

Australian Capital Territory

Magistrates Court (Plastic Reduction Infringement Notices) Regulation 2021

Subordinate Law SL2021-12

The Australian Capital Territory Executive makes the following regulation under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21).

Dated 24 June 2021.

Andrew Barr

Chief Minister

Shane Rattenbury

Minister



Australian Capital Territory

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

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1 Name of regulation

This regulation is the *Magistrates Court (Plastic Reduction Infringement Notices) Regulation 2021*.

2 Commencement

This regulation commences on 1 July 2021.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

5 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/).

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.

6 Administering authority

The administering authority for an infringement notice offence against the [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) is the director-general of the Transport Canberra and City Services Directorate.

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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) mentioned in schedule 1, column 2.

8 Infringement notice penalties

 (1) The penalty payable by an individual for an offence against the [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/), 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/), 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) 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).

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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/) 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 [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/);

 (b) a reminder notice for an infringement notice offence against that Act.

13 Prescribed person—Act, s 135 (1)

The waste manager is prescribed.

Schedule 1 Plastic Reduction Act 2021 infringement notice offences and penalties

(see s 7 and s 8)

| column 1item | column 2offence provision | column 3offence penalty (penalty units) | column 4infringement penalty ($) |
| --- | --- | --- | --- |
| 1  | 10 (1) | 50 | 300 |
| 2  | 12 (5) | 20 | 120 |
| 3  | 16 (1) | 50 | 300 |
| 4  | 18 (2) | 50 | 300 |
| 5  | 21 (3) | 1 | 32 |
| 6  | 32 (1) | 5 | 100 |

Dictionary

(see s 3)

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

 commissioner for fair trading

 corporation

 Corporations Act

 individual.

Note 2 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). 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

 infringement notice

 infringement notice offence

 infringement notice penalty

 reminder notice.

authorised person—see the [Plastic Reduction Act 2021](https://legislation.act.gov.au/a/2021-4/), section 19.

waste manager—see the [Waste Management and Resource Recovery Act 2016](http://www.legislation.act.gov.au/a/2016-51), dictionary.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 30 June 2021.

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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