



Australian Capital Territory

# Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013

Subordinate Law SL2013-17

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

Dated 20 June 2013.

JOY BURCH  
Minister

SIMON CORBELL  
Minister

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# Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013

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made under the

[Magistrates Court Act 1930](#)

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**1 Name of regulation**

This regulation is the *Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013*.

**2 Commencement**

This regulation commences on the commencement of the *Public Unleased Land Act 2013*, section 5.

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

**3 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)).

**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 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 *Public Unleased Land Act 2013*.

*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.

## **6 Administering authority**

The following entities are administering authorities for an infringement notice offence against the *Public Unleased Land Act 2013*:

- (a) the director-general for that Act;
- (b) the commissioner for fair trading.

## **7 Infringement notice offences**

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the *Public Unleased Land Act 2013* mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the *Public Unleased Land Act 2013*, 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 *Public Unleased Land Act 2013*, 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 *Public Unleased Land Act 2013* is \$34.

## **9 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 *Public Unleased Land Act 2013* must identify the authorised person by the authorised person's identity card.

## **10 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 *Public Unleased Land Act 2013* 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*.

## **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 *Public Unleased Land Act 2013* must identify the authorised person by the authorised person's identity card.

## **12 Authorised people for infringement notice offences**

- (1) A person appointed under the *Public Unleased Land Act 2013*, section 89 may serve—
- (a) an infringement notice for an infringement notice offence against the *Public Unleased Land Act 2013*; and

- (b) a reminder notice for an infringement notice offence against the *Public Unleased Land Act 2013*.
- (2) A person appointed as an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*, section 36 (1) (Investigators) may serve a notice mentioned in subsection (1) if—
  - (a) the infringement notice offence is in relation to an outdoor eating or drinking place; or
  - (b) the infringement notice offence—
    - (i) is an offence under the *Public Unleased Land Act 2013*, section 43 (Offence—use public unleased land without permit) or section 44 (Offence—fail to comply with condition of permit); and
    - (ii) relates to parking a vehicle on public unleased land.
- (3) In this section:  
*outdoor eating or drinking place*—see the *Smoke-Free Public Places Act 2003*, section 9A (Meaning of *outdoor eating or drinking place*).



## Schedule 1 Public Unleased Land Act 2013 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	13 (1)	10	220
2	16 (1)	5	110
3	20 (1)	10	220
4	22 (1)	20	440
5	26 (1)	10	220
6	28 (1) (b) (ii) <ul style="list-style-type: none"> <li>• insurance-related</li> <li>• other</li> </ul>	50 10	1 100 220
7	32 (1)	5	110
8	35 (1)	50	1 100
9	43 (1)	20	440
10	44 (1) <ul style="list-style-type: none"> <li>• not financial assurance condition</li> <li>• financial assurance condition</li> </ul>	20 30	440 660
11	77 (1)	1	22
12	84 (1)	10	220
13	90 (4)	1	22
14	95 (1)	10	220

**Schedule 1**Public Unleased Land Act 2013 infringement notice offences and penalties

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<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>
15	97 (1)	5	110
16	99 (1)	10	220
17	101 (1)	20	440
18	104 (1)	30	660

## 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:

- commissioner for fair trading
- director-general (see s 163).

*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.

***identity card*** means an identity card issued under the [Public Unleased Land Act 2013](#), section 90 (Identity cards).

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 27 June 2013.

**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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