

**59A. Alternative procedure — infringement notices**

- (1) In this section *prosecutor* means a person or local government authorised by or under section 59 to institute and carry on proceedings against a person for an offence alleged to be committed against this Act.
- (2) Where a prosecutor has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, the prosecutor may serve on that person a notice, in the prescribed form (in this section called an *infringement notice*), informing the person that, if he does not wish to be prosecuted for the alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this section.
- (3) An infringement notice may be served on an alleged offender personally or by posting it to his address as ascertained from him, at the time of, or immediately following, the occurrence giving rise to the allegation of an offence, or as shown (in the case of an owner of land) in a rate record, kept pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (4) A person who receives an infringement notice may decline to be dealt with under the provisions of this section and, where he fails to pay the prescribed penalty within the time specified in the notice or within such further time as may, in any particular case, be allowed, he is deemed to have declined to be dealt with under those provisions.
- (5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has

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been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.

- (6) Where a prescribed penalty has been paid pursuant to an infringement notice and the notice has not been withdrawn as provided by subsection (5), proceedings shall not be brought against any person with respect to the offence alleged in the notice.
- (7) The payment of a penalty pursuant to an infringement notice shall, for the purposes of this Act, constitute a conviction of an offence, but shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the occurrence by reason of which the infringement notice was given.
- (8) The Governor may make regulations for any purpose for which regulations are contemplated or required by this section and, in particular, may make regulations —
  - (a) prescribing offences for the purposes of this section by setting out the offences or by reference to the provisions creating the offences; and
  - (b) prescribing a penalty for the purposes of this section in respect of any prescribed offence, which penalty shall be a fine of not more than \$1 000.

*[Section 59A inserted by No. 65 of 1977 s. 42; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 38 of 2002 s. 37 and 39; No. 84 of 2004 s. 80.]*

**60.      Assisting to commit an offence**

Wherever in this Act there is a prohibition of the doing of anything, the prohibition is to be read as including a prohibition of the assisting in or of aiding or abetting in any way the doing of the thing, and of the causing of or suffering the doing of it, and of any attempt to do the thing, or to cause it to be done or to assist in or aid or abet the doing of the thing.

### First Schedule

Item	Regulation or Section	Nature of offence	Penalty
<i>Bush Fires Act 1954</i>			
			\$
1	Section 17(12)	Setting fire to bush during prohibited burning times	250
2	Section 18	Offences relating to burning of bush	250
3	Section 22(3)(a)	Failure to notify and obtain approval of local government before setting fire to bush on land adjoining exempt land	250
4	Section 22(3)(b)	Failure to prepare a fire break in accordance with section 22(3)(b) before setting fire to bush on land adjoining exempt land	250
5	Section 24B(3)(a)	Failure to produce permit to burn	100
6	Section 24B(3)(b)	Failure or refusal to identify person who issued permit to burn	100
6A	Section 24D	Burning garden refuse when fire danger is extreme or very high	250
6B	Section 24E	Burning garden refuse at rubbish tip contrary to notice	1 000
6C	Section 24F	Burning garden refuse during limited burning times	250
<b>6D</b>	<b>Section 24G</b>	<b>Burning garden refuse contrary to Ministerial or local government prohibition or restriction</b>	<b>250</b>
7	Section 25	Offences relating to lighting of fires in the open air	250
8	Section 25A(4)	Failure to observe and carry out the conditions of an exemption from section 25	250
9	Section 25A(7)	Lighting a fire contrary to a notice issued under section 25A(5) by a local government	250
[10	<i>deleted]</i>		
11	Section 26	Failure to carry out burning of	250