



Australian Capital Territory

Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004

Subordinate Law SL2004-18

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

Dated 4 June 2004.

JON STANHOPE
Minister

SIMON CORBELL
Minister

2004 057S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulations

These regulations are the *Magistrates Court (Dangerous Substances Infringement Notices) Regulations 2004*.

2 Commencement

These regulations commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Purpose of regulations

The purpose of these regulations is to provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the dangerous substances legislation.

Note The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *dangerous substances legislation*

In these regulations:

dangerous substances legislation means—

(a) the *Dangerous Substances Act 2004*; and

(b) the *Dangerous Substances (Explosives) Regulations 2004*.

6 Administering authority

The administering authority for an infringement notice offence against the dangerous substances legislation is the chief executive for the *Dangerous Substances Act 2004*.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the dangerous substances legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the dangerous substances legislation, 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 dangerous substances legislation, 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 dangerous substances legislation is \$34.

9 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 dangerous substances legislation must include the company's ACN.

Note The requirement under this regulation is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this regulation:

company means a company registered under the Corporations Act.

10 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 dangerous substances legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) any unique number given, for these regulations, to the authorised person by the administering authority.

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 dangerous substances legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) any unique number given, for these regulations, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An inspector under the *Dangerous Substances Act 2004*, section 207 may serve—

- (a) an infringement notice for an infringement notice offence against the dangerous substances legislation; and
- (b) a reminder notice for an infringement notice offence against the dangerous substances legislation.

Note The *Dangerous Substances Act 2004*, section 207 provides that police officers and public servants appointed under section 207 (2) are inspectors for the Act.

Schedule 1 **Dangerous substances legislation infringement notice offences and penalties**

(see reg 7 and reg 8)

Part 1.1 **Dangerous Substances Act 2004**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
1	section 97 (2)	20	400
2	section 97 (3)	20	400
3	section 98 (1)	20	400
4	section 103 (2)	20	400
5	section 103 (3)	20	400
6	section 104 (1)	20	400
7	section 112 (2) (a)	20	400
8	section 112 (2) (b)	20	400
9	section 112 (3)	20	400
10	section 113 (1)	20	400
11	section 155 (3)	10	200
12	section 156 (4)	5	100
13	section 208 (3)	1	20

Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
1	regulation 23 (1)		
1.1	<ul style="list-style-type: none">• if regulation 23 (1) (a) (i) applies	30	600
1.2	<ul style="list-style-type: none">• if regulation 23 (1) (a) (ii) applies	30	600
2	regulation 36 (4)	30	600
3	regulation 36 (5) (a)	30	600
4	regulation 36 (5) (b)	30	600
5	regulation 56 (3)	20	400
6	regulation 58 (1)	10	200
7	regulation 60 (2) (a)	20	400
8	regulation 60 (2) (b)	20	400
9	regulation 87 (1)	30	600

Schedule 1 Dangerous substances legislation infringement notice offences and penalties
Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
10	regulation 88 (1)		
10.1	• if regulation 85 (a) applies	30	600
10.2	• if regulation 85 (b) applies	30	600
10.3	• if regulation 85 (c) applies	30	600
10.4	• if regulation 85 (d) applies	30	600
10.5	• if regulation 85 (e) applies	30	600
10.6	• if regulation 85 (f) applies	30	600
10.7	• if regulation 85 (g) applies	30	600
10.8	• if regulation 85 (h) applies	30	600
11	regulation 97 (2)	20	400
12	regulation 102 (1)	30	600
13	regulation 108 (1) (a)	30	600
14	regulation 108 (1) (b)	30	600
15	regulation 114 (1) (a)	10	200
16	regulation 114 (1) (b)	10	200
17	regulation 115 (3)	20	400
18	regulation 120 (1)	30	600
19	regulation 130 (3)	20	400
20	regulation 148 (2)	30	600
21	regulation 148 (3)	30	600
22	regulation 148 (4)	30	600

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
23	regulation 149 (2)	30	600
24	regulation 149 (3)	30	600
25	regulation 162 (1) (a)	30	600
26	regulation 162 (1) (b)	30	600
27	regulation 163 (1) (a)	30	600
28	regulation 163 (1) (b)	30	600
29	regulation 163 (1) (c)	30	600
30	regulation 164 (1) (a)	30	600
31	regulation 164 (1) (b)	30	600
32	regulation 164 (1) (c)	30	600
33	regulation 164 (1) (d)	30	600
34	regulation 176 (3) (a)	10	200
35	regulation 176 (3) (b)	10	200
36	regulation 176 (4)		
36.1	<ul style="list-style-type: none"> • if supply record book not made available 	10	200
36.2	<ul style="list-style-type: none"> • if documents kept under regulation 176 (3) (b) not made available 	10	200
37	regulation 176 (5)	10	200
38	regulation 182 (1)	10	200
39	regulation 182 (2)	10	200

Schedule 1 Dangerous substances legislation infringement notice offences and penalties
Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
40	regulation 192 (1) (a)	10	200
41	regulation 192 (1) (b)	10	200
42	regulation 238 (4)	30	600
43	regulation 241 (1)	30	600
44	regulation 246 (3)	20	200
45	regulation 254 (1)	30	600
46	regulation 258 (3)	20	200
47	regulation 263 (1)	5	100
48	regulation 274 (1)	20	400
49	regulation 276 (1) (a)	30	600
50	regulation 276 (1) (b)	30	600
51	regulation 276 (1) (c)	30	600
52	regulation 276 (2) (a)	10	200
53	regulation 276 (2) (b)	10	200
54	regulation 276 (2) (c)	10	200
55	regulation 276 (2) (d)	10	200
56	regulation 276 (2) (e)	10	200
57	regulation 277 (1)	30	600
58	regulation 278 (1) (a)	30	600
59	regulation 278 (1) (b)	30	600
60	regulation 278 (1) (c)	30	600

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
61	regulation 278 (1) (d)	30	600
62	regulation 278 (1) (e)	30	600
63	regulation 278 (1) (f)	30	600
64	regulation 278 (1) (g)	30	600
65	regulation 278 (1) (h)	30	600
66	regulation 287 (1) (a)	30	600
67	regulation 287 (1) (b)	30	600
68	regulation 288 (1)	30	600
69	regulation 288 (2) (a)	30	600
70	regulation 288 (2) (b)	30	600
71	regulation 289 (1) (a)	10	200
72	regulation 289 (1) (b)	10	200
73	regulation 289 (1) (c)	10	200
74	regulation 289 (1) (d)	10	200
75	regulation 290 (1) (a)	20	400
76	regulation 290 (1) (b)	20	400
77	regulation 291 (1)	20	400
78	regulation 292 (1) (a)	20	400
79	regulation 292 (1) (b)	20	400
80	regulation 292 (1) (c)	20	400
81	regulation 292 (2)	10	200

Schedule 1 Dangerous substances legislation infringement notice offences and penalties
Part 1.2 Dangerous Substances (Explosives) Regulations 2004

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement notice penalty (\$)
82	regulation 295 (1)	30	600
83	regulation 296 (1) (a)	20	400
84	regulation 296 (1) (b)	20	400
85	regulation 297 (1) (a)	20	400
86	regulation 297 (1) (b)	20	400
87	regulation 321 (1)	30	600
88	regulation 322 (2)	30	600
89	regulation 325 (3)	20	400

Endnotes

1 Notification

Notified under the Legislation Act on 4 June 2004.

2 Republications of amended laws

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

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