

# **NORTHERN TERRITORY OF AUSTRALIA**

## **ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1996**

As in force at 22 January 1997

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 22 January 1997

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## ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1996

**An act to establish penalties for certain offences relating to the protection of the environment, and for related purposes**

### **1 Short title**

This Act may be cited as the *Environmental Offences and Penalties Act 1996*.

### **2 Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

### **3 Reference to environmental offences**

- (1) Where, in an Act or an instrument of a legislative or administrative character, an offence is designated:

- (a) an environmental offence level 1;
- (b) an environmental offence level 2;
- (c) an environmental offence level 3; or
- (d) an environmental offence level 4,

an individual who, or a body corporate that, is found guilty of that offence is liable to the penalty prescribed under this Act for an environmental offence of that level.

### **4 Penalty for environmental offence level 1**

- (1) An individual who is found guilty of an offence designated an environmental offence level 1 is punishable by a penalty of:

- (a) not less than \$25,000 and not more than \$250,000; or
- (b) imprisonment for not more than 5 years.

- (2) A body corporate that is found guilty of an offence designated an environmental offence level 1 is punishable by a penalty of not less than \$125,000 and not more than \$1,250,000.

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**5           Penalty for environmental offence level 2**

- (1) An individual who is found guilty of an offence designated an environmental offence level 2 is punishable by a penalty of not less than \$10,000 and not more than \$100,000.
- (2) A body corporate that is found guilty of an offence designated an environmental offence level 2 is punishable by a penalty of not less than \$50,000 and not more than \$500,000.

**6           Penalty for environmental offence level 3**

- (1) An individual who is found guilty of an offence designated an environmental offence level 3 is punishable by a penalty of not less than \$5,000 and not more than \$50,000.
- (2) A body corporate that is found guilty of an offence designated an environmental offence level 3 is punishable by a penalty of not less than \$25,000 and not more than \$250,000.

**7           Penalty for environmental offence level 4**

- (1) An individual who is found guilty of an offence designated an environmental offence level 4 is punishable by a penalty of not more than \$5,000.
- (2) A body corporate that is found guilty of an offence designated an environmental offence level 4 is punishable by a penalty of not more than \$25,000.

**8           Infringement offences**

Where an individual who, or a body corporate that, appears to have committed an environmental offence level 3 or an environmental offence level 4 is served with an infringement notice (however described), the sum the individual or body corporate may, as an alternative to prosecution, pay in lieu of the penalty prescribed under this Act is:

- (a) in the case of an environmental offence level 3:
  - (i) where an individual is served with the infringement notice, \$200; or
  - (ii) where a corporation is served with the infringement notice, \$1,000; or

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(b) in the case of an environmental offence level 4:

- (i) where an individual is served with the infringement notice, \$100; or
- (ii) where a corporation is served with the infringement notice, \$500.

## **9 Crown to be bound**

- (1) Where the contravention of, or failure to comply with, a provision of an Act or an instrument of a legislative or administrative character is designated an environmental offence the provision binds the Crown.
- (2) In this section, **Crown** means not only the Crown in the right of the Territory but also, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

## **10 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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## ENDNOTES

### 1

#### KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
*Gaz* = *Gazette*  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

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#### LIST OF LEGISLATION

***Environmental Offences and Penalties Act 1996 (Act No. 60, 1996)***

Assent date	31 December 1996
Commenced	22 January 1997 ( <i>Gaz</i> G7, 19 February 1997, p 2)