



Australian Capital Territory

Magistrates Court (Smoking in Cars with Children Infringement Notices) Regulation 2012

Subordinate Law SL2012-17

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

Dated 24 April 2012.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Smoking in Cars with Children Infringement Notices) Regulation 2012*.

2 Commencement

This regulation commences on 1 May 2012.

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 *Smoking in Cars with Children (Prohibition) Act 2011*.

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 *Smoking in Cars with Children (Prohibition) Act 2011* 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 *Smoking in Cars with Children (Prohibition) Act 2011* mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Smoking in Cars with Children (Prohibition) Act 2011*, 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 *Smoking in Cars with Children (Prohibition) Act 2011* 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 *Smoking in Cars with Children (Prohibition) Act 2011* must identify the authorised person by the police officer's service number.

10 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 *Smoking in Cars with Children (Prohibition) Act 2011* must identify the authorised person by the police officer's service number.

11 Authorised people for infringement notice offences

A police officer may serve—

- (a) an infringement notice for an infringement notice offence against the *Smoking in Cars with Children (Prohibition) Act 2011*; and
- (b) a reminder notice for an infringement notice offence against the *Smoking in Cars with Children (Prohibition) Act 2011*.

Schedule 1 **Smoking in Cars with Children (Prohibition) Act 2011**
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	7 (1)	50	250
2	8 (2)	20	120

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:

- 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.

Endnotes

1 Notification

Notified under the Legislation Act on 26 April 2012.

2 Republications of amended laws

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

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