



Australian Capital Territory

Magistrates Court (Land Planning and Environment Infringement Notices) Regulation 2003

SL2003-27

made under the

Magistrates Court Act 1930

Republication No 3

Effective: 10 January 2005 – 1 June 2005

Republication date: 10 January 2005

Last amendment made by A2004-60

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) Regulation 2003*, 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 10 January 2005. It also includes any amendment, repeal or expiry affecting the republished law to 10 January 2005.

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 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.



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10/01/05

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1 Name of regulation

This regulation is the *Magistrates Court (Land Planning and Environment Infringement Notices) Regulation 2003*.

3 Purpose of regulation

The purpose of this regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the *Land (Planning and Environment) Act 1991*.

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.

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 Meaning of *Land Act*

In this regulation:

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 3.8 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 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.

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 s 7 and s 8)

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

Schedule 1 Land Act infringement notice offences and penalties

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">for a contravention mentioned in schedule 5, item 11	50	1 000
2.8	<ul style="list-style-type: none">for a contravention mentioned in schedule 5, item 12	20	500
2.9	<ul style="list-style-type: none">for a contravention mentioned in schedule 5, item 13	50	1 000
3	259B (1)	50	1 000
4	260A (1)	50	1 000
5	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.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	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

3 Legislation history

This regulation was originally the *Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003*. It was renamed under the *Legislation Act 2001*.

Magistrates Court (Land Planning and Environment Infringement Notices) Regulation 2003 SL2003-27

notified LR 25 August 2003

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

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

as amended by

Court Procedures (Consequential Amendments) Act 2004

A2004-60 sch 1 pt 1.46

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.46 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

4 Amendment history

Name of regulation

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am A2004-60 amdt 1.429, amdt 1.430

Infringement notice offences

s 7 am A2004-60 amdt 1.431

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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Sept 2003	1 Sept 2003- 2 Nov 2004	not amended	new regulation
R2 3 Nov 2004	4 Nov 2004- 9 Jan 2005	A2004-60	editorial amendments under Legislation Act

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