

NORTHERN TERRITORY OF AUSTRALIA
WEEDS MANAGEMENT REGULATIONS

Subordinate Legislation No. 48 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 48 of 2006*

Weeds Management Regulations

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Weeds Management Act*.

Dated 12 December 2006.

E. J. EGAN
Administrator

By His Honour's Command

C. B. BURNS
Minister for Health
acting for the
Minister for Natural Resources, Environment and Heritage

* Notified in the *Northern Territory Government Gazette* on 20 December 2006.

PART 1 – PRELIMINARY MATTERS

1. Citation

These Regulations may be cited as the *Weeds Management Regulations*.

2. Definitions

In these Regulations:

"infringement notice", see regulation 3;

"infringement offence" means an offence against a provision of the Act specified in the Schedule;

"prescribed amount", for an infringement offence, means:

- (a) for an offence specified in the Schedule, Part 1 – the amount payable for the offence under section 8 of the *Environmental Offences and Penalties Act*; or
- (b) for an offence specified in the Schedule, Part 2, column 1:
 - (i) if the infringement notice is served on an individual – the amount specified opposite the offence provision in column 2; or
 - (ii) if the infringement notice is served on a body corporate – 5 times the amount specified opposite the offence provision in column 2.

PART 2 – INFRINGEMENT NOTICES

3. When infringement notice for infringement offence may be served

If a weed management officer reasonably believes a person has committed an infringement offence, the officer may serve a notice (an "infringement notice") on the person.

4. Contents of infringement notice

- (1) The infringement notice must specify the following particulars:
 - (a) the name and address of the alleged offender, if known;
 - (b) the date of the infringement notice;
 - (c) the date, time and place of the infringement offence;

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- (d) a description of the infringement offence and the prescribed amount payable for the offence;
 - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) An infringement notice must include a statement to the effect of the following:
- (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
 - (b) the alleged offender 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 serving it on the specified enforcement agency;
 - (c) if the alleged offender 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) suspension of the alleged offender's licence to drive;
 - (ii) suspension of the alleged offender's vehicle registration;
 - (iii) seizure of personal property of the alleged offender;
 - (iv) deduction of an amount from the alleged offender's wages or salary;
 - (v) registration of a statutory charge on land owned by the alleged offender;
 - (vi) making of a community work order for the alleged offender which may result in imprisonment of the alleged offender if the alleged offender breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

5. Payment by cheque

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

6. Withdrawal of infringement notice

(1) The Chief Executive Officer may withdraw the infringement notice by written notice served on the alleged offender.

(2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

7. Application of Part

(1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence for which an infringement notice has been served unless the offence is expiated.

(2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.

(3) In addition, this Part does not:

(a) require an infringement notice to be served; or

(b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

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SCHEDULE

Regulation 2, definitions "infringement
offence" and "prescribed amount"

INFRINGEMENT OFFENCES AND PRESCRIBED AMOUNTS

PART 1

Sections 9(3), (4) and (6), 21(3), 23(3), 29(4) and 31(1)

Note

Each offence listed above is an environmental offence level 3.

PART 2

Column 1	Column 2
Offence provision	Prescribed amount
Section 20	\$200
Section 24(5)	\$200
Section 26	\$200
Section 27	\$200