

2006

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**MAGISTRATES COURT (UTILITIES WATER CONSERVATION
INFRINGEMENT NOTICES) REGULATION 2006**

Subordinate law No 11 of 2006

EXPLANATORY STATEMENT

Circulated by the authority of
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MAGISTRATES COURT (UTILITIES WATER CONSERVATION INFRINGEMENT NOTICES) REGULATION 2006

PURPOSE

The *Magistrates Court (Utilities Water Conservation Infringement Notices) Regulations 2006* are made under the *Magistrates Court Act 1930, Part 3.8*. Their purpose is to create a system of infringement notices for certain offences in relation to the enforcement of a water conservation and restriction scheme under the ACT's *Utility (Water Restrictions) Regulation 2006* which are made under section 149B of the *Utilities Act 2000*.

BACKGROUND

These regulations will complement the *Utilities (Water Conservation) Regulation 2006* which will assist in the provision of restrictions on the use of water in times of drought. These regulations provide the penalty regime for contravention of the water restrictions regulations.

DETAILS OF THE REGULATIONS

Clause 1 provides that the name of the regulations is the *Magistrates Court (Utilities Water Conservation Infringement Notices) Regulation 2006*.

Clause 2 provides that the commencement date of the regulations will be the day fixed by the Minister by written notice.

Clause 3 provides that the purpose of the regulations is to create a system of infringement notices for certain offences in relation to the enforcement of a water restriction scheme under the ACT's *Utilities (Water Conservation) Regulation 2006*.

Clause 4 deals with notes found in the legislation and provides that a note in the regulation is for explanatory purposes and is not part of the Act.

Clause 5 provides that the administering authority for an infringement notice against the *Utilities (Water Conservation) Regulations 2006* is ACTEW Corporation Limited.

Clause 6 provides that Part 3.8 of the *Magistrates Court Act 1930* applies to an offence against the *Utilities (Water Conservation) Regulation 2006* as mentioned in schedule 1, column 2 of this regulation.

Clause 7 provides for the penalties payable by an individual or a corporation for an offence under the water restrictions regulations as found in schedule 1, column 4. Penalties for an offence against the water restriction regulations by a corporation are five (5) times that applicable for an individual. *Clause 7* also provides that the cost for the issue of a reminder notice for an infringement notice offence is \$34.

Clause 8 provides that the infringement notice served on a company for an infringement notice offence against the *Utilities (Water Conservation) Regulation 2006* must include the company's ACN. "Company" refers to a company registered under the *Corporations Act*.

Clause 9 provides that an infringement notice served on a person for an infringement notice offence against the *Utilities (Water Conservation) Regulation 2006* by an authorised person must also identify -

- a) the authorised person's full name, or surname and initials; and
- b) the authorised person's identity card number.

Clause 10 provides that a reminder notice served on a person for an infringement notice offence against the water restrictions regulations by an authorised person must also identify -

- a) the authorised person's full name, or surname and initials; and
- b) the authorised person's identity card number.

Clause 11 provides the authority for an authorised person under the *Utilities Act 2000*, section 114, to serve an infringement notice, or a reminder notice, for an infringement notice offence against the water restrictions.

Clause 12 repeals the regulation, Magistrates Court (Utilities Infringement Notices) Regulations 2002 SL2002-34.

Schedule 1

Provides for the water restrictions regulations infringement notice offences and penalties under clauses 6 and 7 of this regulation.

FINANCIAL IMPLICATIONS

Nil.