



Australian Capital Territory

# **Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003 No 27**

made under the

**Magistrates Court Act 1930**

**Republication No 1**

**Effective: 1 September 2003 – 2 November 2004**

Republication date: 1 September 2003

Regulations not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003*, made under the *Magistrates Court Act 1930*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law up to 1 September 2003.

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](http://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 amendments

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 does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### 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 *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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made under the

**Magistrates Court Act 1930**

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R1  
01/09/03

Magistrates Court (Land Planning and Environment  
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**1 Name of regulations**

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

**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

**Schedule 1** Land Act infringement notice offences and penalties

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<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
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

### 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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003 SL2003-27**

notified LR 25 August 2003

reg 1, reg 2 commenced 25 August 2003 (LA s 75 (1))

remainder commenced 1 September 2003 (reg 2 and see Land (Planning and Environment) (Compliance) Amendment Act 2003 A2003-34, s 2 and CN2003-8)

### 4 Amendment history

#### **Commencement**

reg 2                      om LA s 89 (4)

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