



Australian Capital Territory

Magistrates Court (Liquor Infringement Notices) Regulation 2010

Subordinate Law SL2010-47

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

Dated 30 November 2010.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Liquor Infringement Notices) Regulation 2010*.

2 Commencement

This regulation commences on the commencement of the *Liquor Act 2010*, section 3.

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

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 '*investigator*—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.' means that the term 'investigator' 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 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.

6 Administering authority

The administering authority for an infringement notice offence against the Liquor Act is the chief executive.

7 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.

Note Some infringement notice offences in sch 1 may be committed by individuals who are under 18 years old. However, infringement notices for those offences may only be given to individuals who are 16 years old or older (see sch 1, col 2).

8 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 penalty payable by a corporation for an offence against the Liquor 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 Liquor Act 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 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 investigator—
 - (i) the investigator’s full name, or surname and initials; or
 - (ii) any unique number given to the investigator by the administering authority for this regulation.

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 Liquor 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).

- (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 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 investigator—
 - (i) the investigator’s full name, or surname and initials; or
 - (ii) any unique number given to the investigator by the administering authority for this regulation.

12 Authorised people for infringement notice offences

A police officer or investigator 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.

13 Repeal of Magistrates Court (Liquor Infringement Notices) Regulation 2008

The *Magistrates Court (Liquor Infringement Notices) Regulation 2008* (SL2008-15) is repealed.

Schedule 1 Liquor Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	34 (3)	5	110
2	46 (1)	20	440
3	66 (1)	20	440
4	105 (1)	50	1 100
5	105 (2)	50	1 100
6	105 (3)	50	1 100
7	105 (4)	50	1 100
8	106 (1), except where individual is under 16 years old	10	220
9	106 (2), except where individual is under 16 years old	10	220
10	107 (1), except where individual is under 16 years old	5	110
11	108 (1), except where individual is under 16 years old	10	220
12	108 (2), except where individual is under 16 years old	10	220
13	109 (1)	10	220
14	109 (2)	10	220

Schedule 1

Liquor Act infringement notice offences and penalties

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
15	123 (1)	20	440
16	123 (2)	20	440
17	125 (1)	50	1 100
18	125 (2)	50	1 100
19	126 (1)	10	220
20	126 (2)	10	220
21	132 (1)	10	220
22	132 (2)	10	220
23	134 (1)	20	440
24	134 (2)	20	440
25	138 (1), except where individual is under 16 years old	20	440
26	138 (2), except where individual is under 16 years old	20	440
27	139 (1)	20	440
28	139 (2), except where individual is under 16 years old	10	220
29	141 (1)	5	110
30	141 (2)	5	1 10
31	142 (1)	20	440
32	142 (2)	50	1 100
33	148 (1)	50	1 100

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
34	199 (1), except where individual is under 16 years old	5	110

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:

- chief executive (see s 163)
- corporation
- Corporations Act
- 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.

investigator—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

Liquor Act means the *Liquor Act 2010*.

Endnotes

1 Notification

Notified under the Legislation Act on 30 November 2010.

2 Republications of amended laws

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

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