

Australian Capital Territory

Magistrates Court (Long Service Leave Portable Schemes Infringement Notices) Regulation 2020

Subordinate Law SL2020-2

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 15 January 2020.

Rachel Stephen-Smith

Minister

Mick Gentleman

Minister



Australian Capital Territory

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[Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21" \o "A1930-21)

Contents

Page

[1 Name of regulation 1](#_Toc28947560)

[2 Commencement 1](#_Toc28947561)

[3 Dictionary 1](#_Toc28947562)

[4 Notes 1](#_Toc28947563)

[5 Purpose of regulation 1](#_Toc28947564)

[6 Administering authority 2](#_Toc28947565)

[7 Infringement notice offences 2](#_Toc28947566)

[8 Infringement notice penalties 2](#_Toc28947567)

[9 Contents of infringement notices—identifying authorised person 3](#_Toc28947568)

[10 Contents of infringement notices—other information 3](#_Toc28947569)

[11 Contents of reminder notices—identifying authorised person 3](#_Toc28947570)

[12 Authorised people for infringement notice offences 4](#_Toc28947571)

[Schedule 1 Long Service Leave (Portable Schemes) Act 2009 infringement notice offences and penalties 5](#_Toc28947572)

[Dictionary 6](#_Toc28947573)

1 Name of regulation

This regulation is the *Magistrates Court (Long Service Leave Portable Schemes 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 [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25).

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 [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) is the registrar of the Long Service Leave Authority.

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 a provision of the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) mentioned in schedule 1, column 2.

8 Infringement notice penalties

(1) The penalty payable by an individual for an offence against the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25), under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.

(2) The penalty payable by a corporation for an offence against the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25), under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.

(3) The cost of serving a reminder notice for an infringement notice offence against the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) 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 [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) 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 [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) 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 [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25) 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

A person appointed under the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25), section 71 (Appointment of inspectors) may serve the following:

(a) an infringement notice for an infringement notice offence against the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25);

(b) a reminder notice for an infringement notice offence against the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25).

Schedule 1 Long Service Leave (Portable Schemes) Act 2009 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 | 31 | 50 | 1 600 |
| 2 | 36 | 5 | 160 |
| 3 | 49 | 20 | 640 |
| 4 | 57 (1) | 20 | 640 |
| 5 | 57 (2) | 20 | 640 |
| 6 | 58 (1) | 20 | 640 |
| 7 | 58 (2) | 20 | 640 |
| 8 | 63 (2) | 20 | 640 |
| 9 | 1.7 (1) | 50 | 1 600 |
| 10 | 1.7 (3) | 50 | 1 600 |
| 11 | 2.7 (1) | 50 | 1 600 |
| 12 | 2.7 (3) | 50 | 1 600 |
| 13 | 3.8 (1) | 50 | 1 600 |
| 14 | 3.8 (3) | 50 | 1 600 |
| 15 | 4.8 (1) | 50 | 1 600 |
| 16 | 4.8 (3) | 50 | 1 600 |

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

 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

 authorised person

 infringement notice

 infringement notice offence

 infringement notice penalty

 reminder notice.

Long Service Leave Authority means the Long Service Leave Authority established under the [Long Service Leave (Portable Schemes) Act 2009](http://www.legislation.act.gov.au/a/2009-25), section 79A.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 20 January 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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