

Australian Capital Territory

Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2021 (No 1)

Subordinate law SL2021–27

made under the

Magistrates Court Act 1930, s 119 (Regulations about infringement notice offences)

EXPLANATORY STATEMENT

Overview

Part 3.8 of the *Magistrates Court Act 1930* provides for a system of infringement notices for certain offences as an alternative to prosecution. The *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005* (the Magistrates Court Regulation) creates a system of infringement notices for certain offences against the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005* (the Regulation).

Part 6 of the Regulation deals with the regulation of agricultural or veterinary (agvet) chemical products after the point of sale.

The *Environment Protection Amendment Regulation 2021 (No 1)* was notified on 28 October 2021 and will commence 6 months after its notification day. The *Environment Protection Amendment Regulation 2021 (No 1)* will amend Part 6 of the Regulation to implement agreed national harmonisation reforms for the use of agvet chemical products. This includes the introduction of 12 new strict liability offences.

Human rights considerations for the introduction of the new strict liability offences are discussed in the Explanatory Statement to the *Environment Protection Amendment Regulation 2021 (No 1)*.

The *Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2021 (No 1)* (the Amendment Regulation) will amend Schedule 1, Part 1.2 of the Magistrates Court Regulation to include the new strict liability offences in the infringement notices scheme for the Regulation.

Clause notes

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2021 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation commences on the commencement of the *Environment Protection Amendment Regulation 2021 (No 1)*, section 3.

Clause 3 Legislation amended

This clause provides that the regulation amends the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

Clause 4 Schedule 1, part 1.2, items 27 and 28

This clause substitutes items 27 and 28 in the Magistrates Court Regulation, in Schedule 1, part 1.2, to provide that an infringement notice penalty of \$100 applies to the offences provided under sections 55 (1), 55 (2), 55A (1), 55A (2), 55B (1), 55F (1), 55G (1), 55H (1), 55I (1), 55J (1), 55K (1), 55L (1) of the Regulation.