

Australian Capital Territory

Magistrates Court (Lakes Infringement Notices) Amendment Regulation 2019 (No 2)

Subordinate law SL2019–20

made under the

Magistrates Court Act 1930, s 119 (Regulations about infringement notice offences)

EXPLANATORY STATEMENT

Outline

Part 3.8 of the *Magistrates Court Act 1930* (the *Act*) provides for a system of infringement notices for certain offences as an alternative to prosecution. The *Magistrates Court (Lakes Infringement Notices) Regulation 2004* (the *regulation*) creates a system of infringement notices for certain offences against the *Lakes 1976* and *Lakes Regulation 2019* (the *lakes legislation*).

Section 5 of the regulation provides that the delegate for lakes is the administering authority for an infringement notice offence against the lakes legislation. The *Magistrates Court (Lakes Infringement Notices Amendment Regulation 2019 (No 2)* amends the regulation to provide that the chief police officer is also an administering authority.

An administering authority for an infringement notice offence has certain functions under the Act, including the power to:

- withdraw an infringement notice (section 127);
- allow or refuse to allow an extension of time to pay an infringement notice penalty (section 124); and
- allow or refuse to allow an extension of time to dispute liability for an offence (section 133).

Summary of clauses

Clause 1 Name of regulation

This clause provides the name of the regulation as the *Magistrates Court (Lakes Infringement Notices) Amendment Regulation 2019 (No 2)*.

Clause 2 Commencement

This clause provides that the regulation commences on the day after its notification day.

Clause 3 Legislation amended

This clause provides that the regulation amends the *Magistrates Court (Lakes Infringement Notices) Regulation 2004* (the **regulation**).

Clause 4 Section 5

Section 5 of the regulation provides that the delegate for lakes is the administering authority for an infringement notice offence against the lakes legislation. This clause amends section 5 to provide that the chief police officer is also an administering authority.

Clause 5 Section 9 (a) and (b)

This clause amends section 9 of the regulation to provide identification requirements for a police officer who is serving an infringement notice on a person for an infringement notice offence against the lakes legislation. The police officer must provide the officer's service number.

Clause 6 Section 10 (a) and (b)

This clause amends section 10 of the regulation to provide identification requirements for a police officer who is serving a reminder notice on a person for an infringement notice offence against the lakes legislation. The police officer must provide the officer's service number.

Clause 7 Section 11, new note

This clause inserts a new note into section 11 of the regulation, pointing the reader to the definition of the word **inspector** in the *Lakes Act 1976*, which includes a police officer.

Clause 8 Dictionary, note 2

This clause inserts new signpost definitions of the terms **chief police officer** and **police officer** into note 2 of the dictionary of the regulation, referring the reader to the definitions of those terms in the *Legislation Act 2001*.