

Australian Capital Territory

Magistrates Court (Environment Protection Infringement Notices) Regulation 2005

SL2005-37

made under the

Magistrates Court Act 1930

Republication No 7

Effective: 31 August 2017 – 27 April 2022

Republication date: 31 August 2017

Last amendment made by [A2017‑17](http://www.legislation.act.gov.au/a/2017-17/default.asp%22%20%5Co%20%22Red%20Tape%20Reduction%20Legislation%20Amendment%20Act%202017)

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](http://www.legislation.act.gov.au/a/2001-14), part 11.3 (Editorial changes)) as in force on 31 August 2017. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 31 August 2017.

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](http://www.legislation.act.gov.au/a/2001-14) applies
* unauthorised republications.

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

Editorial changes

The [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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 includes 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), s 133).



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Magistrates Court Act 1930

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Magistrates Court (Environment Protection Infringement Notices) Regulation 2005

made under the

[Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21%22%20%5Co%20%22A1930-21)

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](http://www.legislation.act.gov.au/a/1930-21), part 3.8 for certain offences against the environment protection legislation.

Note The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), 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](http://www.legislation.act.gov.au/a/1997-92), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/1930-21), 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](http://www.legislation.act.gov.au/a/1930-21), s 121 (1) (c).

 (2) In this section:

company means a company registered under the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818).

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](http://www.legislation.act.gov.au/a/2001-14), 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

| column 1item | column 2offence provision and, if relevant, case | column 3offence penalty(penalty units) | column 4infringement penalty ($) |
| --- | --- | --- | --- |
| 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 |
| 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 1item | column 2offence provision and, if relevant, case | column 3offence penalty(penalty units) | column 4infringement 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 | 14 (3) | 10 | 300 |
| 9 | 14 (4) | 10 | 300 |
| 10 | 14A (1) | 10 | 300 |
| 11 | 15 (1)  | 10 | 200 |
| 12 | 15 (2) | 10 | 200 |
| 13 | 39 (1)  | 10 | 200 |
| 14 | 39 (2) | 10 | 200 |
| 15 | 40 (1)  | 10 | 120 |
| 16 | 40 (2)  | 10 | 120 |
| 17 | 44 (1)  | 10 | 175 |
| 18 | 44 (2) | 10 | 100 |
| 19 | 45 (1) (a)  | 10 | 100 |
| 20 | 45 (1) (b)  | 10 | 100 |
| 21 | 46 (1)  | 10 | 100 |
| 22 | 47 (1)  | 10 | 175 |
| 23 | 47 (2) | 10 | 175 |
| 24 | 48 (2)  | 10 | 100 |
| 25 | 49 (2)  | 10 | 100 |
| 26 | 50 (1)  | 10 | 200 |
| 27 | 55 (2) (a) | 10 | 100 |
| 28 | 55 (2) (b) | 10 | 100 |
| 29 | 58 (1) | 10 | 100 |
| 30 | 58 (2) | 10 | 100 |
| 31 | 59 (1) | 10 | 100 |
| 32 | 59 (2) | 10 | 100 |
| 33 | 60 (1) | 5 | 100 |
| 34 | 60 (2) | 5 | 100 |
| 35 | 61 (1) | 10 | 100 |
| 36 | 66B | 10 | 175 |
| 37 | 66C | 10 | 175 |

Dictionary

(see s 4)

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/1930-21) (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), dict:

 administering authority

 authorised person

 infringement notice

 infringement notice offence

 reminder notice.

authorised officer—see the [Environment Protection Act 1997](http://www.legislation.act.gov.au/a/1997-92), dictionary.

environment protection legislation means—

 (a) the [Environment Protection Act 1997](http://www.legislation.act.gov.au/a/1997-92); and

 (b) the [Environment Protection Regulation 2005](http://www.legislation.act.gov.au/sl/2005-38).

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](http://www.legislation.act.gov.au/a/2001-14), 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  | r = rule/subrule |
| Assembly | reloc = relocated |
| div = division | renum = renumbered |
| exp = expires/expired | R[X] = Republication No |
| Gaz = gazette | RI = reissue |
| hdg = heading | s = section/subsection |
| IA = Interpretation Act 1967 | sch = schedule |
| ins = inserted/added | sdiv = subdivision |
| LA = Legislation Act 2001 | SL = Subordinate law |
| LR = legislation register | sub = substituted |
| LRA = Legislation (Republication) Act 1996 | underlining = whole or part not commenced |
| mod = modified/modification | or to be expired |

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](http://www.legislation.act.gov.au/a/2005-20) A2005-20, s 2 (2) and LA s 79)

as amended by

[Statute Law Amendment Act 2007](http://www.legislation.act.gov.au/a/2007-3) 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](http://www.legislation.act.gov.au/a/2007-17) 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](http://www.legislation.act.gov.au/a/2008-7) 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](http://www.legislation.act.gov.au/a/2015-15) 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)

[Magistrates Court (Environment Protection Infringement Notices) Amendment Regulation 2015 (No 1)](http://www.legislation.act.gov.au/sl/2015-43) SL2015-43

notified LR 21 December 2015

s 1, s 2 commenced 21 December 2015 (LA s 75 (1))

remainder commenced 22 December 2015 (s 2)

[Red Tape Reduction Legislation Amendment Act 2017](http://www.legislation.act.gov.au/a/2017-17%20/default.asp) A2017‑17 pt 8

notified LR 14 June 2017

s 1, s 2 commenced 14 June 2017 (LA s 75 (1))

pt 8 commenced 31 August 2017 (s 2 (2))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 4 am [A2007‑3](http://www.legislation.act.gov.au/a/2007-3) amdt 3.367

Authorised people for infringement notice offences

s 12 am [A2015‑15](http://www.legislation.act.gov.au/a/2015-15) amdt 3.96, amdt 3.97

Expiry—sch 1, pt 1.1

s 13 om [A2008‑7](http://www.legislation.act.gov.au/a/2008-7) amdt 1.63

Environment Protection Act 1997

sch 1 pt 1.1 am [A2007‑17](http://www.legislation.act.gov.au/a/2007-17) s 6; items renum R3 LA

Environment Protection Regulation 2005

sch 1 pt 1.2 am [SL2015‑43](http://www.legislation.act.gov.au/sl/2015-43) s 4; [A2017‑17](http://www.legislation.act.gov.au/a/2017-17/default.asp) s 26; items renum R7 LA

Dictionary

dict def authorised officer sub [A2007‑3](http://www.legislation.act.gov.au/a/2007-3) amdt 3.368

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 |
| --- | --- | --- | --- |
| R112 Nov 2005 | 12 Nov 2005–11 Apr 2007 | not amended | new regulation |
| R212 Apr 2007 | 12 Apr 2007–30 June 2007 | [A2007‑3](http://www.legislation.act.gov.au/a/2007-3) | amendments by [A2007‑3](http://www.legislation.act.gov.au/a/2007-3) |
| R31 July 2007 | 1 July 2007–6 May 2008 | [A2007‑17](http://www.legislation.act.gov.au/a/2007-17) | amendments by [A2007‑17](http://www.legislation.act.gov.au/a/2007-17) |
| R47 May 2008 | 7 May 2008–9 June 2015 | [A2008-7](http://www.legislation.act.gov.au/a/2008-7/) | amendments by [A2008-7](http://www.legislation.act.gov.au/a/2008-7/) |
| R510 June 2015 | 10 June 2015–21 Dec 2015 | [A2015-15](http://www.legislation.act.gov.au/a/2015-15/default.asp) | amendments by [A2015-15](http://www.legislation.act.gov.au/a/2015-15/default.asp) |
| R622 Dec 2015 | 22 Dec 2015‑30 Aug 2017 | [SL2015‑43](http://www.legislation.act.gov.au/sl/2015-43) | amendments by [SL2015‑43](http://www.legislation.act.gov.au/sl/2015-43) |

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