

NORTHERN TERRITORY OF AUSTRALIA

BUSHFIRES MANAGEMENT (GENERAL) REGULATIONS 2017

As in force at 2 March 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 March 2018

BUSHFIRES MANAGEMENT (GENERAL) REGULATIONS 2017

Regulations under the *Bushfires Management Act 2016*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Bushfires Management (General) Regulations 2017*.

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 2001*, 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 2001* 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 2001*, 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
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Bushfires Management Act 2016

sections 20(1), 45(1) and 53(1)	1
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sections 49(1), 68(1) and (2), 72(1), 75(1), 76(1), 77(1), 87(5) and 95(1)	2
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ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Bushfires Management (General) Regulations (SL No. 11, 2017)

Notified	24 May 2017
Commenced	24 May 2017

Bushfires Management (General) Amendment Regulations (SL No. 5, 2018)

Notified	2 March 2018
Commenced	2 March 2018

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 5 and sch.

4 LIST OF AMENDMENTS

sch amd No. 5, 2018, r 4