



Australian Capital Territory

Magistrates Court (Environment Protection Infringement Notices) Regulation 2005

Subordinate Law SL2005-37

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

Dated 11 November 2005.

JON STANHOPE
Minister

JOHN HARGREAVES
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

2 Commencement

This regulation commences on the commencement of the *Statute Law Amendment Act 2005*, part 3.19.

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

3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the environment protection legislation.

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 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*authorised officer*—see the *Environment Protection Act 1997*, section 4.’ means that the term ‘authorised officer’ is defined in that section and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

5 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.

6 Administering authority

The administering authority for an infringement notice offence against the environment protection legislation is the environment protection authority.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the environment protection legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the environment protection legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the individual.
- (2) The penalty payable by a corporation for an offence against the environment protection legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the corporation.
- (3) The cost of serving a reminder notice for an infringement notice offence against the environment protection legislation 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 environment protection legislation 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 environment protection legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) 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 environment protection legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 **Authorised people for infringement notice offences**

An authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the environment protection legislation; and
- (b) a reminder notice for an infringement notice offence against the environment protection legislation.

Note For how documents may be served, see the Legislation Act, pt 19.5.

13 **Expiry—sch 1, pt 1.1**

- (1) Schedule 1, part 1.1 expires on the default application date.
- (2) In this section:

default application date—see the Criminal Code, section 10.

Note This date is the date the provisions of the Criminal Code, ch 2 apply to all ACT offences.

Schedule 1 Environment protection legislation infringement notice offences and penalties

(see s 7 and s 8)

Part 1.1 Environment Protection Act 1997

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	42 (1)	200	1 000
2	42 (2)	200	1 000
3	44 (1)	200	1 000
4	45 (1)	200	1 000
5	67	10	50
6	69 (3)	50	500
7	71 (3) (a)		
7.1	• if notice under 71 (1) (c)	50	500
7.2	• if notice under 71 (2) (a)	50	500
8	71 (3) (b)	50	500
9	76 (5)	50	500
10	77 (3)	50	500
11	78 (5)	50	500

Schedule 1 Environment protection legislation infringement notice offences and penalties
Part 1.1 Environment Protection Act 1997

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
12	82 (3)	50	500
13	84 (3) (a)		
13.1	• if notice under 84 (1) (c)	50	500
13.2	• if notice under 84 (2) (a)	50	500
14	84 (3) (b)	50	500
15	134	100	500
16	139 (3)	50	500
17	141	50	100
18	142	100	500
19	148 (1)	20	250
20	149 (1)	20	250
21	149 (4)	50	250
22	159A (1)	10	100

Part 1.2 **Environment Protection Regulation 2005**

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	9 (1)	5	100
2	10 (1) (b) (i)	10	120
3	10 (1) (b) (ii)	10	120
4	10 (3) (b) (i)	10	120
5	10 (3) (b) (ii)	10	120
6	11 (5)	10	120
7	12 (1)	5	100
8	15 (1)	10	200
9	15 (2)	10	200
10	39 (1)	10	200
11	39 (2)	10	200
12	40 (1)	10	120
13	40 (2)	10	120
14	44 (1)	10	175
15	44 (2)	10	100
16	45 (1) (a)	10	100
17	45 (1) (b)	10	100

Schedule 1 Environment protection legislation infringement notice offences and penalties
Part 1.2 Environment Protection Regulation 2005

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
18	46 (1)	10	100
19	47 (1)	10	175
20	47 (2)	10	175
21	48 (2)	10	100
22	49 (2)	10	100
23	50 (1)	10	200
24	55 (2) (a)	10	100
25	55 (2) (b)	10	100
26	58 (1)	10	100
27	58 (2)	10	100
28	59 (1)	10	100
29	59 (2)	10	100
30	60 (1)	5	100
31	60 (2)	5	100
32	61 (1)	10	100

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- corporation
- Corporations Act
- environment protection authority
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

authorised officer—see the *Environment Protection Act 1997*, section 4.

environment protection legislation means—

- (a) the *Environment Protection Act 1997*; and
- (b) the *Environment Protection Regulation 2005*.

Endnotes

1 Notification

Notified under the Legislation Act on 11 November 2005.

2 Republications of amended laws

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

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