



Australian Capital Territory

Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011

SL2011-38

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 1 January 2012 – 30 June 2013

Republication date: 1 January 2012

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*, 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 January 2012. It also includes any commencement, repeal or expiry affecting this republished law.

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 amendments

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 \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

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Magistrates Court Act 1930

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01/01/12

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Notices) Regulation 2011

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Effective: 01/01/12-30/06/13

1 Name of regulation

This regulation is the *Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011*.

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 '*inspector*—see the [Work Health and Safety Act 2011](#), dictionary.' means that the term 'inspector' 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 work health and safety legislation.

Note 1 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.

Note 2 If an infringement notice is to be given to the Territory for an offence against the work health and safety legislation, the infringement notice may be given to the territory agency whose acts or omissions are alleged to contravene the work health and safety legislation and the territory agency may be specified in the infringement notice (see the *Act*, s 248).

Note 3 An infringement notice served on a public authority for an offence against the work health and safety legislation is taken to be an infringement notice served on its successor if the successor is a public authority. Similarly, any penalty paid by a public authority in relation to an infringement notice is taken to be a penalty paid by its successor if the successor is a public authority (see the *Act*, s 253).

6 Administering authority

The administering authority for an infringement notice offence against the work health and safety legislation is the regulator under the *Work Health and Safety Act 2011*.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable for an offence against the work health and safety legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The cost of serving a reminder notice for an infringement notice offence against the work health and safety 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 work health and safety legislation must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised 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 work health and safety 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 notice—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the work health and safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised 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 work health and safety legislation; and
- (b) a reminder notice for an infringement notice offence against the work health and safety legislation.

Schedule 1 Work health and safety legislation infringement notice offences and penalties

(see s 7 and 8)

Part 1.1 Work Health and Safety Act 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
1	38 (7)		
1.1	<ul style="list-style-type: none">for an individual	5 000	600
1.2	<ul style="list-style-type: none">for a body corporate	25 000	3 000
2	70 (1) (c)		
2.1	<ul style="list-style-type: none">for an individual	10 000	720
2.2	<ul style="list-style-type: none">for a body corporate	50 000	3 600
3	70 (1) (d)		
3.1	<ul style="list-style-type: none">for an individual	10 000	720
3.2	<ul style="list-style-type: none">for a body corporate	50 000	3 600
4	70 (1) (e)		
4.1	<ul style="list-style-type: none">for an individual	10 000	720
4.2	<ul style="list-style-type: none">for a body corporate	50 000	3 600
5	70 (2)		
5.1	<ul style="list-style-type: none">for an individual	10 000	720
5.2	<ul style="list-style-type: none">for a body corporate	50 000	3 600

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
6	72 (7)		
6.1	• for an individual	10 000	720
6.2	• for a body corporate	50 000	3 600
7	74 (1)		
7.1	• for an individual	2 000	240
7.2	• for a body corporate	10 000	1 200
8	75 (1)		
8.1	• for an individual	5 000	600
8.2	• for a body corporate	25 000	3 000
9	79 (3)		
9.1	• for an individual	10 000	720
9.2	• for a body corporate	50 000	3 600
10	79 (4)		
10.1	• for an individual	10 000	720
10.2	• for a body corporate	50 000	3 600
11	97 (1)		
11.1	• for an individual	5 000	600
11.2	• for a body corporate	25 000	3 000
12	193		
12.1	• for an individual	50 000	720
12.2	• for a body corporate	250 000	3 600
13	273		
13.1	• for an individual	5 000	600
13.2	• for a body corporate	25 000	3 000

Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
1	22 (3)		
1.1	• for an individual	3 600	432
1.2	• for a body corporate	18 000	2 160
2	46 (2)		
2.1	• for an individual	3 600	432
2.2	• for a body corporate	18 000	2 160
3	46 (4)		
3.1	• for an individual	3 600	432
3.2	• for a body corporate	18 000	2 160
4	48 (2)		
4.1	• for an individual	6 000	720
4.2	• for a body corporate	30 000	3 600
5	50 (2)		
5.1	• for an individual	1 250	144
5.2	• for a body corporate	6 000	720
6	66 (2)		
6.1	• for an individual	3 600	432
6.2	• for a body corporate	18 000	2 160
7	66 (5)		
7.1	• for an individual	3 600	432
7.2	• for a body corporate	18 000	2 160

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
8	67 (4)		
8.1	• for an individual	6 000	720
8.2	• for a body corporate	30 000	3 600
9	68 (1)		
9.1	• for an individual	3 600	432
9.2	• for a body corporate	18 000	2 160
10	69		
10.1	• for an individual	6 000	720
10.2	• for a body corporate	30 000	3 600
11	76 (2)		
11.1	• for an individual	1 250	144
11.2	• for a body corporate	6 000	720
12	77 (2)		
12.1	• for an individual	1 250	144
12.2	• for a body corporate	6 000	720
13	77 (3)		
13.1	• for an individual	1 250	144
13.2	• for a body corporate	6 000	720
14	77 (4)		
14.1	• for an individual	1 250	144
14.2	• for a body corporate	6 000	720
15	77 (5)		
15.1	• for an individual	3 600	432
15.2	• for a body corporate	18 000	2 160

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
16	85 (1)		
16.1	• for an individual	3 600	432
16.2	• for a body corporate	18 000	2 160
17	85 (2)		
17.1	• for an individual	3 600	432
17.2	• for a body corporate	18 000	2 160
18	85 (3)		
18.1	• for an individual	3 600	432
18.2	• for a body corporate	18 000	2 160
19	85 (4)		
19.1	• for an individual	1 250	144
19.2	• for a body corporate	6 000	720
20	94 (1)		
20.1	• for an individual	1 250	144
20.2	• for a body corporate	6 000	720
21	96		
21.1	• for an individual	1 250	144
21.2	• for a body corporate	6 000	720
22	97		
22.1	• for an individual	1 250	144
22.2	• for a body corporate	6 000	720
23	98 (1)		
23.1	• for an individual	1 250	144
23.2	• for a body corporate	6 000	720

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
24	111		
24.1	• for an individual	1 250	144
24.2	• for a body corporate	6 000	720
25	142 (1)		
25.1	• for an individual	1 250	144
25.2	• for a body corporate	6 000	720
26	150 (1)		
26.1	• for an individual	3 600	432
26.2	• for a body corporate	18 000	2 160
27	150 (2)		
27.1	• for an individual	3 600	432
27.2	• for a body corporate	18 000	2 160
28	150 (3)		
28.1	• for an individual	1 250	144
28.2	• for a body corporate	6 000	720
29	154		
29.1	• for an individual	6 000	720
29.2	• for a body corporate	30 000	3 600
30	155 (1)		
30.1	• for an individual	6 000	720
30.2	• for a body corporate	30 000	3 600
31	155 (2)		
31.1	• for an individual	6 000	720
31.2	• for a body corporate	30 000	3 600

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
32	159		
32.1	• for an individual	6 000	720
32.2	• for a body corporate	30 000	3 600
33	160		
33.1	• for an individual	6 000	720
33.2	• for a body corporate	30 000	3 600
34	165 (1)		
34.1	• for an individual	3 600	432
34.2	• for a body corporate	18 000	2 160
35	165 (2)		
35.1	• for an individual	1 250	144
35.2	• for a body corporate	6 000	720
36	170		
36.1	• for an individual	1 250	144
36.2	• for a body corporate	6 000	720
37	175 (1)		
37.1	• for an individual	1 250	144
37.2	• for a body corporate	6 000	720
38	175 (2)		
38.1	• for an individual	1 250	144
38.2	• for a body corporate	6 000	720
39	175 (3)		
39.1	• for an individual	1 250	144
39.2	• for a body corporate	6 000	720

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
40	180		
40.1	• for an individual	1 250	144
40.2	• for a body corporate	6 000	720
41	181 (2)		
41.1	• for an individual	1 250	144
41.2	• for a body corporate	6 000	720
42	181 (3)		
42.1	• for an individual	1 250	144
42.2	• for a body corporate	6 000	720
43	181 (4)		
43.1	• for an individual	1 250	144
43.2	• for a body corporate	6 000	720
44	182 (2)		
44.1	• for an individual	1 250	144
44.2	• for a body corporate	6 000	720
45	182 (3)		
45.1	• for an individual	1 250	144
45.2	• for a body corporate	6 000	720
46	182 (4)		
46.1	• for an individual	3 600	432
46.2	• for a body corporate	18 000	2 160
47	182 (5)		
47.1	• for an individual	1 250	144
47.2	• for a body corporate	6 000	720

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
48	224 (1)		
48.1	• for an individual	3 600	432
48.2	• for a body corporate	18 000	2 160
49	224 (2)		
49.1	• for an individual	3 600	432
49.2	• for a body corporate	18 000	2 160
50	226 (1)		
50.1	• for an individual	1 250	144
50.2	• for a body corporate	6 000	720
51	226 (3)		
51.1	• for an individual	1 250	144
51.2	• for a body corporate	6 000	720
52	226 (4)		
52.1	• for an individual	1 250	144
52.2	• for a body corporate	6 000	720
53	228		
53.1	• for an individual	1 250	144
53.2	• for a body corporate	6 000	720
54	229 (1)		
54.1	• for an individual	1 250	144
54.2	• for a body corporate	6 000	720
55	229 (2)		
55.1	• for an individual	1 250	144
55.2	• for a body corporate	6 000	720

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
56	230 (1)		
56.1	• for an individual	1 250	144
56.2	• for a body corporate	6 000	720
57	230 (2)		
57.1	• for an individual	1 250	144
57.2	• for a body corporate	6 000	720
58	230 (3)		
58.1	• for an individual	1 250	144
58.2	• for a body corporate	6 000	720
59	237 (2)		
59.1	• for an individual	1 250	144
59.2	• for a body corporate	6 000	720
60	237 (4)		
60.1	• for an individual	1 250	144
60.2	• for a body corporate	6 000	720
61	237 (5)		
61.1	• for an individual	1 250	144
61.2	• for a body corporate	6 000	720
62	238 (2)		
62.1	• for an individual	6 000	720
62.2	• for a body corporate	30 000	3 600
63	253		
63.1	• for an individual	3 600	432
63.2	• for a body corporate	18 000	2 160

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
64	254		
64.1	• for an individual	3 600	432
64.2	• for a body corporate	18 000	2 160
65	260 (3)		
65.1	• for an individual	1 250	144
65.2	• for a body corporate	6 000	720
66	260 (4)		
66.1	• for an individual	1 250	144
66.2	• for a body corporate	6 000	720
67	260 (5)		
67.1	• for an individual	1 250	144
67.2	• for a body corporate	6 000	720
68	262 (1)		
68.1	• for an individual	1 250	144
68.2	• for a body corporate	6 000	720
69	273 (3)		
69.1	• for an individual	1 250	144
69.2	• for a body corporate	6 000	720
70	273 (4)		
70.1	• for an individual	1 250	144
70.2	• for a body corporate	6 000	720
71	275 (1)		
71.1	• for an individual	1 250	144
71.2	• for a body corporate	6 000	720

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
72	282 (1)		
72.1	• for an individual	1 250	144
72.2	• for a body corporate	6 000	720
73	287		
73.1	• for an individual	1 250	144
73.2	• for a body corporate	6 000	720
74	288 (1)		
74.1	• for an individual	1 250	144
74.2	• for a body corporate	6 000	720
75	296		
75.1	• for an individual	3 600	432
75.2	• for a body corporate	18 000	2 160
76	301		
76.1	• for an individual	3 600	432
76.2	• for a body corporate	18 000	2 160
77	303 (1)		
77.1	• for an individual	1 250	144
77.2	• for a body corporate	6 000	720
78	303 (2)		
78.1	• for an individual	1 250	144
78.2	• for a body corporate	6 000	720
79	303 (3)		
79.1	• for an individual	3 600	432
79.2	• for a body corporate	18 000	2 160

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
80	304 (3)		
80.1	• for an individual	3 600	432
80.2	• for a body corporate	18 000	2 160
81	304 (4)		
81.1	• for an individual	3 600	432
81.2	• for a body corporate	18 000	2 160
82	304 (5)		
82.1	• for an individual	1 250	144
82.2	• for a body corporate	6 000	720
83	308		
83.1	• for an individual	3 600	432
83.2	• for a body corporate	18 000	2 160
84	312		
84.1	• for an individual	3 600	432
84.2	• for a body corporate	18 000	2 160
85	313 (1)		
85.1	• for an individual	1 250	144
85.2	• for a body corporate	6 000	720
86	313 (2)		
86.1	• for an individual	1 250	144
86.2	• for a body corporate	6 000	720
87	313 (3)		
87.1	• for an individual	3 600	432
87.2	• for a body corporate	18 000	2 160

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
88	313 (4)		
88.1	<ul style="list-style-type: none">• for an individual	1 250	144
88.2	<ul style="list-style-type: none">• for a body corporate	6 000	720
89	316		
89.1	<ul style="list-style-type: none">• for an individual	3 600	432
89.2	<ul style="list-style-type: none">• for a body corporate	18 000	2 160
90	326 (1)		
90.1	<ul style="list-style-type: none">• for an individual	1 250	144
90.2	<ul style="list-style-type: none">• for a body corporate	6 000	720
91	326 (2)		
91.1	<ul style="list-style-type: none">• for an individual	1 250	144
91.2	<ul style="list-style-type: none">• for a body corporate	6 000	720

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:

- 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.

inspector—see the [Work Health and Safety Act 2011](#), dictionary.

work health and safety legislation means—

- (a) the [Work Health and Safety Act 2011](#); and
- (b) the [Work Health and Safety Regulation 2011](#).

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

Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011 SL2011-38

notified LR 22 December 2011

s 1, s 2 commenced 22 December 2011 (LA s 75 (1))

remainder commenced 1 January 2012 (s 2 and see [Work Health and Safety Act 2011](#) A2011-35, s 2 and [CN2011-12](#))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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