



Australian Capital Territory

# Magistrates Court (Tobacco Infringement Notices) Regulation 2010

Subordinate Law SL2010-49

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

Dated 3 December 2010.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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**Magistrates Court Act 1930**

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**1 Name of regulation**

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

**2 Commencement**

This regulation commences on the day after its notification day.

*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.

*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 provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Tobacco 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 Tobacco 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 Tobacco Act mentioned in schedule 1, column 2.

**8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the Tobacco 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 Tobacco 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 Tobacco 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 Tobacco 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 any other authorised person—
  - (i) the person’s full name, or surname and initials; or

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

**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 Tobacco 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 Tobacco 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 any other authorised person—
  - (i) the person's full name, or surname and initials; or
  - (ii) any unique number given, for this regulation, to the person by the administering authority.

**12 Authorised people for infringement notice offences**

An authorised officer may serve—

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



## Schedule 1 Tobacco 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	8 (1)	50	1 000
2	8 (2)	50	1 000
3	9 (3)	50	1 000
4	10 (2)	50	1 000
5	19 (1)	50	1 000
6	19 (2)	50	1 000
7	59 (1)	5	110
8	59 (2)	5	110
9	61 (2)	50	1 000
10	63 (2)	50	1 000
11	64 (1)	5	110
12	64 (2)	5	110
13	65 (1)	5	110
14	66 (1)	5	110
15	67 (1)	50	1 000

## 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.

***authorised officer*** means an authorised officer under the Tobacco Act, section 32 (Authorised officers).

***Tobacco Act*** means the *Tobacco Act 1927*.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 7 December 2010.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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