

2004

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY STATEMENT

Magistrates Court (Litter Infringement Notices) Regulations 2004

Subordinate Law SL2004-50

Circulated by the authority of
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Overview

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Litter Infringement Notices) Regulations 2004 (the regulations) enable notices to be issued for certain offences against the *Litter Act 2004* (the Act).

The *Litter Act 2004* repeals the *Litter Act 1977* and provides a more effective litter control scheme. The Act regulates the depositing of litter, or other material that may become litter, and also facilitates the removal of litter.

The regulations enable infringement notices to be issued when a person deposits litter at a public place; deposits litter anywhere so that it escapes, or is likely to escape, into or onto a public place; deposits litter at a public place in an inappropriate receptacle; deposits commercial waste in a public place; being an occupier of commercial, industrial or business premises, does not take reasonable steps to prevent litter from the premises being deposited at a public place; fails to secure, or fails to provide means to secure, a load on a vehicle from falling or dislodging at a public place; deposits or abandons dangerous containers at a public place; places unsolicited leaflets on motor vehicles at a public place; or distributes, or arranges for distribution of, unsolicited leaflet for placement in or on a motor vehicle at a public place.

Regulation Notes

Regulation 1 - Name of regulations - provides that the name of the regulations as the *Magistrates Court (Litter Infringement Notices) Regulations 2004*.

Regulation 2 - Commencement - provides that the regulations commence on the commencement of the *Litter Act 2004*.

Regulation 3 - Purpose of regulations - provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the *Litter Act 2004*.

Regulation 4 - Notes - provides that a note found in the regulations is explanatory and is not part of the regulations.

Regulation 5 - Meaning of *Litter Act* - defines the **Litter Act** as being the *Litter Act 2004*.

Regulation 6 - Administering authority - provides that the administering authority for an infringement notice offence is the chief executive for the Litter Act.

Regulation 7 - Infringement notice offences - provides that infringement notices can be issued for the offences listed in schedule 1, column 2.

Regulation 8 - Infringement notice penalties - provides that the penalties for the offences against the Litter Act are listed in column 4 of schedule 1. Penalties for an offence by a corporation are five times that applicable for an individual.

This regulation also provides that the cost for the issue of a reminder notice for an infringement notice offence is \$34.

Regulation 9 - Contents of infringement notices - other information - specifies that infringement notices served on a company must include the company's ACN.

Regulation 10 - Contents of infringement notices - identifying authorised person - provides that an infringement notice must identify the authorised person who served the notice. An authorised person may be identified in the notice by their full name, or surname and initials, and the position held by the authorised person as it appears in his or her identity card. Alternatively, the notice may identify him or her by any unique number given to them by the administering authority.

Regulation 11 - Contents of reminder notices - identifying authorised person - provides that a reminder notice for an infringement notice offence must identify the authorised person who served the notice. An authorised person may be identified in the notice by their full name, or surname and initials, and the position held by the authorised person as it appears in his or her identity card. Alternatively, the notice may identify him or her by any unique number given to them by the administering authority.

Regulation 12 - Service of notices by authorised people - provides that an authorised person under the Litter Act, section 14 may serve infringement notices and reminder notices for infringement notice offences.

Schedule 1 - Litter Act infringement notice offences and penalties - lists the infringement notice offences and penalties under Regulations 7 and 8.