



Australian Capital Territory

Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017

SL2017-37

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 1 November 2021

Republication date: 1 November 2021

Last amendment made by [SL2021-25](#)

About this republication

The republished law

This is a republication of the *Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2021.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).

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R2
01/11/21

Magistrates Court (Waste Management and Resource
Recovery Infringement Notices) Regulation 2017

page 1

Effective: 01/11/21

1 Name of regulation

This regulation is the *Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*authorised person*—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.’ means that the term ‘authorised person’ is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the [Magistrates Court Act 1930](#), part 3.8 for certain offences against the waste legislation.

Note The [Magistrates Court Act 1930](#), pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

6 Administering authority

The administering authority for an infringement notice offence against the waste legislation is the waste manager.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the waste legislation mentioned in schedule 1, column 2.

7A Declared offences—Act, s 117, definition of vehicle-related offence, par (b)

An offence against a provision of the waste legislation mentioned in schedule 2, column 2 is declared to be an offence to which the *Magistrates Court Act 1930*, division 3.8.3 (Additional provisions for vehicle-related offences) applies.

7B Declared Act—known offender declarations—Act, s 131E (1) (b) (iii)

The *Waste Management and Resource Recovery Act 2016* is declared to be an Act to which the *Act*, section 131E (1) (b) (iii) applies.

Note The *Act*, s 131E (1) (b) (iii) allows the responsible person for a vehicle who has been served with an infringement notice for a vehicle-related offence under a declared Act to make a known offender declaration that the responsible person saw another named person do the act the subject of the offence.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the waste legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the waste legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the waste legislation is \$34.

9 Contents of infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the waste legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

10 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the waste legislation must include the company’s ACN.

Note The requirement under this section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

company means a company registered under the [Corporations Act](#).

11 Contents of reminder notices—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the waste legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An authorised person may serve the following:

- (a) an infringement notice for an infringement notice offence against the waste legislation;
- (b) a reminder notice for an infringement notice offence against the waste legislation.

Schedule 1 Waste legislation infringement notice offences and penalties

(see s 7 and s 8)

Part 1.1 Waste Management and Resource Recovery Act 2016

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	50 (1)	10	75
2	61 (2)	50	750
3	66 (1)	50	750
4	72 (1)	50	1 500
5	75 (2)	1	30
6	81 (5)	50	1 500
7	83 (1)	5	150
8	108 (1)	50	750

Part 1.2

Waste Management and Resource Recovery Regulation 2017

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	18 (1)	5	150
2	18 (2)	5	150
3	18 (3)	5	150
4	19 (1)	10	300
5	20 (1)	10	300
6	21 (1)	10	300
7	22 (1)	10	300
8	23 (1)	10	300
9	24AC (1)	10	300
10	24AE (1)	20	600
11	24AE (3)	5	150
12	24AF (1)	10	300
13	24AF (2) (a)	5	150
14	24AF (2) (b)	5	150
15	24AF (2) (c)	5	150
16	24AG (1)	10	300
17	24AH (1)	10	300

Schedule 2 Waste Management and Resource Recovery Regulation 2017 vehicle-related offences at waste facilities

(see s 7A)

column 1 item	column 2 vehicle-related offence provision
1	24AC (1)
2	24AE (1)
3	24AE (3)
4	24AF (1)
5	24AF (2) (a)
6	24AF (2) (b)
7	24AF (2) (c)
8	24AG (1)

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- corporation
- Corporations Act
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the [Magistrates Court Act 1930](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](#), dict:

- administering authority
- infringement notice
- infringement notice offence
- reminder notice.

authorised person—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.

waste legislation means—

- (a) the [Waste Management and Resource Recovery Act 2016](#); and
- (b) the [Waste Management and Resource Recovery Regulation 2017](#).

waste manager—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017 SL2017-37

notified LR 7 December 2017

s 1, s 2 commenced 7 December 2017 (LA s 75 (1))

remainder commenced 8 December 2017 (s 2)

as amended by

[Magistrates Court \(Waste Management and Resource Recovery Infringement Notices\) Amendment Regulation 2021 \(No 1\) SL2021-25](#)

notified LR 25 October 2021

s 1, s 2 commenced 25 October 2021 (LA s 75 (1))

remainder commenced 1 November 2021 (s 2 and see [Waste Management and Resource Recovery Amendment Regulation 2021 \(No 1\) SL2021-24 s 2](#))

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Declared offences—Act, s 117, definition of *vehicle-related offence*, par (b)

s 7A ins [SL2021-25](#) s 4

Declared Act—known offender declarations—Act, s 131E (1) (b) (iii)

s 7B ins [SL2021-25](#) s 4

Waste Management and Resource Recovery Regulation 2017

sch 1 pt 1.2 am [SL2021-25](#) s 5; items renum R2 LA

Waste Management and Resource Recovery Regulation 2017 vehicle-related offences at waste facilities

sch 2 ins [SL2021-25](#) s 6

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 8 Dec 2017	8 Dec 2017– 31 Oct 2021	not amended	new regulation

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