



Australian Capital Territory

Magistrates Court (Heritage Infringement Notices) Regulation 2020

Subordinate Law SL2020-5

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

Dated 18 February 2020.

GORDON RAMSAY
Minister

MICK GENTLEMAN
Minister



Australian Capital Territory

Magistrates Court (Heritage Infringement Notices) Regulation 2020

Subordinate Law SL2020-5

made under the

[Magistrates Court Act 1930](#)

Contents

		Page
1	Name of regulation	1
2	Commencement	1
3	Dictionary	1
4	Notes	1
5	Purpose of regulation	2
6	Administering authority	2

J2019-140

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

	Page	
7	Infringement notice offences	2
8	Infringement notice penalties	2
9	Contents of infringement notices—identifying authorised person	3
10	Contents of infringement notices—other information	3
11	Contents of reminder notices—identifying authorised person	3
12	Authorised people for infringement notice offences	4
Schedule 1	Heritage Act 2004 infringement notice offences and penalties	5
Dictionary		6

1 Name of regulation

This regulation is the *Magistrates Court (Heritage Infringement Notices) Regulation 2020*.

2 Commencement

This regulation commences on the day after its notification day.

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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*authorised person*—see the [Heritage Act 2004](#), dictionary.’ means that the term ‘authorised person’ 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)).

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 *Heritage Act 2004*.

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 administering authority for an infringement notice offence against the *Heritage Act 2004* is the director-general for that Act.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the *Heritage Act 2004* mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Heritage Act 2004*, 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 *Heritage Act 2004*, 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 *Heritage Act 2004* 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 *Heritage Act 2004* 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.

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 *Heritage Act 2004* 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 *Heritage Act 2004* 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 may serve the following:

- (a) an infringement notice for an infringement notice offence against the *Heritage Act 2004*;
- (b) a reminder notice for an infringement notice offence against the *Heritage Act 2004*.

Schedule 1 Heritage Act 2004 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	74 (3)	100	1 000
2	75 (3)	100	1 000

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
- director-general (see s 163)
- 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
- infringement notice
- infringement notice offence
- infringement notice penalty
- reminder notice.

authorised person—see the [Heritage Act 2004](#), dictionary.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 20 February 2020.

2 Republications of amended laws

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

© Australian Capital Territory 2020