



Australian Capital Territory

Magistrates Court (Food Infringement Notices) Regulation 2005

SL2005-30

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 7 May 2008 – 1 March 2012

Republication date: 7 May 2008

Last amendment made by A2008-7

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Food Infringement Notices) Regulation 2005*, 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 7 May 2008. It also includes any amendment, repeal or expiry affecting the republished law to 7 May 2008.

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
07/05/08

Magistrates Court (Food Infringement Notices)
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R2
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page 1

Effective: 07/05/08-01/03/12

1 Name of regulation

This regulation is the *Magistrates Court (Food Infringement Notices) Regulation 2005*.

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 Food Act.

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 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*authorised officer*—see the Food Act, dictionary.' means that the term 'authorised officer' is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

5 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.

6 Administering authority

The administering authority for an infringement notice offence against the Food Act is the chief health officer.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the Food Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Food Act, 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 Food Act, 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 Food Act is \$34.

9 Contents of infringement notices—identifying particulars for person served

An infringement notice served on a person by an authorised person for an infringement notice offence against the Food Act must identify the person served as follows:

- (a) if the person has given notice under the Food Act, section 90 (1) (Notification of conduct of exempt food businesses)—the name given by the person;

- (b) if the person is a proprietor of a food business registered under the Food Act, section 92 (3) (Registration of food businesses)—
 - (i) the name of the proprietor of the food business shown on the certificate of registration; or
 - (ii) the registration number shown on the certificate of registration;
- (c) if the offence to which the infringement notice relates involves a food transport vehicle—the registration number of the vehicle.

10 Contents of infringement notices—other information

- (1) If an infringement notice is served on a person for an offence against the Food Act, section 27 (1), (2), (3) or (4), the notice must mention each provision of the food standards code that the person has contravened.
- (2) An infringement notice served on a company by an authorised person for an infringement notice offence against the Food Act 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).

- (3) In this section:

company means a company registered under the Corporations Act.

11 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 Food Act must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or

- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 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 Food Act must identify the authorised person by—

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

13 Costs if liability disputed

The cost of beginning a proceeding is \$200.

14 Authorised people for infringement notice offences

An authorised officer may serve—

- (a) an infringement notice for an infringement notice offence against the Food Act; and
- (b) a reminder notice for an infringement notice offence against the Food Act.

Note For how documents may be served, see the Legislation Act, pt 19.5.

Schedule 1 Food Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	22 (1)	500	500
2	22 (2)	500	500
3	23 (1)	400	400
4	23 (2)	400	400
5	24 (1) (a)	500	500
6	24 (1) (b)	500	500
7	24 (2)	500	500
8	24 (3)	500	500
9	25 (1)	500	500
10	26 (1) (a)	500	500
11	26 (1) (b)	500	500
12	26 (2)	500	500
13	27 (1) (a)	500	500
14	27 (1) (b)	500	500
15	27 (1) (c)	500	500
16	27 (2)	500	500
17	27 (3)	500	500
18	27 (4)	500	500

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief health officer
- corporation
- Corporations Act
- individual.

Note 3 Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

authorised officer—see the Food Act, dictionary.

certificate of registration, for a food business—see the Food Act, dictionary.

Food Act means the *Food Act 2001*.

food business—see the Food Act, section 10.

food standards code—see the Food Act, dictionary.

food transport vehicle—see the Food Act, dictionary.

proprietor, of a food business—see the Food Act, dictionary.

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
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
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

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Food Infringement Notices) Regulation 2005 SL2005-30

notified LR 10 November 2005

s 1, s 2 commenced 10 November 2005 (LA s 75 (1))

remainder commenced 12 November 2005 (s 2 and see Statute Law
Amendment Act 2005 A2005-20, s 2 (2) and LA s 79)

as amended by

Justice and Community Safety Legislation Amendment Act 2008 A2008-7 sch 1 pt 1.14

notified LR 16 April 2008

s 1, s 2 commenced 16 April 2008 (LA s 75 (1))

sch 1 pt 1.14 commenced 7 May 2008 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Expiry of regulation

s 15 om A2008-7 amdt 1.64

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 12 Nov 2005	12 Nov 2005– 6 May 2008	not amended	new regulation

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