

2004

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (DANGEROUS SUBSTANCES INFRINGEMENT NOTICES)
REGULATIONS 2004

SUBORDINATE LAW SL2004-18

EXPLANATORY STATEMENT

Circulated by authority of the Attorney General
Mr Jon Stanhope MLA

**MAGISTRATES COURT (DANGEROUS SUBSTANCES INFRINGEMENT NOTICES)
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Outline

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004 (the regulations) enable infringement notices to be issued for certain offences in the *Dangerous Substances Act 2004* and associated Regulations.

The *Dangerous Substances Act 2004* regulates the import, manufacture, transport, storage, handling, supply and use of dangerous substances in the ACT. This statutory framework is designed to minimise the risk these materials can pose to the health and safety of people working with these substances, the general community and the environment. The regulatory framework established by the *Dangerous Substances Act 2004* is supported by detailed regulations that can be updated regularly and modified to reflect industry best practice and technological advances.

The ability to issue infringement notices for offences against the *Dangerous Substances Act 2004* will encourage compliance with the legislation and will allow for immediate action to be taken against people who are breaching the legislation. This should provide greater protection for the ACT community.

Clause Notes

Regulation 1 – Name of regulations – provides that the regulations are the Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004

Regulation 2 – Commencement – provides that the regulations commence on the day after their notification day.

Regulation 3 – Purpose of regulations – provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the Dangerous Substances legislation. Regulation 5 explains what is dangerous substances legislation.

Regulation 4 – Notes – provides that the notes included in the regulations are explanatory and do not form part of the regulations.

Regulation 5 – Meaning of *dangerous substances legislation* – defines ‘dangerous substances legislation’ to be the *Dangerous Substances Act 2004* and the Dangerous Substances (Explosives) Regulations 2004.

Regulation 6 – Administering authority – provides that the administering authority for infringement notices against the dangerous substances legislation is the chief executive for the *Dangerous Substances Act 2004*.

Regulation 7 – Infringement notice offences – provides that infringement notices can be issued for offences listed in schedule 1, column 2.

Regulation 8 – Infringement notice penalties – provides that the penalties for the offences in schedule 1 are listed in column 4 of the schedule. The penalties for corporations are five times the amount listed in column 4 of the schedule.

This regulation also provides that a charge of \$34 will be imposed for serving a reminder notice on a person who has not paid their infringement notice.

Regulation 9 – Contents of infringement notice – specifies that infringement notices served on a company must include the company’s ACN. For the purposes of these regulations a company is considered to be a company registered under the Corporations Act.

Regulation 10 – Contents of infringement notices – identifying authorised person – provides that the infringement notice must identify the authorised person who served the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

Regulation 11 – Contents of reminder notices – identifying authorised person – provides that the reminder notice for the infringement notice must identify the authorised person who served the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

Regulation 12 – Authorised people for infringement notice offences – provides that an inspector under section 207 of the *Dangerous Substances Act 2004* may serve an infringement notice or a reminder notice under these regulations.

Schedule 1 – Dangerous substances legislation infringement notice offences and penalties – lists the infringement notice offences and penalties under regulations 7 and 8.