



Australian Capital Territory

# **Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004**

**SL2004-18**

made under the

**Magistrates Court Act 1930**

**Republication No 5**

**Effective: 3 June 2009 – 26 August 2009**

Republication date: 3 June 2009

Last amendment made by SL2009-26

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Dangerous Substances Infringement Notices) Regulation 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 3 June 2009. It also includes any amendment, repeal or expiry affecting the republished law to 3 June 2009.

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](http://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 includes 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.



Australian Capital Territory

# Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004

made under the

**Magistrates Court Act 1930**

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R5  
03/06/09

Magistrates Court (Dangerous Substances Infringement  
Notices) Regulation 2004  
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Australian Capital Territory

# **Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004**

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**Magistrates Court Act 1930**

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R5  
03/06/09

Magistrates Court (Dangerous Substances Infringement  
Notices) Regulation 2004  
Effective: 03/06/09-26/08/09

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**1 Name of regulation**

This regulation is the *Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004*.

**3 Purpose of regulation**

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the dangerous substances legislation.

*Note* The *Magistrates Court Act 1930*, pt 3.8 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 this regulation is explanatory and is not part of this regulation.

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

**5 Meaning of *dangerous substances legislation***

In this regulation:

*dangerous substances legislation* means—

- (a) the *Dangerous Substances Act 2004*; and
- (b) the *Dangerous Substances (Explosives) Regulation 2004*; and
- (c) the *Dangerous Substances (General) Regulation 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 3.8 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 section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

*company* means a company registered under the Corporations Act.

## **10 Contents of infringement notices—identifying person serving notice**

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) for an authorised person who is a police officer—the police officer’s service number; or
- (b) for an authorised person who is an inspector under the *Dangerous Substances Act 2004*, section 207 (1) (b)—
  - (i) the authorised person’s full name, or surname and initials; or
  - (ii) any unique number given, for this regulation, to the authorised person by the administering authority.

**11 Contents of reminder notices—identifying person serving notice**

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) for an authorised person who is a police officer—the police officer’s service number; or
- (b) for an authorised person who is an inspector under the *Dangerous Substances Act 2004*, section 207 (1) (b)—
  - (i) the authorised person’s full name, or surname and initials; or
  - (ii) any unique number given, for this regulation, 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*, s 207 provides that police officers and public servants appointed under s 207 (2) are inspectors for the Act.

# **Schedule 1 Dangerous substances legislation infringement notice offences and penalties**

(see s 7 and s 8)

## **Part 1.1 Dangerous Substances Act 2004**

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

## **Part 1.2 Dangerous Substances (Explosives) Regulation 2004**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
1	23 (1)		
1.1	• if 23 (1) (a) (i) applies	30	600
1.2	• if 23 (1) (a) (ii) applies	30	600
2	36 (4)	30	600
3	36 (5) (a)	30	600
4	36 (5) (b)	30	600
5	56 (3)	20	400
6	58 (1)	10	200
7	60 (2) (a)	20	400
8	60 (2) (b)	20	400
9	87 (1)	30	600
10	88 (1)		
10.1	• if 85 (a) applies	30	600
10.2	• if 85 (b) applies	30	600
10.3	• if 85 (c) applies	30	600
10.4	• if 85 (d) applies	30	600

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

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
10.5	• if 85 (e) applies	30	600
10.6	• if 85 (f) applies	30	600
10.7	• if 85 (g) applies	30	600
10.8	• if 85 (h) applies	30	600
11	97 (2)	20	400
12	102 (1)	30	600
13	108 (1) (a)	30	600
14	108 (1) (b)	30	600
15	114 (1) (a)	10	200
16	114 (1) (b)	10	200
17	115 (3)	20	400
18	120 (1)	30	600
19	130 (3)	20	400
20	148 (2)	30	600
21	148 (3)	30	600
22	148 (4)	30	600
23	149 (2)	30	600
24	149 (3)	30	600
25	162 (1) (a)	30	600
26	162 (1) (b)	30	600
27	163 (1) (a)	30	600
28	163 (1) (b)	30	600

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
29	163 (1) (c)	30	600
30	164 (1) (a)	30	600
31	164 (1) (b)	30	600
32	164 (1) (c)	30	600
33	164 (1) (d)	30	600
34	176 (4) (a)	10	200
35	176 (4) (b)	10	200
36	176 (5)		
36.1	<ul style="list-style-type: none"> <li>• if supply record book not made available</li> </ul>	10	200
36.2	<ul style="list-style-type: none"> <li>• if documents kept under 176 (4) (b) not made available</li> </ul>	10	200
37	176 (6)	10	200
38	182 (1) (a)	10	200
39	182 (1) (b)	10	200
40	192 (1) (a)	10	200
41	192 (1) (b)	10	200
42	238 (4)	30	600
43	241 (1)	30	600
44	246 (3)	20	200
45	254 (1)	30	600
46	258 (3)	20	200

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

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
47	263 (1)	5	100
48	274 (1)	20	400
49	276 (1) (a)	30	600
50	276 (1) (b)	30	600
51	276 (1) (c)	30	600
52	276 (2) (a)	10	200
53	276 (2) (b)	10	200
54	276 (2) (c)	10	200
55	276 (2) (d)	10	200
56	276 (2) (e)	10	200
57	277 (1)	30	600
58	277A	30	600
59	278 (1) (a)	30	600
60	278 (1) (b)	30	600
61	278 (1) (c)	30	600
62	278 (1) (d)	30	600
63	278 (1) (e)	30	600
64	278 (1) (f)	30	600
65	278 (1) (g)	30	600
66	278 (1) (h)	30	600
67	287 (1) (a)	30	600
68	287 (1) (b)	30	600

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
69	288 (1)	30	600
70	288 (2) (a)	30	600
71	288 (2) (b)	30	600
72	289 (1) (a)	10	200
73	289 (1) (b)	10	200
74	289 (1) (c)	10	200
75	289 (1) (d)	10	200
76	290 (1) (a)	20	400
77	290 (1) (b)	20	400
78	291 (1)	20	400
79	292 (1) (a)	20	400
80	292 (1) (b)	20	400
81	292 (1) (c)	20	400
82	292 (2)	10	200
83	295 (1)	30	600
84	296 (1) (a)	20	400
85	296 (1) (b)	20	400
86	297 (1) (a)	20	400
87	297 (1) (b)	20	400
88	321 (1)	30	600
89	322 (2)	30	600
90	325 (3)	20	400

## **Part 1.3 Dangerous Substances (General) Regulation 2004**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
1	219 (3)	15	300
2	245 (5)	30	600
3	245 (6)	30	600
4	262 (4) (a)	30	600
5	262 (4) (b)	20	400
6	266 (4) (a)	30	600
7	266 (4) (b)	20	400
8	266 (4) (c)	10	200
9	268 (3)	15	300
10	268 (4)	15	300
11	269 (2)	15	300
12	413 (3)	20	400
13	420 (2)	20	400
14	425 (1)	30	600
15	439 (3)	20	400
16	446 (3)	20	400



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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement notice penalty (\$)</b>
17	455 (3)	20	400
18	460 (1)	30	600
19	463 (3)	20	400

## Endnotes

1 About the endnotes

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## 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 = section	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	s = section/subsection
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

This regulation was originally the *Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

#### **Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004 SL2004-18**

notified LR 4 June 2004  
s 1, s 2 commenced 4 June 2004 (LA s 75 (1))  
remainder commenced 5 June 2004 (s 2)

as amended by

#### **Magistrates Court (Occupational Health and Safety Infringement Notices) Regulation 2004 SL2004-32 s 13**

notified LR 4 August 2004  
s 1, s 2 commenced 4 August 2004 (LA s 75 (1))  
s 13 commenced 5 August 2004 (s 2 and see Occupational Health and Safety Amendment Act 2004 A2004-29 s 2 (1))

#### **Magistrates Court (Dangerous Substances Infringement Notices) Amendment Regulation 2005 (No 1) SL2005-24**

notified LR 15 September 2005  
s 1, s 2 commenced 15 September 2005 (LA s 75 (1))  
remainder commenced 16 September 2005 (s 2)

#### **Dangerous Substances (Explosives) Amendment Regulation 2009 (No 1) SL2009-26 s 13**

notified LR 2 June 2009  
s 1, s 2 commenced 2 June 2009 (LA s 75 (1))  
s 13 commenced 3 June 2009 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R3 LA

#### **Commencement**

s 2 om LA s 89 (4)

#### **Meaning of *dangerous substances legislation***

s 5 am SL2005-24 s 4, s 5

## Endnotes

### 5 Earlier republications

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**Contents of infringement notices—identifying person serving notice**

s 10 am SL2004-32 s 13  
sub SL2005-24 s 6

**Contents of reminder notices—identifying person serving notice**

s 11 am SL2004-32 s 13  
sub SL2005-24 s 6

**Dangerous substances legislation infringement notice offences and penalties**

sch 1 am SL2005-24 ss 7-9; SL2009-26 s 13; items renum R5 LA

## 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. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 5 June 2004	5 June 2004– 4 Aug 2004	not amended	new regulation
R2 5 Aug 2004	5 Aug 2004– 2 Nov 2004	SL2004-32	amendments by SL2004-32
R3 3 Nov 2004	3 Nov 2004– 15 Sept 2005	SL2004-32	includes editorial amendments under Legislation Act
R4 16 Sep 2005	16 Sep 2005– 2 June 2009	SL2005-24	amendments by SL2005-24

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