



Australian Capital Territory

Magistrates Court (Work Safety Infringement Notices) Regulation 2009

SL2009-47

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 1 October 2009 – 30 June 2011

Republication date: 1 October 2009

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Work Safety Infringement Notices) Regulation 2009*, 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 1 October 2009. It also includes any commencement, repeal or expiry affecting the republished law.

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 amendments

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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R1
01/10/09

Magistrates Court (Work Safety Infringement Notices)
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Effective: 01/10/09-30/06/11

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1 Name of regulation

This regulation is the *Magistrates Court (Work Safety Infringement Notices) Regulation 2009*.

3 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 *Work Safety Act 2008*, dictionary.' means that the term 'inspector' 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)).

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 Purpose of regulation

The purpose of this regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the work safety 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.

6 Administering authority

The administering authority for an infringement notice offence against the work safety legislation is the chief executive for the *Work Safety Act 2008*.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the work 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 work 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 work 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 work safety 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 authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the work safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) the authorised person’s identity card number.

11 Contents of reminder notice—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the work safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) the authorised person’s identity card number.

12 Authorised people for infringement notice offences

An inspector may serve—

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

Schedule 1 Work safety legislation infringement notice offences and penalties

(see s 7 and s 8)

Part 1.1 Work Safety Act 2008

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	39 (1)	10	200
2	70 (1)	10	200
3	70 (2)	5	100
4	70 (3)	5	100
5	88 (4)	10	200
6	89 (5)	10	200
7	128 (2)	20	400
8	128 (3)	20	400
9	135 (2)	20	400
10	135 (3)	20	400
11	144 (2)	20	400
12	144 (3)	20	400
13	181 (2)	10	200

Part 1.2 **Work Safety Regulation 2009**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	8 (2)	10	200
2	12 (1)	10	200
3	13 (2)	10	200
4	14 (2)	10	200
5	17 (2)	20	400
6	17 (3)	20	400
7	18 (2)	20	400
8	20 (1)	20	400
9	42 (3)	20	400
10	68 (3)	30	600
11	68 (4)	30	600
12	69 (2)	20	400
13	69 (3)	20	400
14	72 (2)	30	600
15	72 (4)	30	600
16	72 (5)	30	600
17	78 (1)	30	600
18	78 (2)	30	600
19	78 (3)	30	600
20	92 (4)	30	600
21	92 (5)	30	600

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
22	92 (6)	30	600
23	92 (7)	30	600
24	101 (2)	30	600
25	101 (3)	30	600
26	102 (1)	20	400
27	102 (2)	20	400
28	102 (3)	20	400
29	102 (4)	20	400
30	102 (5)	20	400
31	102 (6)	20	400
32	102 (7)	20	400
33	103 (2)	30	600
34	103 (3)	30	600
35	107 (4)	20	400
36	108 (2)	20	400
37	112 (2)	20	400
38	113 (3)	20	400
39	115 (2)	20	400
40	117 (2)	30	600
41	117 (4)	30	600
42	120 (1)	20	400
43	121 (1)	30	600
44	125 (1)	10	200
45	132 (3)	5	100

Schedule 1
Part 1.2

Work safety legislation infringement notice offences and penalties
Work Safety Regulation 2009

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
46	133 (6)	5	100
47	141 (1)	5	100
48	143 (3)	5	100
49	143 (4)	10	200
50	144 (1)	5	100
51	163 (1)	5	100
52	163 (2)	5	100
53	163 (3)	5	100
54	164 (2)	5	100
55	165 (1)	5	100
56	167 (1)	20	400
57	168 (1)	20	400
58	169 (1)	20	400
59	179 (1)	5	100
60	183 (1)	5	100
61	184 (1)	5	100
62	184 (2)	5	100

Dictionary

(see s 3)

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:

- 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.

inspector—see the *Work Safety Act 2008*, dictionary.

work safety legislation means—

- (a) the *Work Safety Act 2008*; and
- (b) the *Work Safety Regulation 2009*.

Endnotes

1 About the endnotes

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

3 Legislation history

Magistrates Court (Work Safety Infringement Notices) Regulation 2009 SL2009-47

notified LR 30 September 2009

s 1, s 2 commenced 30 September 2009 (LA s 75 (1))

remainder commenced 1 October 2009 (s 2 and see Work Safety Act
2008 A2008-51, s 2 (1) (b) and CN2009-11)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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