



Australian Capital Territory

# **Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010**

**SL2010-42**

made under the

**Magistrates Court Act 1930**

**Republication No 2**

**Effective: 10 June 2015**

Republication date: 10 June 2015

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

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010*, 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).



Australian Capital Territory

# Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010

made under the

**Magistrates Court Act 1930**

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R2  
10/06/15

Magistrates Court (Dangerous Goods Road Transport  
Infringement Notices) Regulation 2010  
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# Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010

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made under the

**Magistrates Court Act 1930**

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R2  
10/06/15

Magistrates Court (Dangerous Goods Road Transport  
Infringement Notices) Regulation 2010

page 1

Effective: 10/06/15

**1 Name of regulation**

This regulation is the *Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010*.

**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.

*Note 2* A definition in the dictionary 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 dangerous goods 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 dangerous goods legislation is the entity declared to be the competent authority for the [Dangerous Goods \(Road Transport\) Act 2009](#), section 20.

## **7 Infringement notice offences**

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

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the dangerous goods 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 goods 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 goods legislation is \$34.

## **9 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 dangerous goods 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 appointed under the *Dangerous Goods (Road Transport) Act 2009*, section 23 (2)—
  - (i) the authorised person’s full name, or surname and initials; or
  - (ii) the authorised person’s identity card number.

**10 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 goods 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*.

**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 dangerous goods 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 appointed under the *Dangerous Goods (Road Transport) Act 2009*, section 23 (2)—
- (i) the authorised person's full name, or surname and initials; or
- (ii) the authorised person's identity card number.

**12 Authorised people for infringement notice offences**

An authorised person under the *Dangerous Goods (Road Transport) Act 2009*, section 23 may serve the following:

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



- (b) a reminder notice for an infringement notice offence against the dangerous goods legislation.

*Note* Police officers and people appointed by the competent authority are authorised people under the *Dangerous Goods (Road Transport) Act 2009*, s 23.

## **Schedule 1      Dangerous goods legislation infringement notice offences and penalties**

(see s 7 and s 8)

### **Part 1.1              Dangerous Goods (Road Transport) Act 2009**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	28 (3)	100	2 200
2	29 (2)	100	2 200
3	36 (1)	50	1 100
4	37 (1)	50	1 100
5	40 (1)	50	1 100
6	44 (1)	50	1 100
7	48 (1)	50	1 100
8	50 (1)	50	1 100
9	52 (1)	50	1 100
10	58 (1)	50	1 100
11	84 (4)	50	1 100
12	87 (1)	100	2 200

## Part 1.2 Dangerous Goods (Road Transport) Regulation 2010

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	33 (1)	40	880
2	48 (1)	40	880
3	48 (2)	40	880
4	57 (1)	40	880
5	65 (1)	40	880
6	65 (3)	40	880
7	66 (1)	40	880
8	67 (1)	40	880
9	70 (1)	40	880
10	72 (1)	20	440
11	78 (1)		
11.1	<ul style="list-style-type: none"> <li>if the package is large packaging or an overpack</li> </ul>	20	440
11.2	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	10	220
12	78 (2)		
12.1	<ul style="list-style-type: none"> <li>if the package is large packaging or an overpack</li> </ul>	20	440
12.1	<ul style="list-style-type: none"> <li>in any other case</li> </ul>	10	220

**Schedule 1**  
**Part 1.2**

Dangerous goods legislation infringement notice offences and penalties  
Dangerous Goods (Road Transport) Regulation 2010

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
13	79 (1)		
13.1	<ul style="list-style-type: none"> <li>• if the package is large packaging or an overpack</li> </ul>	20	440
13.2	<ul style="list-style-type: none"> <li>• in any other case</li> </ul>	10	220
14	94 (1)	40	880
15	97 (1)	40	880
16	101 (1)	20	440
17	108 (1)	20	440
18	119 (1)	40	880
19	122 (1)	20	440
20	122 (3)	20	440
21	123 (1)	20	440
22	125 (1)	10	220
23	126 (1)	20	440
24	128 (1)	10	220
25	131 (1)	20	440
26	134 (1)	15	330
27	135 (1)	20	440
28	136 (1)	15	330
29	136 (2)	15	330
30	139 (1)	20	440
31	140 (1)	15	330
32	140 (2)	15	330

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
33	140 (3)	15	330
34	142 (1)	40	880
35	143 (1)	40	880
36	144 (1)	15	330
37	145 (2)	10	220
38	147 (1)	10	220
39	148 (1)	15	330
40	149 (2)	40	880
41	149 (3)	40	880
42	149 (4)	40	880
43	150 (1)	40	880
44	151 (1)	40	880
45	152 (1)	40	880
46	153 (2)	15	330
47	153 (3)	15	330
48	154 (2)	40	880
49	155 (2)	20	440
50	155 (3)	20	440
51	156 (1)	40	880
52	156 (2)	40	880
53	157 (1)	40	880
54	157 (2)	40	880
55	158 (2)	20	440
56	159 (2)	20	440

**Schedule 1**  
**Part 1.2**

Dangerous goods legislation infringement notice offences and penalties  
Dangerous Goods (Road Transport) Regulation 2010

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
57	159 (3)	20	440
58	196 (1)	40	880
59	197 (1)	40	880
60	209 (1)	10	220
61	218 (1)	10	220
62	218 (2)	10	220
63	218 (3)	10	220
64	218 (4)	10	220
65	220 (3)	10	220
66	220 (4)	10	220
67	223 (1)	40	880
68	227 (2)	10	220
69	228 (2)	10	220
70	238 (1)	15	330

## 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.

***dangerous goods legislation*** means—

- (a) the [Dangerous Goods \(Road Transport\) Act 2009](#); and
- (b) the [Dangerous Goods \(Road Transport\) Regulation 2010](#).

## Endnotes

1 About the endnotes

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## 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

#### **Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010 SL2010-42**

notified LR 28 October 2010

s 1, s 2 commenced 28 October 2010 (LA s 75 (1))

remainder commenced 29 October 2010 (s 2)

as amended by

#### **Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.17**

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.17 commenced 10 June 2015 (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Administering authority**

s 6 hdg sub [A2015-15](#) amdt 3.80

#### **Infringement notice offences**

s 7 hdg sub [A2015-15](#) amdt 3.81

#### **Infringement notice penalties**

s 8 hdg sub [A2015-15](#) amdt 3.82

#### **Contents of infringement notices—identifying authorised person**

s 9 hdg sub [A2015-15](#) amdt 3.83

#### **Contents of infringement notices—other information**

s 10 hdg sub [A2015-15](#) amdt 3.84

#### **Contents of reminder notices—identifying authorised person**

s 11 hdg sub [A2015-15](#) amdt 3.85

#### **Authorised people for infringement notice offences**

s 12 hdg sub [A2015-15](#) amdt 3.86

s 12 am [A2015-15](#) amdt 3.87, amdt 3.88

## 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.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 29 Oct 2010	29 Oct 2010- 9 June 2015	not amended	new regulation

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