

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENTAL OFFENCES AND PENALTIES ACT

As in force at 9 September 2010

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NORTHERN TERRITORY OF AUSTRALIA

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

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.

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.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

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

Assent date	31 December 1996
Commenced	22 January 1997 (<i>Gaz G7</i> , 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