

TABLING NOTE FOR SUBORDINATE LEGISLATION
SUBORDINATE LEGISLATION NO. 11 OF 2017
BUSHFIRES MANAGEMENT (GENERAL) REGULATIONS

Purpose

The regulations establish arrangements for dealing with a minor offence against the *Bushfires Management Act* by enabling the issuing of an infringement notice. This approach streamlines the legal process around dealing with a minor offence, and provides significant cost savings to government by simplifying enforcement while still providing a deterrent to committing an offence against the Act.

Summary of key provisions

The regulations:

- provide that offences against certain provisions of the Act can be dealt with by issuing an infringement notice;
- prescribe penalty amounts (ranging from 1 to 4 penalty units) for each infringement category;
- authorise a fire control officer or a fire warden to issue an infringement notice;
- prescribe the contents of an infringement notice; and
- prescribe the procedure for an infringement notice to be withdrawn.

Legislative Authority

Section 106(1) of the *Bushfires Management Act*.

NORTHERN TERRITORY OF AUSTRALIA

BUSHFIRES MANAGEMENT (GENERAL) REGULATIONS

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Schedule Infringement notice offences and prescribed amounts



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 11 of 2017*

Bushfires Management (General) Regulations

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Bushfires Management Act*.

Dated 15 May 2017

J. F. HARDY
Administrator

By His Honour's Command

L. J. MOSS
Minister for Environment and Natural Resources

* Notified in the *Northern Territory Government Gazette* on 24 May 2017.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Bushfires Management (General) Regulations*.

2 Definitions

In these Regulations:

infringement notice, see regulation 4.

infringement notice offence, see regulation 3(1).

prescribed amount, see regulation 3(2).

Part 2 Infringement notice offences

3 Infringement notice offence and prescribed amount payable

- (1) An *infringement notice offence* is an offence against a provision specified in the Schedule.
- (2) The *prescribed amount* for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in the Schedule.

4 When infringement notice may be given

If a fire control officer or fire warden believes on reasonable grounds a person has committed an infringement notice offence, the fire control officer or fire warden may give a notice (an *infringement notice*) to the person.

5 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
 - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;
 - (iv) registering a statutory charge on land owned by the person;
 - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

6 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the enforcement agency's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

7 Withdrawal of infringement notice

- (1) The chief fire control officer may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the person; and
 - (b) before payment of the prescribed amount.

8 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
 - (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Schedule Infringement notice offences and prescribed amounts

regulation 3(1) and (2)

Provision	Prescribed amount in penalty units
<i>Bushfires Management Act</i>	
sections 20(1), 45(1) and 53(1)	1
sections 49(1), 68(1) and (2), 72(1), 75(1), 76(1), 77(1), 87(5) and 95(1)	2
sections 50(1), 69(4), 73(1), 74(1), 80(2), 82(1), 85(2), 86(1) and 87(3)	4
