

Australian Capital Territory

Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020

Subordinate Law SL2020-12

The Australian Capital Territory Executive makes the following regulation under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21).

Dated 2 April 2020.

Gordon Ramsay

Minister

Rachel Stephen-Smith

Minister



Australian Capital Territory

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[Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21%22%20%5Co%20%22A1930-21)

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1 Name of regulation

This regulation is the *Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/1930-21), part 3.8 for certain offences against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69).

Note The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), 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 [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) is the director-general for that Act.

7 Infringement notice offences

The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), part 3.8 applies to an offence against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), section 120 (3), but only if—

 (a) the offence is in relation to a direction given in relation to a declaration made because of the coronavirus disease 2019 (COVID-19) caused by the novel coronavirus SARS-CoV-2; and

 (b) the offence is committed by a person who is 18 years old or older.

8 Infringement notice penalties

 (1) The penalty payable by an individual for an offence against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), section 120 (3) under an infringement notice for the offence, is—

 (a) for an individual—$1 000; and

 (b) for a corporation—$5 000.

 (2) The cost of serving a reminder notice for an infringement notice offence against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) 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 [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) must identify the authorised person by—

 (a) for an authorised person who is a police officer—the person’s police officer service number; or

 (b) for any other authorised person—

 (i) the authorised person’s full name, or surname and initials; or

 (ii) 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 [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) must include the company’s ACN.

Note The requirement under this section is additional to the requirement under the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), s 121 (1) (c).

 (2) In this section:

company means a company registered under the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818).

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 [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69) must identify the authorised person by—

 (a) for an authorised person who is a police officer—the person’s police officer service number; or

 (b) for any other authorised person—

 (i) the authorised person’s full name, or surname and initials; or

 (ii) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An authorised person may serve the following:

 (a) an infringement notice for an infringement notice offence against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69);

 (b) a reminder notice for an infringement notice offence against the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69).

13 Expiry—regulation

This regulation expires 12 months after the day it commences.

Dictionary

(see s 3)

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), dict, pt 1, defines the following terms:

 corporation

 Corporations Act

 director-general (see s 163)

 individual.

Note 3 Terms used in this regulation have the same meaning that they have in the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21) (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), dict:

 administering authority

 infringement notice

 infringement notice offence

 infringement notice penalty

 reminder notice.

authorised person means—

 (a) a public health officer authorised to exercise a function under the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), section 121; or

 (b) a person authorised under the [Public Health Act 1997](http://www.legislation.act.gov.au/a/1997-69), section 121 (2); or

 (c) a police officer.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2 April 2020.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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