



Australian Capital Territory

# **Magistrates Court (Water Resources Infringement Notices) Regulation 2007**

**SL2007-30**

made under the

**Magistrates Court Act 1930**

**Republication No 2**

**Effective: 18 October 2010 – 21 August 2013**

Republication date: 18 October 2010

Last amendment made by [A2010-31](#)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Water Resources Infringement Notices) Regulation 2007*, 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 18 October 2010. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 18 October 2010.

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 or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### 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 *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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made under the

**Magistrates Court Act 1930**

## Contents

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	Page
1 Name of regulation	2
3 Purpose of regulation	2
4 Dictionary	2
5 Notes	2
6 Administering authority	3
7 Infringement notice offences	3
8 Infringement notice penalties	3
9 Contents of infringement notices—other information	3
10 Contents of infringement notices—identifying authorised person	4
11 Contents of reminder notices—identifying authorised person	4

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R2  
18/10/10

Magistrates Court (Water Resources Infringement Notices)  
Regulation 2007

contents 1

Effective: 18/10/10-21/08/13

## Contents

---

	Page
12 Costs if liability disputed	4
13 Authorised people for infringement notice offences	4
<b>Schedule 1 Water Resources Act infringement notice offences and penalties</b>	<b>5</b>
<b>Dictionary</b>	<b>6</b>
<b>Endnotes</b>	
1 About the endnotes	7
2 Abbreviation key	7
3 Legislation history	8
4 Amendment history	8
5 Earlier republications	8



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# Magistrates Court (Water Resources Infringement Notices) Regulation 2007

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R2  
18/10/10

Magistrates Court (Water Resources Infringement Notices)  
Regulation 2007

page 1

Effective: 18/10/10-21/08/13

## 1 Name of regulation

This regulation is the *Magistrates Court (Water Resources Infringement Notices) Regulation 2007*.

## 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 Water Resources Act.

*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 [Water Resources Act](#), 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 Water Resources Act is the authority.

## 7 Infringement notice offences

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

## 8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Water Resources Act, 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 Water Resources Act, 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 Water Resources Act 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 Water Resources Act 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 Water Resources Act 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 Water Resources Act 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 Costs if liability disputed**

The cost of beginning a proceeding is \$200.

**13 Authorised people for infringement notice offences**

An authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the Water Resources Act; and
- (b) a reminder notice for an infringement notice offence against the Water Resources Act.

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



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## Schedule 1 Water Resources Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision, and if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	77A (2)	50	1 000
2	77A (4)	50	1 000
3	77G (1)	25	500
4	77G (2)	25	500
5	77G (3)	10	200
6	77G (4)	25	500
7	77G (5)	50	1 000

## 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.

***authority*** means the environment protection authority.

***authorised officer***—see the [Water Resources Act](#), dictionary.

***Water Resources Act*** means the [Water Resources Act 2007](#).

## 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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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 (Water Resources Infringement Notices) Regulation 2007 SL2007-30**

notified LR 2 October 2007

s 1, s 2 commenced 2 October 2007 (LA s 75 (1))

remainder commenced 3 October 2007 (s 2)

as amended by

#### **[Water Resources Amendment Act 2010 A2010-31 sch 1 pt 1.1](#)**

notified LR 1 September 2010

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

sch 1 pt 1.1 commenced 18 October 2010 (s 2 and [CN2010-10](#))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Water Resources Act infringement notice offences and penalties**

sch 1 am [A2010-31](#) amdt 1.1

### 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 3 Oct 2007	3 Oct 2007– 17 Oct 2010	not amended	new regulation

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