

Serial 190
Environmental
Offences And
Penalties
Mr Reed

NORTHERN TERRITORY OF AUSTRALIA

ENVIRONMENTAL OFFENCES AND PENALTIES BILL 1996

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

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

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

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 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

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(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.

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.

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(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
- (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 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

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- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
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