

**NORTHERN TERRITORY OF AUSTRALIA**

**ENVIRONMENTAL OFFENCES AND PENALTIES ACT**

As in force at 9 September 2010

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Act as in force at 9 September 2010. Any amendments that commence after that date are not included.

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## ENVIRONMENTAL OFFENCES AND PENALTIES ACT

**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*.

### **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; or
- (b) an environmental offence level 2; or
- (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.

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- (2) For examples of the designation of offences as mentioned in subsection (1)(a) to (d), see section 58C of the *Energy Pipelines Act*.

#### **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 385 penalty units and not more than 3 850 penalty units; 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 1 924 penalty units and not more than 19 240 penalty units.

#### **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 154 penalty units and not more than 1 540 penalty units.
- (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 770 penalty units and not more than 7 700 penalty units.

#### **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 77 penalty units and not more than 770 penalty units.
- (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 385 penalty units and not more than 3 850 penalty units.

#### **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 77 penalty units.
- (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 385 penalty units.

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## 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, 3.5 penalty units; or
  - (ii) where a corporation is served with the infringement notice, 17.5 penalty units; or
- (b) in the case of an environmental offence level 4:
  - (i) where an individual is served with the infringement notice, 1.5 penalty unit; or
  - (ii) where a corporation is served with the infringement notice, 7.5 penalty units.

## 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 under 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

### 2 LIST OF LEGISLATION

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

Assent date 31 December 1996  
Commenced 22 January 1997 (*Gaz G7*, 19 February 1997, p 2)

#### ***Environmental Offences and Penalties Amendment Act 2010 (Act No. 28, 2010)***

Assent date 9 September 2010  
Commenced 9 September 2010

### 3 CORRECTED PROVISION

Section 8 as amended by the *Environmental Offences and Penalties Amendment Act 2010* (Act No. 28, 2010) was incorrectly revised in the reprint published on the legislation website as at the commencement of that amendment Act. This error was corrected in the reprint published on the website with the as in force date of 9 September 2010.

### 4 LIST OF AMENDMENTS

s 3 amd No. 28, 2010, s 3  
s 4 amd No. 28, 2010, s 4  
s 5 amd No. 28, 2010, s 5  
s 6 amd No. 28, 2010, s 6  
s 7 amd No. 28, 2010, s 7  
s 8 amd No. 28, 2010, s 8  
s 10 amd No. 28, 2010, s 9