



Australian Capital Territory

Magistrates Court (Tree Protection Infringement Notices) Regulation 2006

Subordinate Law SL2006-6

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

Dated 9 March 2006.

JON STANHOPE
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Tree Protection Infringement Notices) Regulation 2006*.

2 Commencement

This regulation commences on the commencement of the *Tree Protection Act 2005*, part 3.

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 Tree Protection Act.

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.

Note 2 A definition in the dictionary 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 Tree Protection Act is the chief executive for the Tree Protection Act.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Tree Protection 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 Tree Protection 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 Tree Protection 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 Tree Protection 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 Tree Protection Act 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 Tree Protection Act 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 person under the Tree Protection Act, section 85 (Appointment of authorised people) may serve—

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

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

Schedule 1 Tree Protection Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	16 (5)—		
1.1	• if registered tree	50	1 000
1.2	• if regulated tree	50	250
2	18 (4) (a)—		
2.1	• if registered tree	50	1 000
2.2	• if regulated tree	50	250
3	18 (4) (b)—		
3.1	• if registered tree	50	1 000
3.2	• if regulated tree	50	250
4	20 (3)—		
4.1	• if registered tree	50	500
4.2	• if regulated tree	50	200
5	30 (1)—		
5.1	• if registered tree	50	500
5.2	• if regulated tree	50	200

Dictionary

(see s 3)

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
- 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.

Tree Protection Act means the *Tree Protection Act 2005*.

Endnotes

1 Notification

Notified under the Legislation Act on 13 March 2006.

2 Republications of amended laws

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

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