



STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY
MARISA PATERSON MLA (CHAIR), ANDREW BRADDOCK MLA (DEPUTY CHAIR), LEANNE CASTLEY MLA

Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21
ANSWER TO QUESTION ON NOTICE

Asked by Mr Michael Pettersson MLA:

In relation to: The Environment Protection Authority (EPA)

1. What is the average penalty cost of an Environment Protection Authority infringement notice?
2. On average how much does it cost for the ACT Government to review an EPA Officer's infringement notice through the Regulatory Advisory Committee?
3. Why are EPA Officers required to present to the Regulatory Advisory Committee to issue minor infringement notices when other officials, like parking enforcement, are not required to?
4. Why are EPA Officers required to follow up personally on infringement notices they issue when infringement notices issued by officials in other units, like parking enforcement, are pursued centrally?

Tara Cheyne MLA: The answer to the Member's question is as follows:–

1. The infringement notice penalties are listed in Schedule 1 of the Magistrates Court (*Environment Protection Infringement Notices*) Regulation 2005. A link is provided below.
<https://www.legislation.act.gov.au/View/sl/2005-37/current/PDF/2005-37.PDF>

Environment Protection Act 1997: There are 23 infringement notice penalties listed ranging from \$50 to \$1000 for individuals (incorporating a number of infringement offences comprising 5x\$1000, 14x\$500, 3x\$250, 2x\$100, 1x\$50).

Environment Protection Regulation 2005: There are 37 infringement notice penalties ranging from \$100 to \$300 for individuals (incorporating a number of infringement offences comprising of 3x\$300, 5x\$200, 5x\$175, 7x\$120, 17x\$100).

Penalties for corporations are five times that of an individual.

2. Access Canberra does not individually cost matters that are presented to the Regulatory Advisory Committee (RAC). Costs associated with RAC are part of normal business activity.



LEGISLATIVE ASSEMBLY
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ECCB QON No. 25

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3. The RAC is a governance mechanism which supports delegates and statutory officers in their functions by providing advice and guidance to ensure that decision making is fair, consistent, and defensible.

The RAC procedure states that a matter may be brought to the RAC when there is a proposal to issue an infringement. Parking infringements are specifically excluded under the RAC procedure.

Matters relating to parking enforcement are simple determinations which do not require complex investigation.

Matters which require more detailed investigation, or higher-level matters are able to be referred to the RAC for their consideration and advice.

Access Canberra is presently reviewing procedures around the thresholds for infringement notices matters to be considered by RAC.

4. The scale of notices issued by parking enforcement requires dedicated resources. Other areas in Access Canberra, including for example the EPA and Building and Planning compliance, issue fewer infringement notices compared to parking enforcement and as such can be managed within their respective teams.

Approved for circulation to the Standing Committee on Environment, Climate Change and Biodiversity

Signature:

Date:

16/3/21

By the Minister for Business and Better Regulation, Tara Cheyne MLA