



Australian Capital Territory

Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013

SL2013-17

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 1 July 2013 – 9 June 2015

Republication date: 1 July 2013

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013*, 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 1 July 2013. It also includes any commencement, repeal or expiry affecting this 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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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01/07/13

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1 Name of regulation

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

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"> • insurance-related • other 	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"> • not financial assurance condition • financial assurance condition 	20 30	440 660
11	77 (1)	1	22
12	84 (1)	10	220
13	90 (4)	1	22
14	95 (1)	10	220

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
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).

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Public Unleased Land Infringement Notices) Regulation 2013 SL2013-17

notified LR 27 June 2013

s 1, s 2 commenced 27 June 2013 (LA s 75 (1))

remainder commenced 1 July 2013 (s 2 and see Public Unleased
Land Act 2013 A2013-3, s 2 and [CN2013-9](#))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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