

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1996

As in force at 13 April 2011

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 13 April 2011

ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1996

**An act to establish penalties for certain offences under prescribed Acts,
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) If, under an Act that is prescribed by regulation, 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.

(2) For examples of the designation of offences as mentioned in subsection (1)(a) to (d), see section 58C of the *Energy Pipelines Act 1981*.

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

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- (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.

11 Validation provision relating to designations before *Environmental Offences and Penalties Amendment Act (No. 2) 2010*

- (1) It is declared that an existing designation of an offence as an environmental offence at a particular level was validly made and continues to be validly made, as if the offence were so designated after the commencement.
- (2) In this section:

commencement means the commencement of this section.

existing designation, in relation to an offence, means a designation or purported designation of an offence as an environmental offence that was made in any way before the commencement, including a way mentioned in section 3.

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 (<i>Gaz</i> 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

Environmental Offences and Penalties Amendment Act (No. 2) 2010 (Act No. 44, 2010)

Assent date	13 December 2010
Commenced	13 April 2011 (<i>Gaz</i> G15, 13 April 2011, p 11)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1 and 3.

4 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 reprints published on the website with the as in force dates of 9 September 2010 and 13 April 2011.

5 **LIST OF AMENDMENTS**

It	amd No. 44, 2010, s 4
s 3	amd No. 28, 2010, s 3; No. 44, 2010, s 5
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
s 11	amd No. 44, 2010, s 6