

CLAUSE NOTES

Marine Farming Planning Amendment Bill 2016

- Clause 1 **Short Title**
- Clause 2 **Commencement**
This Act will commence on the day on which it receives Royal Assent.
- Clause 3 **Principal Act**
The Principal Act referred to in this Act is the *Marine Farming Planning Act 1995*.
- Clause 4 **Section 91 amended (Obstruction of execution of plans)**
- Subsection (3) is inserted and provides that a court, must in relation to an offence under subsection (1) impose a special penalty of an amount that is either prescribed by regulations or calculated in accordance with a method prescribed by the regulations.
- Subsection (4) stipulates that a special penalty imposed under subsection (3) is in addition to a fine (if any) that has been imposed under subsection (1) or an amount that has been order to be paid under subsection (2).
- Subsection (5) clarifies that the regulations made for the purposes of subsection (3) may prescribe different amounts or different methods that apply according to what offence it relates to or the circumstances that have been specified in the regulations.
- Clause 5 **Section 121 substituted**
This Clause repeals the existing section 121 and replaces it with a new section 121 (Demerit point by penalty).
- Subsection (1) specifies that one demerit point for each penalty unit will be allocated to a person convicted by a court of an offence under the Act, regulations or rules made under the *Marine Farming Planning Act 1995*. Subsection (1) does not apply to a special penalty under section 91(3).
- Subsection (2) is inserted to enable the court to determine which marine farming licence any demerit points are to be allocated to.
- Clause 6 **Section 122 inserted**
This Clause inserts a new section 122 (Demerit point by infringement notice).
- Subsection (1) specifies that if a person accepts an infringement notice for an offence under section 91 (and that infringement notice is not

withdrawn), then one demerit point for each penalty unit will be allocated to the person and a marine farming licence.

Subsection (2) is inserted to enable the Secretary to determine which marine farming licence any demerit points are to be allocated to.

Subsection (3) clarifies that despite the *Monetary Penalties Enforcement Act 2005*, a person to whom section 122 applies in relation to an infringement notice, for the purposes of section 121 is not taken to have been convicted by a court of the offence to which the infringement notice relates.

Clause 7

Repeal of Act

This clause allows for the repeal of this Act on the three hundredth and sixty fifth day from the day on which it commences.