



Australian Capital Territory

Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017

Subordinate Law SL2017-37

The Australian Capital Territory Executive makes the following regulation under the *Magistrates Court Act 1930*.

Dated 1 December 2017.

GORDON RAMSAY
Minister

MEEGAN FITZHARRIS
Minister



Australian Capital Territory

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[Magistrates Court Act 1930](#)

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1 Name of regulation

This regulation is the *Magistrates Court (Waste Management and Resource Recovery Infringement Notices) Regulation 2017*.

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 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 person*—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.’ means that the term ‘authorised person’ 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)).

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.

5 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 waste 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.

6 Administering authority

The administering authority for an infringement notice offence against the waste legislation is the waste manager.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the waste legislation, 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 waste legislation, 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 waste legislation is \$34.

9 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 waste 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.

10 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 waste 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](#).

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 waste 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 person may serve the following:

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

Schedule 1 **Waste legislation infringement notice offences and penalties**

(see s 7 and s 8)

Part 1.1 **Waste Management and Resource Recovery Act 2016**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	50 (1)	10	75
2	61 (2)	50	750
3	66 (1)	50	750
4	72 (1)	50	1 500
5	75 (2)	1	30
6	81 (5)	50	1 500
7	83 (1)	5	150
8	108 (1)	50	750

Part 1.2 **Waste Management and
Resource Recovery
Regulation 2017**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	18 (1)	5	150
2	18 (2)	5	150
3	18 (3)	5	150
4	19 (1)	10	300
5	20 (1)	10	300
6	21 (1)	10	300
7	22 (1)	10	300
8	23 (1)	10	300

Dictionary

(see s 3)

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
- 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
- infringement notice
- infringement notice offence
- reminder notice.

authorised person—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.

waste legislation means—

- (a) the [Waste Management and Resource Recovery Act 2016](#); and
- (b) the [Waste Management and Resource Recovery Regulation 2017](#).

waste manager—see the [Waste Management and Resource Recovery Act 2016](#), dictionary.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 7 December 2017.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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