



Australian Capital Territory

Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004

SL2004-18

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 5 August 2004 – 2 November 2004

Republication date: 5 August 2004

Last amendment made by SL2004-32

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 5 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 5 August 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R2
05/08/04

Magistrates Court (Dangerous Substances Infringement
Notices) Regulations 2004
Effective: 05/08/04-02/11/04

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1 Name of regulations

These regulations are the *Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004*.

3 Purpose of regulations

The purpose of these regulations is to provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the dangerous substances legislation.

Note The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *dangerous substances legislation*

In these regulations:

dangerous substances legislation means—

(a) the *Dangerous Substances Act 2004*; and

(b) the *Dangerous Substances (Explosives) Regulations 2004*.

6 Administering authority

The administering authority for an infringement notice offence against the dangerous substances legislation is the chief executive for the *Dangerous Substances Act 2004*.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the dangerous substances legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the dangerous substances legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the dangerous substances legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the dangerous substances legislation is \$34.

9 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the dangerous substances legislation must include the company's ACN.

Note The requirement under this regulation is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this regulation:

company means a company registered under the Corporations Act.

10 Contents of infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the dangerous substances legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for these regulations, to the authorised person by the administering authority.

11 Contents of reminder notices—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the dangerous substances legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for these regulations, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An inspector under the *Dangerous Substances Act 2004*, section 207 may serve—

- (a) an infringement notice for an infringement notice offence against the dangerous substances legislation; and
- (b) a reminder notice for an infringement notice offence against the dangerous substances legislation.

Note The *Dangerous Substances Act 2004*, section 207 provides that police officers and public servants appointed under section 207 (2) are inspectors for the Act.

Schedule 1 Dangerous substances legislation infringement notice offences and penalties

(see reg 7 and reg 8)

Part 1.1 Dangerous Substances Act 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
1	section 97 (2)	20	400
2	section 97 (3)	20	400
3	section 98 (1)	20	400
4	section 103 (2)	20	400
5	section 103 (3)	20	400
6	section 104 (1)	20	400
7	section 112 (2) (a)	20	400
8	section 112 (2) (b)	20	400
9	section 112 (3)	20	400
10	section 113 (1)	20	400
11	section 155 (3)	10	200
12	section 156 (4)	5	100
13	section 208 (3)	1	20

Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
1	regulation 23 (1)		
1.1	<ul style="list-style-type: none"> • if regulation 23 (1) (a) (i) applies 	30	600
1.2	<ul style="list-style-type: none"> • if regulation 23 (1) (a) (ii) applies 	30	600
2	regulation 36 (4)	30	600
3	regulation 36 (5) (a)	30	600
4	regulation 36 (5) (b)	30	600
5	regulation 56 (3)	20	400
6	regulation 58 (1)	10	200
7	regulation 60 (2) (a)	20	400
8	regulation 60 (2) (b)	20	400
9	regulation 87 (1)	30	600
10	regulation 88 (1)		
10.1	<ul style="list-style-type: none"> • if regulation 85 (a) applies 	30	600
10.2	<ul style="list-style-type: none"> • if regulation 85 (b) applies 	30	600
10.3	<ul style="list-style-type: none"> • if regulation 85 (c) applies 	30	600
10.4	<ul style="list-style-type: none"> • if regulation 85 (d) applies 	30	600

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
10.5	• if regulation 85 (e) applies	30	600
10.6	• if regulation 85 (f) applies	30	600
10.7	• if regulation 85 (g) applies	30	600
10.8	• if regulation 85 (h) applies	30	600
11	regulation 97 (2)	20	400
12	regulation 102 (1)	30	600
13	regulation 108 (1) (a)	30	600
14	regulation 108 (1) (b)	30	600
15	regulation 114 (1) (a)	10	200
16	regulation 114 (1) (b)	10	200
17	regulation 115 (3)	20	400
18	regulation 120 (1)	30	600
19	regulation 130 (3)	20	400
20	regulation 148 (2)	30	600
21	regulation 148 (3)	30	600
22	regulation 148 (4)	30	600
23	regulation 149 (2)	30	600
24	regulation 149 (3)	30	600
25	regulation 162 (1) (a)	30	600
26	regulation 162 (1) (b)	30	600
27	regulation 163 (1) (a)	30	600

Schedule 1 Dangerous substances legislation infringement notice offences and penalties
Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
28	regulation 163 (1) (b)	30	600
29	regulation 163 (1) (c)	30	600
30	regulation 164 (1) (a)	30	600
31	regulation 164 (1) (b)	30	600
32	regulation 164 (1) (c)	30	600
33	regulation 164 (1) (d)	30	600
34	regulation 176 (3) (a)	10	200
35	regulation 176 (3) (b)	10	200
36	regulation 176 (4)		
36.1	<ul style="list-style-type: none"> if supply record book not made available 	10	200
36.2	<ul style="list-style-type: none"> if documents kept under regulation 176 (3) (b) not made available 	10	200
37	regulation 176 (5)	10	200
38	regulation 182 (1)	10	200
39	regulation 182 (2)	10	200
40	regulation 192 (1) (a)	10	200
41	regulation 192 (1) (b)	10	200
42	regulation 238 (4)	30	600
43	regulation 241 (1)	30	600
44	regulation 246 (3)	20	200

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
45	regulation 254 (1)	30	600
46	regulation 258 (3)	20	200
47	regulation 263 (1)	5	100
48	regulation 274 (1)	20	400
49	regulation 276 (1) (a)	30	600
50	regulation 276 (1) (b)	30	600
51	regulation 276 (1) (c)	30	600
52	regulation 276 (2) (a)	10	200
53	regulation 276 (2) (b)	10	200
54	regulation 276 (2) (c)	10	200
55	regulation 276 (2) (d)	10	200
56	regulation 276 (2) (e)	10	200
57	regulation 277 (1)	30	600
58	regulation 278 (1) (a)	30	600
59	regulation 278 (1) (b)	30	600
60	regulation 278 (1) (c)	30	600
61	regulation 278 (1) (d)	30	600
62	regulation 278 (1) (e)	30	600
63	regulation 278 (1) (f)	30	600
64	regulation 278 (1) (g)	30	600
65	regulation 278 (1) (h)	30	600

Schedule 1 Dangerous substances legislation infringement notice offences and penalties
Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
66	regulation 287 (1) (a)	30	600
67	regulation 287 (1) (b)	30	600
68	regulation 288 (1)	30	600
69	regulation 288 (2) (a)	30	600
70	regulation 288 (2) (b)	30	600
71	regulation 289 (1) (a)	10	200
72	regulation 289 (1) (b)	10	200
73	regulation 289 (1) (c)	10	200
74	regulation 289 (1) (d)	10	200
75	regulation 290 (1) (a)	20	400
76	regulation 290 (1) (b)	20	400
77	regulation 291 (1)	20	400
78	regulation 292 (1) (a)	20	400
79	regulation 292 (1) (b)	20	400
80	regulation 292 (1) (c)	20	400
81	regulation 292 (2)	10	200
82	regulation 295 (1)	30	600
83	regulation 296 (1) (a)	20	400
84	regulation 296 (1) (b)	20	400
85	regulation 297 (1) (a)	20	400
86	regulation 297 (1) (b)	20	400

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
87	regulation 321 (1)	30	600
88	regulation 322 (2)	30	600
89	regulation 325 (3)	20	400

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004 SL2004-18

notified LR 4 June 2004

reg 1, reg 2 commenced 4 June 2004 (LA s 75 (1))

remainder commenced 5 June 2004 (reg 2)

as amended by

Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004 SL2004-32 reg 13

notified LR 4 August 2004

reg 1, reg 2 commenced 4 August 2004 (LA s 75 (1))

reg13 commenced 5 August 2004 (reg 2 and see Occupational Health and Safety Amendment Act 2004 A2004-29 s 2 (1))

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Contents of infringement notices—identifying authorised person

reg 10 am SL2004-32 reg 13

Contents of reminder notices—identifying authorised person

reg 11 am SL2004-32 reg 13

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 5 June 2004	5 June 2004– 4 Aug 2004	not amended	new regulations

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