



Australian Capital Territory

Magistrates Court (Planning Infringement Notices) Regulation 2023

Subordinate Law SL2023-22

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

Dated 14 September 2023.

ANDREW BARR
Chief Minister

SHANE RATTENBURY
Minister

MICK GENTLEMAN
Minister



Australian Capital Territory

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[Magistrates Court Act 1930](#)

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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*, section 3.

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 ‘*inspector*—see the *Planning Act 2023*, 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)).

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*, part 3.8 for certain offences against the *Planning Act 2023*.

Note The *Magistrates Court Act 1930*, 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* is the territory planning authority.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the *Planning Act 2023* 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*, 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*, 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* 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* 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* 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 *Planning Act 2023* 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*;
- (b) a reminder notice for an infringement notice offence against the *Planning Act 2023*.

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](#) 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](#). For example, the following terms are defined in the [Act](#), dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

inspector—see the [Planning Act 2023](#), dictionary.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 18 September 2023.

2 Republications of amended laws

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