



Australian Capital Territory

Magistrates Court (Litter Infringement Notices) Regulation 2004

SL2004-50

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 2 November 2004 – 5 May 2005

Republication date: 2 November 2004

Regulation not amended
(replication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Litter Infringement Notices) Regulation 2004*, 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 2 November 2004. It also includes any commencement, repeal or expiry affecting the republished law.

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 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 includes 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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R2
02/11/04

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Effective: 02/11/04-05/05/05

1 Name of regulation

This regulation is the *Magistrates Court (Litter Infringement Notices) Regulation 2004*.

3 Purpose of regulation

The purpose of this regulation 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 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 *Litter Act*

In this regulation:

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 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 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 this regulation, 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 this regulation, 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 s 7 and s 8)

| column 1 item | column 2 provision and, if relevant, case | column 3 offence penalty (pu) | column 4 infringement penalty (\$) |
|------------------|---|-------------------------------------|--|
| 1 | 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 | 8 (2) | 10 | 200 |
| 3 | 8 (3) | 10 | 200 |
| 5 | 10 (1) | 50 | 500 |
| 6 | 10 (2) | 50 | 1 000 |
| 7 | 11 (1) | 50 | 500 |
| 8 | 11 (2) | 50 | 500 |
| 9 | 12 (2) | 50 | 500 |
| 10 | 13 (1) | 10 | 100 |
| 11 | 13 (3) | 10 | 100 |

Endnotes

1 About the endnotes

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 |

3 Legislation history

This regulation was originally the *Magistrates Court (Litter Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

**Magistrates Court (Litter Infringement Notices) Regulation 2004
SL2004-50**

notified LR 23 September 2004

s 1, s 2 commenced 23 September 2004 (LA s 75 (1))

remainder commenced 30 September 2004 (s 2 and see Litter Act 2004 A2004-47, s 2 and CN2004-22)

4 Amendment history**Name of regulation**

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

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 30 Sept 2004 | 30 Sept 2004– 1 Nov 2004 | not amended | new regulation |

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