

2002

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (UTILITIES INFRINGEMENT NOTICES) REGULATIONS
2002

Subordinate Law No 34 of 2002

EXPLANATORY STATEMENT

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PURPOSE

The *Magistrates Court (Utilities Infringement Notices) Regulations 2002* are made under the *Magistrates Court Act 1930, Part 8*. Their purpose 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 *Utility (Water Restrictions) Regulations 2002* which are enacted under section 234 of the *Utilities Act 2000*.

BACKGROUND

These regulations will compliment the *Utility (Water Restrictions) Regulations 2002* which will overcome the currently lack of provision for 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 Infringement Notices) Regulations 2002*.

Clause 2 provides that the commencement date of the regulations will be the day after their notification.

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 *Utility (Water Restrictions) Regulations 2002*.

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

Clause 5 defines the meaning of **water restrictions regulations** as being those regulations made under the *Utility (Water Restrictions) Regulations 2002*.

Clause 6 provides that ACTEW Corporation Limited is the responsible administrative authority for the purposes of an infringement notice against the water restriction regulations.

Clause 7 provides that an infringement notice may be issued under the *Magistrates Court Act 1930, Part 8*.

Clause 8 provides for the penalties payable by an individual or a corporation for an offence under the water restrictions regulations. Penalties for an offence against the water restriction regulations by a corporation are 5 times that applicable for an individual. Clause 8 also provides that the cost for the issue of a reminder notice for an infringement notice offence is \$34.

Clause 9 provides that the infringement notice served on a person for an infringement notice offence against the water restrictions must identify –

- a) in the case of a company registered under the *Corporations Act 2001* (Cwlth), its ACN;
- b) in the case of a person operating a business with business name registered under the *Business Names Act 1963* (ACT), its registered business name.

Clause 10 provides that an infringement 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 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 12 provides the authority for an authorised person under the *Utilities Act 2001*, section 114, to serve an infringement notice, or a reminder notice, for an infringement notice offence against the water restrictions.

Schedule 1

Provides for the water restrictions regulations infringement notice offences and penalties under clause 7 and 8 of these regulations.

FINANCIAL IMPLICATIONS

Nil