



Australian Capital Territory

Magistrates Court (Tobacco and Other Smoking Products Infringement Notices) Regulation 2010

SL2010-49

made under the

Magistrates Court Act 1930

Republication No 5

Effective: 1 August 2016

Republication date: 1 August 2016

Last amendment made by [A2016-20](#)
(republication for renaming and
other amendments by [A2016-20](#))

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Tobacco and Other Smoking Products 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 1 August 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 August 2016.

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 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). 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).



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R5
01/08/16

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1 Name of regulation

This regulation is the *Magistrates Court (Tobacco and Other Smoking Products 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 provide for infringement notices under the [Magistrates Court Act 1930](#), part 3.8 for certain offences against the [Tobacco and Other Smoking Products 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 and Other Smoking Products Act](#) is the director-general for that Act.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Tobacco and Other Smoking Products 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 and Other Smoking Products 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 and Other Smoking Products 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 and Other Smoking Products 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 and Other Smoking Products 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 and Other Smoking Products 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 the following:

- (a) an infringement notice for an infringement notice offence against the [Tobacco and Other Smoking Products Act](#);
- (b) a reminder notice for an infringement notice offence against the [Tobacco and Other Smoking Products Act](#).

Schedule 1 Tobacco and Other Smoking Products 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:

- corporation
- Corporations Act
- director-general (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.

authorised officer means an authorised officer under the [Tobacco and Other Smoking Products Act](#), section 32 (Authorised officers).

Tobacco and Other Smoking Products Act means the [Tobacco and Other Smoking Products Act 1927](#).

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

Endnotes

3 Legislation history

3 Legislation history

The *Magistrates Court (Tobacco and Other Smoking Products Infringement Notices) Regulation 2010* was originally the *Magistrates Court (Tobacco Infringement Notices) Regulation 2010*. It was renamed by the [Smoke-Free Legislation Amendment Act 2016](#) A2016-20 (see amdt 1.3).

Magistrates Court (Tobacco and Other Smoking Products Infringement Notices) Regulation 2010 SL2010-49

notified LR 7 December 2010

s 1, s 2 commenced 7 December 2010 (LA s 75 (1))

remainder commenced 8 December 2010 (s 2)

as amended by

[Administrative \(One ACT Public Service Miscellaneous Amendments\) Act 2011](#) A2011-22 sch 1 pt 1.109

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.109 commenced 1 July 2011 (s 2 (1))

[Statute Law Amendment Act 2013](#) A2013-19 sch 3 pt 3.30

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1))

sch 3 pt 3.30 commenced 14 June 2013 (s 2)

[Statute Law Amendment Act 2015](#) A2015-15 sch 3 pt 3.39

notified LR 27 May 2015

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

sch 3 pt 3.39 commenced 10 June 2015 (s 2)

[Smoke-Free Legislation Amendment Act 2016](#) A2016-20 sch 1 pt 1.3

notified LR 13 April 2016

s 1, s 2 commenced 13 April 2016 (LA s 75 (1))

sch 1 pt 1.3 commenced 1 August 2016 (s 2 and [CN2016-13](#))

4 Amendment history

Name of regulation

s 1 sub [A2016-20](#) amdt 1.3

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 5 am [A2016-20](#) amdt 1.4

Administering authority

s 6 am [A2011-22](#) amdt 1.325, [A2013-19](#) amdt 3.211; [A2016-20](#) amdt 1.4

Infringement notice offences

s 7 am [A2016-20](#) amdt 1.4

Infringement notice penalties

s 8 am [A2016-20](#) amdt 1.4

Contents of infringement notices—identifying authorised person

s 9 am [A2016-20](#) amdt 1.4

Contents of infringement notices—other information

s 10 am [A2016-20](#) amdt 1.4

Contents of reminder notices—identifying authorised person

s 11 am [A2016-20](#) amdt 1.4

Authorised people for infringement notice offences

s 12 am [A2015-15](#) amdt 3.133, amdt 3.134; [A2016-20](#) amdt 1.4

Tobacco and Other Smoking Products Act infringement notice offences and penalties

sch 1 hdg sub [A2016-20](#) amdt 1.5

Dictionary

dict am [A2011-22](#) amdt 1.326, amdt 1.327
 def *authorised officer* am [A2016-20](#) amdt 1.6
 def *Tobacco Act* om [A2016-20](#) amdt 1.7
 def *Tobacco and Other Smoking Products Act* ins [A2016-20](#) amdt 1.8

Endnotes

5 Earlier republications

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.

Republication No and date	Effective	Last amendment made by	Republication for
R1 8 Dec 2010	8 Dec 2010– 30 June 2011	not amended	new regulation
R2 1 July 2011	1 July 2011– 13 June 2013	A2011-22	amendments by A2011-22
R3 14 June 2013	14 June 2013– 9 June 2015	A2013-19	amendments by A2013-19
R4 10 June 2015	10 June 2015– 31 July 2016	A2015-15	amendments by A2015-15

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