

2003

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (LAND PLANNING AND ENVIRONMENT
INFRINGEMENT NOTICES) REGULATIONS 2003

Subordinate Law No 2003-27

EXPLANATORY STATEMENT

Circulated by authority of Jon Stanhope MLA
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BACKGROUND AND OUTLINE

The *Land (Planning and Environment)(Compliance) Amendment Act 2003* created offences of breach of notices relating to the leasing and planning regime under the *Land (Planning and Environment) Act 1991*. The *Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003* are made under the *Magistrates Court Act 1930*, Part 8 to create a system of infringement notices for those offences.

DETAILS OF THE REGULATIONS

Regulation 1 provides that the name of the regulations is the *Magistrates Court (Land Planning and Environment Infringement Notices) Regulations 2003*.

Regulation 2 provides that the regulations commence on the same day as the *Land (Planning and Environment)(Compliance) Amendment Act 2003*, Section 8.

Regulation 3 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 *Land (Planning and Environment) Act 1991*. The infringement notice system is intended to provide an alternative to prosecution.

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

Regulation 5 defines the Land Act as being the *Land (Planning and Environment) Act 1991*.

Regulation 6 provides that the Administering Authority for an infringement notice offence against the Land Act is the planning and land authority.

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

Regulation 8 provides for penalties payable by an individual or corporation for an offence under these regulations. Penalties for an offence by a corporation are 5 times that applicable for an individual. This regulation also provides for a reminder notice for an infringement notice offence; the cost of its service is \$34.

Regulation 9 provides for the inclusion of the company's ACN in the company's name where a notice is issued for an infringement notice offence against the Land Act.

Regulation 10 provides that an authorised person issuing an infringement notice for an infringement notice offence against the Land Act must identify the authorised person by:

- a) the authorised person's full name, or surname and initial;
- b) the date of issue of the authorised person's identity card; and
- c) the date of expiry of the authorised person's identity card.

Regulation 11 provides that where a reminder notice is issued for an infringement notice then the authorised person must also identify:

- a) the authorised person's full name, or surname and initial;
- b) the date of issue of the authorised person's identity card; and
- c) the date of expiry of the authorised person's identity card.

Regulation 12 provides that inspectors appointed under the Land Act are authorised persons to serve infringement notices and reminder notices for infringement notice offences under the Act.

Schedule 1

Provides for the Land Act infringement notice offences and penalties under Regulations 7 and 8.

FINANCIAL IMPLICATIONS

Nil