



Australian Capital Territory

# Protection of Public Participation Regulation 2010

**Subordinate Law SL2010-10**

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The Australian Capital Territory Executive makes the following regulation under the *Protection of Public Participation Act 2008*.

Dated 29 March 2010.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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**1 Name of regulation**

This regulation is the *Protection of Public Participation Regulation 2010*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 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.

**4 Working out financial penalty—Act, s 9 (3)**

- (1) In working out a financial penalty, a court must consider the following matters:
  - (a) the extent to which the defendant, or anyone else, is, or could be, discouraged from engaging in public participation;
  - (b) the costs and hardships imposed on the defendant by the improper proceedings;
  - (c) the extent to which the plaintiff benefited from the improper proceedings;
  - (d) the effect on the defendant's ability to engage in public participation;
  - (e) the steps taken by the plaintiff and defendant to avoid litigation.
- (2) The matters mentioned in subsection (1) do not limit the matters a court may consider in working out a financial penalty.

- (3) In working out a financial penalty, a court is not limited by—
- (a) any other proceeding under another territory law in relation to the plaintiff's conduct; or
  - (b) any other penalty imposed on the plaintiff under territory law.
- (4) In this section:

*improper proceedings* means proceedings started or maintained for an improper purpose.

*Note* **Improper purpose**—see the Act, s 6.

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## Endnotes

### 1 Notification

Notified under the Legislation Act on 1 April 2010.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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