	218 (1)	50	1500
15	219 (1)	30	900
16	219 (2)	30	900
17	220 (1)	30	900
18	221 (1)	30	900
19	222 (1)	50	1500
20	222 (2)	50	1500
21	222 (3)	50	1500

**Schedule 1**

## Nature Conservation Act 2014 infringement notice offences and penalties

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
22	222 (4)	50	1500
23	223 (1)	50	1500
24	224 (1)	50	1500
25	225 (1)	50	1500
26	227 (1)	20	600
27	230 (1)	20	600
28	238 (1)	50	1500
29	247 (1)	50	1500
30	257 (1)	10	300
31	257 (2)	30	900
32	258 (1)	20	600
33	258 (2)	50	1500
34	260 (1)	50	1500
35	263 (1)	20	600
36	263 (2)	30	900
37	295 (1)	1	30
38	302 (1)	10	300
39	306 (1)	10	300
40	306 (2)	20	600
41	320 (1)	5	150
42	322 (1)	10	300
43	324 (1)	50	1500
44	326 (1)	10	300
45	328 (1)	10	300
46	330 (1)	50	1500

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
47	342 (7)	20	600
48	355 (4)	20	600

## Dictionary

(see s 3)

*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:

- conservator of flora and fauna
- 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.

***conservation officer***—see the [Nature Conservation Act 2014](#), dictionary.

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 10 June 2015.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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