



Australian Capital Territory

# Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003

**Subordinate Law SL2003-27**

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The Australian Capital Territory Executive makes the following regulations under the *Magistrates Court Act 1930*.

Dated 25 August 2003.

SIMON CORBELL  
Minister

JON STANHOPE  
Minister

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*Magistrates Court Act 1930*

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## **1 Name of regulations**

These regulations are the *Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003*.

## **2 Commencement**

These regulations commence on the commencement of the *Land (Planning and Environment) (Compliance) Amendment Act 2003*, section 8.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## **3 Purpose of regulations**

The purpose of these regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the *Land (Planning and Environment) Act 1991*.

*Note* The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

## **4 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

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

## **5 Meaning of *Land Act***

In these regulations:

*Land Act* means the *Land (Planning and Environment) Act 1991*.

## **6 Administering authority**

The administering authority for an infringement notice offence against the Land Act is the planning and land authority.

## **7 Infringement notice offences**

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the Land Act mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the Land Act, 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 Land Act, 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 Land Act is \$34.

## **9 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 Land Act must include, as part of the company's name, the company's ACN.

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

- (2) In this regulation:

***company*** means a company registered under the Corporations Act.

**10 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 Land Act must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) the date of issue of the authorised person’s identity card; and
- (c) the date of expiry of the authorised person’s identity card.

**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 Land Act must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) the date of issue of the authorised person’s identity card; and
- (c) the date of expiry of the authorised person’s identity card.

**12 Authorised people for infringement notice offences**

An inspector under the Land Act, section 263 may serve—

- (a) an infringement notice for an infringement notice offence against that Act; and
- (b) a reminder notice for an infringement notice offence against that Act.

## Schedule 1 Land Act infringement notice offences and penalties

(see reg 7 and reg 8)

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	section 225 (1)	50	1 000
2	section 258 (1)		
2.1	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 2</li> </ul>	50	1 000
2.2	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 4</li> </ul>	50	1 000
2.3	<ul style="list-style-type: none"> <li>s for a contravention mentioned in schedule 5, item 5</li> </ul>	50	1 000
2.4	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 6</li> </ul>	50	1 000
2.5	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 9</li> </ul>	5	100
2.6	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 10</li> </ul>	100	2 000



column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
2.7	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 11</li> </ul>	50	1 000
2.8	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 12</li> </ul>	20	500
2.9	<ul style="list-style-type: none"> <li>for a contravention mentioned in schedule 5, item 13</li> </ul>	50	1 000
3	section 259B (1)	50	1 000
4	section 260A (1)	50	1 000
5	section 260A (2)	50	1 000

## Endnotes

### Penalty units

- 1 The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### Notification

- 2 Notified under the Legislation Act on 25 August 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

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