



Australian Capital Territory

Magistrates Court (Litter Infringement Notices) Regulations 2004

Subordinate Law SL2004-50

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

Dated 20 September 2004.

BILL WOOD
Minister

JON STANHOPE
Minister



Australian Capital Territory

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Magistrates Court Act 1930

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1 Name of regulations

These regulations are the *Magistrates Court (Litter Infringement Notices) Regulations 2004*.

2 Commencement

These regulations commence on the commencement of the *Litter Act 2004*.

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 provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the Litter Act.

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 *Litter Act*

In these regulations:

Litter Act means the *Litter Act 2004*.

6 Administering authority

The administering authority for an infringement notice offence against the Litter Act is the chief executive for the Litter Act.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Litter 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 Litter 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 Litter 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 Litter Act must include 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 Litter Act must identify the authorised person—

- (a) by—
 - (i) the authorised person’s full name, or surname and initials; and
 - (ii) the position held by the authorised person as it appears on the authorised person’s identity card; or
- (b) by any unique number given, for these regulations, to the authorised person by the administering authority.

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 Litter Act must identify the authorised person—

- (a) by—
 - (i) the authorised person’s full name, or surname and initials; and
 - (ii) the position held by the authorised person as it appears on the authorised person’s identity card; or
- (b) by any unique number given, for these regulations, to the authorised person by the administering authority.

12 Service of notices by authorised people

An authorised person under the Litter Act, section 14 may serve—

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

Schedule 1 Litter Act infringement notice offences and penalties

(see reg 7 and reg 8)

column 1 item	column 2 provision and, if relevant, case	column 3 offence penalty (pu)	column 4 infringement penalty (\$)
1	section 8 (1)		
1.1	<ul style="list-style-type: none"> if the litter is a ticket, voucher or receipt, a confectionary wrapper, cigarette (unlit or extinguished), cigarette packet or a similarly small item 	10	60
1.2	<ul style="list-style-type: none"> any other litter 	10	200
2	section 8 (2)	10	200
3	section 8 (3)	10	200
5	section 10 (1)	50	500
6	section 10 (2)	50	1 000
7	section 11 (1)	50	500
8	section 11 (2)	50	500
9	section 12 (2)	50	500
10	section 13 (1)	10	100
11	section 13 (3)	10	100

Endnotes

1 Notification

Notified under the Legislation Act on 23 September 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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