



Australian Capital Territory

# **Magistrates Court (Environment Protection Infringement Notices) Regulation 2005**

**SL2005-37**

made under the

**Magistrates Court Act 1930**

**Republication No 5**

**Effective: 10 June 2015 – 21 December 2015**

Republication date: 10 June 2015

Last amendment made by [A2015-15](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*, 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 10 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 June 2015.

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](http://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](http://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 \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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made under the

**Magistrates Court Act 1930**

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R5  
10/06/15

Magistrates Court (Environment Protection Infringement  
Notices) Regulation 2005  
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**1 Name of regulation**

This regulation is the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

**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 environment protection legislation.

*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 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 ‘*authorised officer*—see the *Environment Protection Act 1997*, dictionary.’ means that the term ‘authorised officer’ is defined in that dictionary 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)).

**5 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 environment protection legislation is the environment protection authority.

**7 Infringement notice offences**

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

**8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the environment protection legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the individual.
- (2) The penalty payable by a corporation for an offence against the environment protection legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 of the item applying to the offence or, if there is more than 1 amount mentioned in the column, the amount applying to the corporation.
- (3) The cost of serving a reminder notice for an infringement notice offence against the environment protection legislation 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 environment protection legislation 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 authorised person**

An infringement notice served on a person by an authorised person for an infringement notice offence against the environment protection legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

**11 Contents of reminder notices—identifying authorised person**

A reminder notice served on a person by an authorised person for an infringement notice offence against the environment protection legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.



## **12      **Authorised people for infringement notice offences****

An authorised officer may serve the following:

- (a) an infringement notice for an infringement notice offence against the environment protection legislation;
- (b) a reminder notice for an infringement notice offence against the environment protection legislation.

*Note*      For how documents may be served, see the [Legislation Act](#), pt 19.5.

## **Schedule 1 Environment protection legislation infringement notice offences and penalties**

(see s 7 and s 8)

### **Part 1.1 Environment Protection Act 1997**

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	42 (1)	200	1 000
2	42 (2)	200	1 000
3	44 (1)	200	1 000
4	45 (1)	200	1 000
5	67	10	50
6	69 (3)	50	500
7	71 (3) (a)		
7.1	• if notice under 71 (1) (c)	50	500
7.2	• if notice under 71 (2) (a)	50	500
8	71 (3) (b)	50	500
9	76 (5)	50	500
10	77 (3)	50	500
11	78 (5)	50	500
12	82 (3)	50	500

<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
13	84 (3) (a)		
13.1	• if notice under 84 (1) (c)	50	500
13.2	• if notice under 84 (2) (a)	50	500
14	84 (3) (b)	50	500
15	92 (4)—if failure to comply with 92 (1)	50	1 000
16	134	100	500
17	139 (3)	50	500
18	141	50	100
19	142	100	500
20	148 (1)	20	250
21	149 (1)	20	250
22	149 (4)	50	250
23	159A (1)	10	100

## Part 1.2 Environment Protection Regulation 2005

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	9 (1)	5	100
2	10 (1) (b) (i)	10	120
3	10 (1) (b) (ii)	10	120
4	10 (3) (b) (i)	10	120
5	10 (3) (b) (ii)	10	120
6	11 (5)	10	120
7	12 (1)	5	100
8	15 (1)	10	200
9	15 (2)	10	200
10	39 (1)	10	200
11	39 (2)	10	200
12	40 (1)	10	120
13	40 (2)	10	120
14	44 (1)	10	175
15	44 (2)	10	100
16	45 (1) (a)	10	100
17	45 (1) (b)	10	100
18	46 (1)	10	100
19	47 (1)	10	175

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<b>column 1 item</b>	<b>column 2 offence provision and, if relevant, case</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
20	47 (2)	10	175
21	48 (2)	10	100
22	49 (2)	10	100
23	50 (1)	10	200
24	55 (2) (a)	10	100
25	55 (2) (b)	10	100
26	58 (1)	10	100
27	58 (2)	10	100
28	59 (1)	10	100
29	59 (2)	10	100
30	60 (1)	5	100
31	60 (2)	5	100
32	61 (1)	10	100

## Dictionary

(see s 4)

*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
- environment protection authority
- 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.

***authorised officer***—see the [Environment Protection Act 1997](#), dictionary.

***environment protection legislation*** means—

- (a) the [Environment Protection Act 1997](#); and
- (b) the [Environment Protection Regulation 2005](#).

## 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

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Magistrates Court (Environment Protection Infringement Notices) Regulation 2005 SL2005-37**

notified LR 11 November 2005

s 1, s 2 commenced 11 November 2005 (LA s 75 (1))

remainder commenced 12 November 2005 (s 2 and see [Statute Law Amendment Act 2005](#) A2005-20, s 2 (2) and LA s 79)

as amended by

#### **[Statute Law Amendment Act 2007](#) A2007-3 sch 3 pt 3.66**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.66 commenced 12 April 2007 (s 2 (1))

#### **[Environment Protection \(Fuel Sales Data\) Amendment Act 2007](#) A2007-17 pt 3**

notified LR 14 June 2007

s 1, s 2 commenced 14 June 2007 (LA s 75 (1))

pt 3 commenced 1 July 2007 (s 2)

#### **[Justice and Community Safety Legislation Amendment Act 2008](#) A2008-7 sch 1 pt 1.13**

notified LR 16 April 2008

s 1, s 2 commenced 16 April 2008 (LA s 75 (1))

sch 1 pt 1.13 commenced 7 May 2008 (s 2)

#### **[Statute Law Amendment Act 2015](#) A2015-15 sch 3 pt 3.21**

notified LR 27 May 2015

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

sch 3 pt 3.21 commenced 10 June 2015 (s 2)



## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Dictionary

s 4 am [A2007-3](#) amdt 3.367

### Authorised people for infringement notice offences

s 12 am [A2015-15](#) amdt 3.96, amdt 3.97

### Expiry—sch 1, pt 1.1

s 13 om [A2008-7](#) amdt 1.63

### Environment Protection Act 1997

sch 1 pt 1.1 am [A2007-17](#) s 6; items renum R3 LA

### Dictionary

dict def *authorised officer* sub [A2007-3](#) amdt 3.368

## Endnotes

5 Earlier republications

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### 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.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 12 Nov 2005	12 Nov 2005– 11 Apr 2007	not amended	new regulation
R2 12 Apr 2007	12 Apr 2007– 30 June 2007	<a href="#">A2007-3</a>	amendments by <a href="#">A2007-3</a>
R3 1 July 2007	1 July 2007– 6 May 2008	<a href="#">A2007-17</a>	amendments by <a href="#">A2007-17</a>
R4 7 May 2008	7 May 2008– 9 June 2015	<a href="#">A2008-7</a>	amendments by <a href="#">A2008-7</a>

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