

MAGISTRATES COURT (OCCUPATIONAL HEALTH AND SAFETY INFRINGEMENT  
NOTICES) REGULATIONS 2004

SUBORDINATE LAW SL2004-32

EXPLANATORY STATEMENT

Circulated by authority of the  
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## MAGISTRATES COURT (OCCUPATIONAL HEALTH AND SAFETY INFRINGEMENT NOTICES) REGULATIONS 2004

### SUBORDINATE LAW SL2004- 32

#### Outline

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004 (the regulations) enable infringement notices to be issued for certain offences in the *Occupational Health and Safety Act 1989* (the OHS Act) and associated Regulations.

The OHS Act provides a legislative framework to secure the health, safety and welfare of employees at work, and to foster a cooperative consultative relationship between employers and employees on the health, safety and welfare of employees at work. The regulatory framework established by the OHS Act is supported by regulations including manual handling regulations and certification of plant users and operators regulations.

The ability to issue infringement notices for offences against the OHS Act 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 workplace safety in the ACT.

#### Clause Notes

**Regulation 1 – Name of regulations** – provides that the regulations are the Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004

**Regulation 2 – Commencement** – provides that the regulations commence on the commencement of the *Occupational Health and Safety Amendment Act 2004*, schedule 2, which is 5 August 2004.

**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 occupational health and safety legislation. Regulation 5 explains what is occupational health and safety 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 occupational health and safety legislation** – defines ‘occupational health and safety legislation’ to be the *Occupational Health and Safety Act 1989*, the Occupational Health and Safety Regulations 1991; and the Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000.

**Regulation 6 – Administering authority** – provides that the administering authority for infringement notices against the occupational health and safety legislation is the Occupational Health and Safety (OH&S) Commissioner. The OH&S commissioner is appointed under the Occupational Health and Safety Act, section 26.

**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 – other information** – 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, or 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, or 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 201 of the Occupational Health and Safety Act may serve an infringement notice or a reminder notice under these regulations.

**Regulation 13 – Magistrates Court (Dangerous Substances Infringement Notices)**

**Regulations 2004, regulations 10 (a) and 11 (a)** – amends regulations 10 (a) and 11 (a) of the Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004. Currently these regulations provide that an infringement notice or a reminder 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. This regulation amends those provisions to identify the authorised person by their full name, or surname and initials, or any unique number given to the person by the administering authority.

**Schedule 1 – Occupational health and safety legislation infringement notice offences and penalties** – lists the infringement notice offences and penalties under regulations 7 and 8.