



Australian Capital Territory

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

**SL2004-18**

made under the

**Magistrates Court Act 1930**

**Republication No 8**

**Effective: 10 June 2015 – 28 March 2018**

Republication date: 10 June 2015

Last amendment made by [A2015-15](#)

## 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 10 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 June 2015.

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 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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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made under the

**Magistrates Court Act 1930**

## Contents

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	Page
1 Name of regulation	2
3 Purpose of regulation	2
4 Notes	2
5 Meaning of <i>dangerous substances legislation</i>	2
6 Administering authority	2
7 Infringement notice offences	3
8 Infringement notice penalties	3
9 Contents of infringement notices—other information	3
10 Contents of infringement notices—identifying person serving notice	4

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R8  
10/06/15

Magistrates Court (Dangerous Substances Infringement  
Notices) Regulation 2004  
Effective: 10/06/15-28/03/18

contents 1

## Contents

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		Page
11	Contents of reminder notices—identifying person serving notice	4
12	Authorised people for infringement notice offences	5
<b>Schedule 1</b>	<b>Dangerous substances legislation infringement notice offences and penalties</b>	6
<b>Part 1.1</b>	<b>Dangerous Substances Act 2004</b>	6
<b>Part 1.2</b>	<b>Dangerous Substances (Explosives) Regulation 2004</b>	7
<b>Part 1.3</b>	<b>Dangerous Substances (General) Regulation 2004</b>	10
<b>Endnotes</b>		
1	About the endnotes	11
2	Abbreviation key	11
3	Legislation history	12
4	Amendment history	13
5	Earlier republications	14



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Notices) Regulation 2004  
Effective: 10/06/15-28/03/18

page 1

**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 director-general 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 the following:

- (a) an infringement notice for an infringement notice offence against the dangerous substances legislation;
- (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

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
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 (2)	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
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

**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>
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
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

<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>
36	176 (5)		
36.1	• if supply record book not made available	10	200
36.2	• if documents kept under 176 (4) (b) not made available	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
47	263 (1)	5	100
48	264	30	600
49	321 (1)	30	600
50	322 (2)	30	600
51	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
17	455 (3)	20	400
18	460 (1)	30	600
19	463 (3)	20	400

## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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)

#### **Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2) SL2009-43 s 27**

notified LR 26 August 2009

s 1, s 2 commenced 26 August 2009 (LA s 75 (1))

s 27 commenced 27 August 2009 (s 2)



**Administrative (One ACT Public Service Miscellaneous Amendments)  
Act 2011 A2011-22 sch 1 pt 1.101**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.101 commenced 1 July 2011 (s 2 (1))

**Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.18**

notified LR 27 May 2015  
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))  
sch 3 pt 3.18 commenced 10 June 2015 (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

**Administering authority**

s 6 am [A2011-22](#) amdt 1.313

**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

**Authorised people for infringement notice offences**

s 12 am [A2015-15](#) amdt 3.89, amdt 3.90

**Dangerous Substances (Explosives) Regulation 2004**

sch 1 pt 1.2 am [SL2005-24](#) s 7, s 8; [SL2009-26](#) s 13; items renum R5 LA;  
[SL2009-43](#) s 27; items renum R6 LA; [A2015-15](#) amdt 3.91

**Dangerous Substances (General) Regulation 2004**

sch 1 pt 1.3 ins [SL2005-24](#) s 9

## Endnotes

5 Earlier republications

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### 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.

Republication No and date	Effective	Last amendment made by	Republication for
R1 5 June 2004	5 June 2004– 4 Aug 2004	not amended	new regulation
R2 5 Aug 2004	5 Aug 2004– 2 Nov 2004	<a href="#">SL2004-32</a>	amendments by <a href="#">SL2004-32</a>
R3 3 Nov 2004	3 Nov 2004– 15 Sept 2005	<a href="#">SL2004-32</a>	includes editorial amendments under <a href="#">Legislation Act</a>
R4 16 Sep 2005	16 Sep 2005– 2 June 2009	<a href="#">SL2005-24</a>	amendments by <a href="#">SL2005-24</a>
R5 3 June 2009	3 June 2009– 26 Aug 2009	<a href="#">SL2009-26</a>	amendments by <a href="#">SL2009-26</a>
R6 27 Aug 2009	27 Aug 2009– 30 June 2011	<a href="#">SL2009-43</a>	amendments by <a href="#">SL2009-43</a>
R7 1 July 2011	1 July 2011– 9 June 2015	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>

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