

Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2025 (No 1)

Subordinate law SL2025–25

made under the

Magistrates Court Act 1930

EXPLANATORY STATEMENT

This explanatory statement relates to the *Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2025 (No 1)* (the **regulation**) as made by the Executive.

It has been prepared to assist the reader of the regulation and to help inform debate on it. It does not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

Part 3.8 of the *Magistrates Court Act 1930* provides for a system of infringement notices for certain offences as an alternative to prosecution. The *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005* (the **Magistrates Court Regulation**) creates a system of infringement notices for certain offences against the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005* (the **EP Regulation**).

The *Environment Protection (Industrial Chemicals) Amendment Regulation 2025* (the **Amendment Regulation**) will introduce Part 5A to the EP Regulation to implement agreed national regulatory reforms for the management of industrial chemicals and an article or product containing an industrial chemical. This includes the introduction of a new strict liability offence.

Human rights considerations for the introduction of the new strict liability offences are discussed in the explanatory statement to the Amendment Regulation.

The regulation will amend Schedule 1, Part 1.2 of the Magistrates Court Regulation to:

- include the new strict liability offence in the infringement notices scheme for the Regulation, with 3 new offence penalties and 3 new infringement penalties.
- omit an offence for section 44 (2) of the regulation that is no longer applicable.
- add an infringement notice penalty to an offence against section 58 (30) of the regulation, introduced in 2014.
- amend column 2 of Schedule 1, part 1.2, item 47.

Clause notes

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2025 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation commences on the commencement of the *Environment Protection (Industrial Chemicals) Amendment Regulation 2025*, section 3.

Clause 3 Legislation amended

This clause provides that the regulation amends the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

Clause 4 Schedule 1, part 1.2, item 18

This clause omits item 18 in Schedule 1, part 1.2 of the Magistrates Court Regulation, to exclude the offence under the no longer applicable section 44 (2) of the EP Regulation.

Clause 5 Schedule 1, part 1.2, new item 26A

This clause inserts items 26A.1, 26A.2 and 26A.3 in the Magistrates Court Regulation, in Schedule 1, part 1.2, to provide that infringement penalties of \$160, \$320 and \$640 apply to the offence provided under the new section 52D of the EP Regulation.

Clause 6 Schedule 1, part 1.2, new item 40A

This clause inserts item 40A in the Magistrates Court Regulation, in Schedule 1, part 1.2, to provide that an infringement penalty of \$100 applies to the offence provided under section 58 (3) of the EP Regulation.

Clause 7 Schedule 1, part 1.2, item 47, column 2

This clause inserts (1) after 66C in column 2 of item 47 in the Magistrates Court Regulation, which clarifies this item number refers to the offence under section 66C (1) of the EP Regulation.