



Australian Capital Territory

Magistrates Court (Liquor Infringement Notices) Regulation 2008

Subordinate Law SL2008-15

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

Dated 10 April 2008.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Liquor Infringement Notices) Regulation 2008*.

2 Commencement

This regulation commences on the commencement of the *Crimes Amendment Act 2008*.

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

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 Liquor 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 ‘*inspector*—see the *Liquor Act 1975*, section 23.’ means that the term ‘inspector’ is defined in that section 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 Liquor Act is the chief executive for the Liquor Act.

7 Service of infringement notices, Act, s 120—belief about age of individual

An authorised person is taken to have reasonable grounds for believing that an individual is of a particular age if the authorised person sees evidence of the individual's identity and age.

Note 1 The infringement notice offence in schedule 1 applies except where an individual is under 16 years old.

Note 2 Under the Act, s 120 the authorised person must believe on reasonable grounds that a person has committed an infringement notice offence, before serving an infringement notice on the person for the offence.

8 Service of infringement notices, Act, s 120—witnessing conduct

An authorised person is taken not to have reasonable grounds for believing that an individual committed an infringement notice offence unless the authorised person witnessed the individual committing the offence.

9 Infringement notice offences

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

10 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Liquor Act, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The cost of serving a reminder notice for an infringement notice offence against the Liquor Act is \$34.

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 Liquor Act 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—
 - (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 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 Liquor Act 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—
 - (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.

13 Authorised people for infringement notice offences

A police officer or an inspector may serve—

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

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

Schedule 1 Liquor Act infringement notice offences and penalties

(see s 9 and s 10)

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	139 (1), except where individual is under 16 years old	5	100

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 executive (see s 163)
- individual
- police officer.

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.

inspector—see the *Liquor Act 1975*, section 23.

Liquor Act means the *Liquor Act 1975*.

Endnotes

1 Notification

Notified under the Legislation Act on 14 April 2008.

2 Republications of amended laws

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

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