



Australian Capital Territory

Magistrates Court (Crimes Infringement Notices) Regulation 2008

SL2008-14

made under the

Magistrates Court Act 1930

Republication No 3

Effective: 24 August 2016

Republication date: 24 August 2016

Last amendment made by [A2016-48](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Crimes Infringement Notices) Regulation 2008*, 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 24 August 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 24 August 2016.

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 includes 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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R3
24/08/16

Magistrates Court (Crimes Infringement Notices)
Regulation 2008
Effective: 24/08/16

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Australian Capital Territory

Magistrates Court (Crimes Infringement Notices) Regulation 2008

made under the

Magistrates Court Act 1930

1 Name of regulation

This regulation is the *Magistrates Court (Crimes Infringement Notices) Regulation 2008*.

3 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 Crimes Act.

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.

4 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)).

5 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.

6 Administering authority

The administering authority for an infringement notice offence against the Crimes Act is the chief police officer.

7 Service of infringement notices, Act, s 120—belief about age of individual

An authorised person is taken to have reasonable grounds for believing that an individual is of a particular age if the authorised person sees evidence of the individual's identity and age.

Note 1 The infringement notice offence in schedule 1 applies except where an individual is under 16 years old.

Note 2 Under the Act, s 120 the authorised person must believe on reasonable grounds that a person has committed an infringement notice offence, before serving an infringement notice on the person for the offence.

8 Service of infringement notices, Act, s 120—witnessing conduct

An authorised person is taken not to have reasonable grounds for believing that a person committed an infringement notice offence unless the authorised person witnessed the person committing the offence.

9 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the *Crimes Act* mentioned in schedule 1, column 2.

10 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Crimes Act*, 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 *Crimes Act*, 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 *Crimes Act* is \$34.

11 Contents of infringement notices—other information

An infringement notice served on a person by an authorised person for an infringement notice offence against the Crimes Act must include—

- (a) if the person is a company registered under the [Corporations Act](#)—the company’s ACN; or
- (b) if the person is a partner in a partnership—the partnership’s name.

Note The requirement under this section is additional to the requirement under the [Magistrates Court Act 1930](#), s 121 (1) (c).

12 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 Crimes Act must identify the authorised person by—

- (a) for an authorised person who is a police officer—the police officer’s service number; or
- (b) for an authorised person under the [Litter Act 2004](#), section 14 (Appointment of authorised people)—
 - (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.

13 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 Crimes Act must identify the authorised person by—

- (a) for an authorised person who is a police officer—the police officer’s service number; or
- (b) for an authorised person under the *Litter Act 2004*, section 14 (Appointment of authorised people)—
 - (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.

14 Authorised people for infringement notice offences

- (1) A police officer may serve the following:
 - (a) an infringement notice for an infringement notice offence against the Crimes Act;
 - (b) a reminder notice for an infringement notice offence against the Crimes Act.
- (2) An authorised person under the *Litter Act 2004*, section 14 (Appointment of authorised people) may serve the following:
 - (a) an infringement notice for an infringement notice offence against the *Crimes Act*, section 120;
 - (b) a reminder notice for an infringement notice offence against the *Crimes Act*, section 120.

Note For how documents may be served, see the *Legislation Act*, pt 19.5.

Schedule 1 Crimes Act infringement notice offences and penalties

(see s 9 and s 10)

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	120, except where individual is under 16 years old	10	200
2	180, except where individual is under 16 years old	2	60
3	393A, except where individual is under 16 years old	10	200
4	394 (2), except where individual is under 16 years old	10	200

Dictionary

(see s 4)

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:

- chief police officer
- corporation
- Corporations Act
- 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.

Crimes Act means the [Crimes Act 1900](#).

Endnotes

1 About the endnotes

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

3 Legislation history

Magistrates Court (Crimes Infringement Notices) Regulation 2008 SL2008-14

notified LR 14 April 2008

s 1, s 2 commenced 14 April 2008 (LA s 75 (1))

remainder commenced 16 April 2008 (s 2 and see [Crimes Amendment Act 2008 A2008-6 s 2](#))

as amended by

[Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.16](#)

notified LR 27 May 2015

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

sch 3 pt 3.16 commenced 10 June 2015 (s 2)

[Crimes \(Serious and Organised Crime\) Legislation Amendment Act 2016 A2016-48 pt 9](#)

notified LR 23 August 2016

s 1, s 2 commenced 23 August 2016 (LA s 75 (1))

pt 9 commenced 24 August 2016 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Authorised people for infringement notice offences

s 14 am [A2015-15](#) amdts 3.76-3.79

Crimes Act infringement notice offences and penalties

sch 1 am [A2016-48](#) s 38; items renum R3 LA

Endnotes

5 Earlier republications

5 Earlier republications

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

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

Republication No and date	Effective	Last amendment made by	Republication for
R1 16 Apr 2008	16 Apr 2008- 9 June 2015	not amended	new regulation
R2 10 June 2015	10 June 2015- 23 Aug 2016	A2015-15	amendments by A2015-15

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