

#### **44. Penalties**

(1) Any person who contravenes or fails to comply with any provision of this Act shall, where no other penalty is expressly provided, be liable to a penalty not exceeding \$2 000.

*[(2) repealed]*

(3) Proceedings for an offence against this Act or the regulations may be commenced at any time within 2 years after the offence was committed but not afterwards.

(4) In any proceedings for offences against this Act or the regulations in which a question arises as to whether land degradation was liable or likely to become liable to occur, or did occur, as a result of the actions of the owner or occupier of any land —

(a) the occupier of the land is, in the absence of evidence to the contrary, deemed to have taken the action; and

(b) the owner of the land is, unless the contrary is proved, deemed to have permitted the action to be taken.

*[Section 44 amended by No. 113 of 1965 s. 8; No. 42 of 1982 s. 40; No. 20 of 1989 s. 3; No. 91 of 1990 s. 13; No. 47 of 1994 s. 24; No. 59 of 2004 s. 141.]*