



Australian Capital Territory

Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004

Subordinate Law SL2004-32

The Australian Capital Territory Executive makes the following regulations
under the *Magistrates Court Act 1930*.

Dated 3 August 2004.

JON STANHOPE
Minister

TED QUINLAN
Minister

2003 188S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulations

These regulations are the *Magistrates Court (Occupational Health and Safety Infringement Notices) Regulations 2004*.

2 Commencement

These regulations commence on the commencement of the *Occupational Health and Safety Amendment Act 2004*, schedule 2.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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 occupational health and safety 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 occupational health and safety legislation

In these regulations:

occupational health and safety legislation means—

- (a) the *Occupational Health and Safety Act 1989*; and
- (b) the *Occupational Health and Safety Regulations 1991*; and

(c) the *Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000*.

6 Administering authority

The administering authority for an infringement notice offence against the occupational health and safety legislation is the OH&S commissioner.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the occupational health and safety 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 occupational health and safety 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 occupational health and safety 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 occupational health and safety 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 occupational health and safety 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 occupational health and safety 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 *Occupational Health and Safety Act 1989*, section 201 may serve—

- (a) an infringement notice for an infringement notice offence against the occupational health and safety legislation; and

- (b) a reminder notice for an infringement notice offence against the occupational health and safety legislation.

Note The *Occupational Health and Safety Act 1989*, section 201 provides that the commissioner, and public servants appointed under section 201 (2)) are inspectors for the Act.

13 Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004, regulations 10 (a) and 11 (a)

omit

; and

substitute

; or

Schedule 1 **Occupational health and safety legislation infringement notice offences and penalties**

(see reg 7 and reg 8)

Part 1.1 **Occupational Health and Safety Act 1989**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	47 (1)	100	1 000
2	53 (2)	10	100
3	54 (7)	1	100
4	56 (7)	1	100
5	57 (6)	1	100
6	58 (2)	1	100
7	61 (1)	50	200
8	61 (2)	50	200
9	61 (3)	10	100
10	67 (8)	1	100
11	67 (9)	10	100
12	68 (2)	10	100
13	69	100	400

Schedule 1 Occupational health and safety legislation infringement notice offences and penalties
Part 1.1 Occupational Health and Safety Act 1989

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
14	75 (3)	10	200
15	75 (4)	10	200
16	75 (6)	5	100
17	75 (7)	5	100
18	87 (1)	10	100
19	87 (4)	10	100
20	103 (3)	10	200
21	104 (4)	5	100
22	143 (2)	20	400
23	143 (3)	20	400
24	144 (1)	20	400
25	150 (2)	20	400
26	150 (3)	20	400
27	151 (1)	20	400
28	153 (1)	100	400
29	159 (2)	20	100
30	159 (3)	20	400
31	160 (1)	20	400
32	165 (1)	200	400
33	202 (3)	1	20
34	205 (2)	10	100

Part 1.2 Occupational Health and Safety Regulations 1991

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	10 (2)	10	200

Part 1.3 Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	12 (3)	5	100
2	17 (2)	5	100
3	18 (1)	5	100
4	21 (3)	5	100
5	25 (1)	10	200
6	27 (9)	5	100
7	33	5	100
8	34 (3)	5	100

Endnotes

1 Notification

Notified under the Legislation Act on 4 August 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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