

2011

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**Magistrates Court (Plastic Shopping Bags Ban Infringement Notices)
Regulation 2011**

SL2011-19

EXPLANATORY STATEMENT

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Magistrates Court (Plastic Shopping Bags Ban Infringement Notices) Regulation 2011

Outline

Part 3.8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulation. The Magistrates Courts (Plastic Shopping Bags Ban Infringement Notices) Regulation 2011 (the regulations) create a system of infringement notices for certain offences against the *Plastic Shopping Bags Ban Act 2010* (the Act).

The purpose of the Plastic Shopping Bags Ban Act is to restrict the supply of plastic shopping bags, and for other purposes.

Clause 1 – Name of regulation

Provides for the Name of the Regulation.

Clause 2 – Commencement

Provides that the Regulation commences on 1 July 2011.

Clause 3 – Dictionary

Provides for the dictionary to be part of the Regulation.

Clause 4 – Notes

Explains that notes included in the Regulation are explanatory and are not in themselves part of the Regulation.

Clause 5 – Purpose of regulation

The purpose of the Regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the *Plastic Shopping Bags Ban Act 2010*.

Clause 6 – Administering authority

The administering authority for an infringement notice offence against the Act is the commissioner for fair trading.

Clause 7 – Infringement notice offences

Provides that infringement notices can be issued for an offence against a provision of the Plastic Shopping Bags Ban Act mentioned in schedule 1, column 2.

Clause 8 – Infringement notice penalties

Subsection (1) provides that an infringement notice penalty for an offence is the amount mentioned in schedule 1, column 4 for the offence. Subsection (2) provides that the penalty payable by company is 3.5 times that payable by an individual. Subsection (3) provides that the cost of serving a reminder notice for an infringement notice is \$34.

Clause 9 – Contents of infringement notices—identifying authorised person

The information required on the infringement notice to identify the authorised person serving the notice will either be the authorised person's full name or surname and initials or any unique number given to the authorised person by the administering authority.

Clause 10 – Contents of infringement notices—other information

Subsection (1) provides that an infringement notice served on a company must include the company's ACN number. Subsection (2) explains that a company is registered under the Corporations Act.

Clause 11 – Contents of reminder notices—identifying authorised person

Specifies information required on a reminder notice. The information specified is the same as that specified under section 9 for an infringement notice.

Clause 12 Authorised people for infringement notice offences

An authorised person may serve an infringement notice and a reminder notice for an infringement notice against the Plastic Shopping Bags Ban Act.

Clause 13 Expiry

Provides for the expiry of Schedule 1, items 2 and 3, and this section, on 1 November 2011.

Schedule 1 Plastic Bags Ban Act infringement notice offences and penalties

This schedule outlines the offence penalty and infringement penalties for offences under Section 7 (1), 100 (1) and 100 (2) of the Plastic Shopping Bags Ban Act.

Dictionary

This is the dictionary for the Regulation.