



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*.

Dated 2 April 2020.

GORDON RAMSAY
Minister

RACHEL STEPHEN-SMITH
Minister



Australian Capital Territory

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[Magistrates Court Act 1930](#)

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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](#), 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 *Public Health Act 1997*.

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 *Public Health Act 1997* is the director-general for that Act.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against the *Public Health Act 1997*, 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*, 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* 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* 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* 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 *Public Health Act 1997* 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*;
- (b) a reminder notice for an infringement notice offence against the *Public Health Act 1997*.

13 Expiry—regulation

This regulation expires 12 months after the day it commences.

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:

- 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](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](#), 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](#), section 121; or
- (b) a person authorised under the [Public Health Act 1997](#), section 121 (2); or
- (c) a police officer.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 2 April 2020.

2 Republications of amended laws

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

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