



Australian Capital Territory

Magistrates Court (Smoke-Free Public Places Infringement Notices) Regulation 2010

Subordinate Law SL2010-50

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

J2010-550

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulation

This regulation is the *Magistrates Court (Smoke-Free Public Places Infringement Notices) Regulation 2010*.

2 Commencement

This regulation commences on the later of—

- (a) 9 December 2010; and
- (b) 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 Smoke-Free 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 Smoke-Free 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 Smoke-Free Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Smoke-Free 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 Smoke-Free 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 Smoke-Free 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 Smoke-Free 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 Smoke-Free 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 Smoke-Free 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 inspector may serve—

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

Schedule 1 Smoke-Free 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	6 (1)	5	110
2	7 (1)	20	440
3	8 (1)	10	220
4	9B (1)	5	110
5	9C (1)	20	440
6	9D (1)	10	220
7	9E (1)	20	440
8	9E (2)	20	440
9	9F (8)	50	1 000
10	9G (1)	50	1 000
11	9H (1)	50	1 000
12	9J (3)	50	1 000
13	18 (4)	10	220

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.

inspector means an inspector under the Smoke-Free Act, section 10 (Inspectors).

Smoke-Free Act means the *Smoke-Free Public Places Act 2003*.

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.

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