



Australian Capital Territory

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

SL2012-17

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 10 June 2015

Republication date: 10 June 2015

Last amendment made by [A2015-15](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Smoking in Cars with Children Infringement Notices) Regulation 2012*, 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 10 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 June 2015.

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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Contents

	Page
1 Name of regulation	2
3 Dictionary	2
4 Notes	2
5 Purpose of regulation	2
6 Administering authority	2
7 Infringement notice offences	3
8 Infringement notice penalties	3
9 Contents of infringement notices—identifying authorised person	3
10 Contents of reminder notices—identifying authorised person	3

R2
10/06/15

Magistrates Court (Smoking in Cars with Children
Infringement Notices) Regulation 2012
Effective: 10/06/15

contents 1

Contents

11	Authorised people for infringement notice offences	Page 4
Schedule 1	Smoking in Cars with Children (Prohibition) Act 2011 infringement notice offences and penalties	5
Dictionary		6
Endnotes		
1	About the endnotes	7
2	Abbreviation key	7
3	Legislation history	8
4	Amendment history	9
5	Earlier republications	9



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R2
10/06/15

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page 1

Effective: 10/06/15

1 Name of regulation

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

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 the following:

- (a) an infringement notice for an infringement notice offence against the *Smoking in Cars with Children (Prohibition) Act 2011*;
- (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 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 (Smoking in Cars with Children Infringement Notices) Regulation 2012 SL2012-17

notified LR 26 April 2012

s 1, s 2 commenced 26 April 2012 (LA s 75 (1))

remainder commenced 1 May 2012 (s 2)

as amended by

Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.38

notified LR 27 May 2015

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

sch 3 pt 3.38 commenced 10 June 2015 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Authorised people for infringement notice offences

s 11 am [A2015-15](#) amdt 3.131, amdt 3.132

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised replication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised replication are identical.

Replication No and date	Effective	Last amendment made by	Replication for
R1 1 May 2012	1 May 2012- 9 June 2015	not amended	new regulation

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