



Australian Capital Territory

Magistrates Court (Litter Infringement Notices) Regulation 2004

SL2004-50

made under the

Magistrates Court Act 1930

Republication No 9

Effective: 1 November 2019

Republication date: 1 November 2019

Last amendment made by [A2019-39](#)

About this republication

The republished law

This is a republication of the *Magistrates Court (Litter Infringement Notices) Regulation 2004*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2019.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Contents

	Page
1 Name of regulation	2
2 Dictionary	2
3 Purpose of regulation	2
4 Notes	2
6 Administering authority	3
7 Infringement notice offences	3
7A Declared offences—Act, s 117, definition of <i>vehicle-related offence</i> , par (b)	3
8 Infringement notice penalties	3
9 Contents of infringement notices—other information	4

R9
01/11/19

Magistrates Court (Litter Infringement Notices)
Regulation 2004
Effective: 01/11/19

contents 1

Contents

	Page	
10	Contents of infringement notices—identifying person serving notice	4
11	Contents of reminder notices—identifying person serving notice	5
12	Service of notices by authorised people	5
Schedule 1	Litter Act 2004 infringement notice offences and penalties	6
Schedule 2	Litter Act 2004 vehicle-related offences	8
Dictionary		9
Endnotes		
1	About the endnotes	10
2	Abbreviation key	10
3	Legislation history	11
4	Amendment history	13
5	Earlier republications	15



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page 1

1 Name of regulation

This regulation is the *Magistrates Court (Litter Infringement Notices) Regulation 2004*.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*litter*—see the *Litter Act 2004*, section 7.' means that the term '*litter*' is defined in that section and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see *Legislation Act*, s 155 and s 156 (1)).

3 Purpose of regulation

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the *Litter Act 2004*.

Note The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the *Legislation Act*, s 127 (1), (4) and (5) for the legal status of notes.

6 Administering authority

The administering authority for an infringement notice offence against the *Litter Act 2004* is the director-general for the *Litter Act 2004*.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the *Litter Act 2004* mentioned in schedule 1, column 2.

7A Declared offences—Act, s 117, definition of vehicle-related offence, par (b)

- (1) An offence against a provision of the *Litter Act 2004* mentioned in schedule 2, column 2 is declared to be an offence to which the *Magistrates Court Act 1930*, division 3.8.3 (Additional provisions for vehicle-related offences) applies.
- (2) However, the *Magistrates Court Act 1930*, division 3.8.3 does not apply to the offence if—
 - (a) the vehicle related to the commission of an offence is a public passenger vehicle being used to transport a passenger; and
 - (b) the offence was committed by the passenger.
- (3) In this section:
public passenger vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Litter Act 2004*, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.

- (2) The penalty payable by a corporation for an offence against the *Litter Act 2004*, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the *Litter Act 2004* is \$34.

9 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the *Litter Act 2004* must include the company's ACN.

Note The requirement under this section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

company means a company registered under the *Corporations Act*.

10 Contents of infringement notices—identifying person serving notice

An infringement notice served on a person by an authorised person for an infringement notice offence against the *Litter Act 2004* must identify the authorised person by—

- (a) for an authorised person who is a police officer—the police officer's service number; or
- (b) for an authorised person under the *Litter Act 2004*, section 14 (Appointment of authorised people)—
 - (i) the authorised person's full name, or surname and initials; or
 - (ii) any unique number given, for this regulation, to the authorised person by the administering authority.

11 Contents of reminder notices—identifying person serving notice

A reminder notice served on a person by an authorised person for an infringement notice offence against the *Litter Act 2004* must identify the authorised person by—

- (a) for an authorised person who is a police officer—the police officer’s service number; or
- (b) for an authorised person under the *Litter Act 2004*, section 14 (Appointment of authorised people)—
 - (i) the authorised person’s full name, or surname and initials; or
 - (ii) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Service of notices by authorised people

A police officer or an authorised person under the *Litter Act 2004*, section 14 (Appointment of authorised people) may serve the following:

- (a) an infringement notice for an infringement notice offence against the *Litter Act 2004*;
- (b) a reminder notice for an infringement notice offence against the *Litter Act 2004*.

Schedule 1 Litter Act 2004 infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 provision and, if relevant, case	column 3 offence penalty (pu)	column 4 infringement penalty (\$)
1	8 (1)		
1.1	<ul style="list-style-type: none"> if the litter is a ticket, voucher or receipt, a confectionary wrapper, cigarette packet or a similarly small item 	10	150
1.2	<ul style="list-style-type: none"> any other litter 	10	300
2	8 (2)	10	300
3	8 (3)	10	300
4	9 (2)	50	500
5	9B		
5.1	<ul style="list-style-type: none"> level 1—1L or more of litter but less than 10L 	20	500
5.2	<ul style="list-style-type: none"> level 2—10L or more of litter but less than 200L 	35	1 000
5.3	<ul style="list-style-type: none"> level 3—200L or more of litter 	50	1 500
6	10 (1)	50	500
7	11 (1)	50	1 500
8	11 (2)	50	1 500
9	11A	20	500
10	13 (1)	20	200
11	13 (3)	20	200

column 1 item	column 2 provision and, if relevant, case	column 3 offence penalty (pu)	column 4 infringement penalty (\$)
12	20 (3)	20	300
13	21 (7)	20	300
14	24D (3)	10	150
15	24E (1)	10	200
16	24F (3)	10	20
17	24N (1)	5	60
18	24Q (1)	20	300

Schedule 2 Litter Act 2004 vehicle-related offences

(see s 7A)

column 1 item	column 2 vehicle-related offences
1	8 (1)
2	8 (2)
3	8 (3)
4	9 (2)
5	9B (1)
6	9B (2)
7	10 (1)
8	11 (1)
9	11 (2)

Dictionary

(see s 2)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- corporation
- Corporations Act
- director-general (see s 163)
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the [Magistrates Court Act 1930](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](#), dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

level—see the [Litter Act 2004](#), section 7A.

litter—see the [Litter Act 2004](#), section 7.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Magistrates Court (Litter Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

Magistrates Court (Litter Infringement Notices) Regulation 2004 SL2004-50

notified LR 23 September 2004

s 1, s 2 commenced 23 September 2004 (LA s 75 (1))

remainder commenced 30 September 2004 (s 2 and see [Litter Act 2004 A2004-47](#), s 2 and [CN2004-22](#))

as amended by

Magistrates Court (Litter Infringement Notices) Amendment Regulation 2005 (No 1) SL2005-9

notified LR 5 May 2005

s 1, s 2 commenced 5 May 2005 (LA s 75 (1))

remainder commenced 6 May 2005 (s 2)

Dangerous Substances and Litter (Dumping) Legislation Amendment Act 2009 A2009-1 pt 4

notified LR 17 February 2009

s 1, s 2 commenced 17 February 2009 (LA s 75 (1))

pt 4 commenced 17 August 2009 (s 2 and LA s 79)

Litter (Shopping Trolleys) Amendment Act 2010 A2010-34 s 6

notified LR 2 September 2010

s 1, s 2 commenced 2 September 2010 (LA s 75 (1))

s 6 commenced 2 March 2011 (s 2 and LA s 79)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.104

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.104 commenced 1 July 2011 (s 2 (1))

Emergencies Amendment Act 2014 A2014-50 s 24

notified LR 10 November 2014

s 1, s 2 commenced 10 November 2014 (LA s 75 (1))

s 24 commenced 11 November 2014 (s 2)

Endnotes

3 Legislation history

Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.28

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.28 commenced 10 June 2015 (s 2)

Litter Legislation Amendment Act 2019 A2019-39 pt 3

notified LR 31 October 2019

s 1, s 2 commenced 31 October 2019 (LA s 75 (1))

pt 3 commenced 1 November 2019 (s 2 (1))

4 Amendment history

Name of regulation

s 1 am R2 LA

Dictionary

s 2 om LA s 89 (4)
ins [A2019-39](#) s 39

Purpose of regulation

s 3 am [A2019-39](#) s 45

Meaning of *Litter Act*

s 5 om [A2019-39](#) s 40

Administering authority

s 6 am [A2011-22](#) amdt 1.318; [A2019-39](#) s 45

Infringement notice offences

s 7 am [A2019-39](#) s 45

Declared offences—Act, s 117, definition of *vehicle-related offence*, par (b)

s 7A ins [A2019-39](#) s 41

Infringement notice penalties

s 8 am [A2019-39](#) s 45

Contents of infringement notices—other information

s 9 am [A2019-39](#) s 45

Contents of infringement notices—identifying person serving notice

s 10 sub [SL2005-9](#) s 4
am [A2019-39](#) s 45

Contents of reminder notices—identifying person serving notice

s 11 sub [SL2005-9](#) s 4
am [A2019-39](#) s 45

Service of notices by authorised people

s 12 sub [SL2005-9](#) s 4
am [A2015-15](#) amdt 3.111, amdt 3.112; [A2019-39](#) s 45

Litter Act 2004 infringement notice offences and penalties

sch 1 am [A2009-1](#) s 23; [A2010-34](#) s 6; [A2014-50](#) s 24; items renum
R7 LA
sub [A2019-39](#) s 42

Litter Act 2004 vehicle-related offences

sch 2 ins [A2019-39](#) s 43

Endnotes

4 Amendment history

Dictionary

dict

ins [A2019-39](#) s 44

def **level** ins [A2019-39](#) s 44

def **litter** ins [A2019-39](#) s 44

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 30 Sept 2004	30 Sept 2004– 1 Nov 2004	not amended	new regulation
R2 2 Nov 2004	2 Nov 2004– 5 May 2005	not amended	editorial amendments under Legislation Act
R3 6 May 2005	6 May 2005– 16 Aug 2009	SL2005-9	amendments by SL2005-9
R4 17 Aug 2009	17 Aug 2009– 1 Mar 2011	A2009-1	amendments by A2009-1
R5 2 Mar 2011	2 Mar 2011– 30 June 2011	A2010-34	amendments by A2010-34
R6 1 July 2011	1 July 2011– 10 Nov 2014	A2011-22	amendments by A2011-22
R7 11 Nov 2014	11 Nov 2014– 9 June 2015	A2014-50	amendments by A2014-50
R8 10 June 2015	10 June 2015– 31 Oct 2019	A2015-15	amendments by A2015-15

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