

Australian Capital Territory

Subordinate Law

The Australian Capital Territory Executive makes the following regulation under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21).

Dated 14 September 2023.

Andrew Barr

Chief Minister

Shane Rattenbury

Minister

Mick Gentleman

Minister



Australian Capital Territory

Magistrates Court (Planning Infringement Notices) Regulation 2023

Subordinate Law

made under the

[Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21" \o "A1930-21)

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1 Name of regulation

This regulation is the *Magistrates Court (Planning Infringement Notices) Regulation 2023*.

2 Commencement

This regulation commences on the commencement of the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), 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 ‘inspector—see the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), 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](http://www.legislation.act.gov.au/a/2001-14), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

5 Purpose of this regulation

The purpose of this regulation is to provide for infringement notices under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), part 3.8 for certain offences against the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18).

Note The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), pt 3.8 provides a system of infringement notices for offences under various territory laws. 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 [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18) is the territory planning authority.

7 Infringement notice offences

The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), part 3.8 applies to an offence against a provision of the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18) mentioned in schedule 1, column 2.

8 Infringement notice penalties

(1) The penalty payable by an individual for an offence against the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), 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 Act 2023](http://www.legislation.act.gov.au/a/2023-18), 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 Act 2023](http://www.legislation.act.gov.au/a/2023-18) is $34.

9 Contents of infringement notice—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18) 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 [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18) must include the company’s ACN.

Note The requirement under this section is additional to the requirement under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), s 121 (1) (c).

(2) In this section:

company means a company registered under the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818).

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 [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18) 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 inspector may serve the following:

(a) an infringement notice for an infringement notice offence against the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18);

(b) a reminder notice for an infringement notice offence against the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18).

Schedule 1 Planning Act 2023 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 | 403 (4) | 60 | 1 200 |
| 2 | 404 (4) | 60 | 1 200 |
| 3 | 406 (1) | 60 | 1 200 |
| 4 | 432 (1) | 60 | 1 200 |
| 5 | 438 (1) | 60 | 1 200 |
| 6 | 453 (1) and (2) | 60 | 1 200 |
| 7 | 473 (4) | 10 | 200 |

Dictionary

(see s 3)

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this regulation. For example:

 corporation

 Corporations Act

 individual

 territory planning authority.

Note 2 Terms used in this regulation have the same meaning that they have in the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21). For example, the following terms are defined in the [Act](https://www.legislation.act.gov.au/a/2023-18), dict:

 administering authority

 authorised person

 infringement notice

 infringement notice offence

 reminder notice.

inspector—see the [Planning Act 2023](http://www.legislation.act.gov.au/a/2023-18), dictionary.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 18 September 2023.

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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