



Australian Capital Territory

# Magistrates Court (Planning and Development Infringement Notices) Regulation 2008

Subordinate Law SL2008-11

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

Dated 27 March 2008.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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**Magistrates Court Act 1930**

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## 1 Name of regulation

This regulation is the *Magistrates Court (Planning and Development Infringement Notices) Regulation 2008*.

## 2 Commencement

This regulation commences on the commencement of the *Planning and Development Act 2007*, section 428 (Repeals).

*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 create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the *Planning and Development Act 2007*.

*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 '*inspector*—see the *Planning and Development Act 2007*, dictionary.' means that the term '*inspector*' is defined in that dictionary 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 *Planning and Development Act 2007* 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 *Planning and Development Act 2007* mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the *Planning and Development Act 2007*, 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 *Planning and Development Act 2007*, 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 *Planning and Development Act 2007* 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 *Planning and Development Act 2007* 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 *Planning and Development Act 2007* must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) the authorised person’s identity card number.

**11 Contents of reminder notice—identifying authorised person**

A reminder notice served on a person by an authorised person for an infringement notice offence against the *Planning and Development Act 2007* must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) the authorised person’s identity card number.

**12 Authorised people for infringement notice offences**

An inspector may serve—

- (a) an infringement notice for an infringement notice offence against the *Planning and Development Act 2007*; and
- (b) a reminder notice for an infringement notice offence against the *Planning and Development Act 2007*.

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## **Schedule 1**      **Planning and development legislation infringement notice offences and penalties**

(see s 7 and s 8)

### **Part 1.1**      **Planning and Development Act 2007**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	155 (2)	5	100
2	199 (4)	60	1200
3	200 (4)	60	1200
4	202 (1)	60	1200
5	361 (1)	60	1200
6	367 (1)	60	1200
7	378 (1) and (2)	60	1200
8	393 (4)	10	200

## 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
- 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.

***inspector***—see the *Planning and Development Act 2007*, dictionary.



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## Endnotes

**1 Notification**

Notified under the Legislation Act on 28 March 2008.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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