



Australian Capital Territory

Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006

Subordinate Law SL2006-20

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

Dated 24 May 2006.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Magistrates Court (Workers Compensation Infringement Notices) Regulation 2006*.

2 Commencement

This regulation commences on the commencement of the *Workers Compensation Amendment Act 2006*, section 52.

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

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 Workers Compensation 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, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*inspector*—see the Workers Compensation Act, dictionary.’ means that the term ‘inspector’ is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) 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 Workers Compensation Act is the commissioner.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence under the Workers Compensation Act mentioned in schedule 1 for which an infringement penalty is provided in column 4 of the item applying to the offence.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Workers Compensation 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 Workers Compensation 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 Workers Compensation Act 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 Workers Compensation Act 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.

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 Workers Compensation Act 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.

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 Workers Compensation Act 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 Costs if liability disputed

The cost of beginning a proceeding is \$200.

13 Authorised people for infringement notice offences

An inspector may serve—

- (a) an infringement notice for an infringement notice offence against the Workers Compensation Act; and
- (b) a reminder notice for an infringement notice offence against the Workers Compensation Act.

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

Schedule 1 Workers Compensation Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision, and if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	90 (1)	10	200
2	92 (3)	50	1 000
3	94A (1)	50	1 000
4	94B (1)	50	1 000
5	94B (2)	50	1 000
6	109 (1)	10	200
7	109 (2)	10	200
8	126 (1)	50	750
9	126A (2)	50	750
10	142 (1)	50	750
11	147 (3)	50	1 250
12	153 (1)	50	750
13	154 (1)	10	150
14	155 (3)	50	750
15	156 (3)	50	750
16	157 (2)	50	750

Schedule 1**Workers Compensation Act infringement notice offences and penalties**

column 1 item	column 2 offence provision, and if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
17	158 (3)	50	750
18	159 (1)	50	750
19	161 (1), if authorised person under s 161 is inspector	50	750
20	164 (6)	50	750
21	176 (1)	50	750
22	178 (2)	10	150
23	178 (4)	10	150
24	190 (3)	50	1 000

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:

- corporation
- Corporations Act
- individual
- OH&S commissioner.

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.

commissioner means the OH&S commissioner.

inspector—see the Workers Compensation Act, dictionary.

Workers Compensation Act means the *Workers Compensation Act 1951*.

Endnotes

1 Notification

Notified under the Legislation Act on 25 May 2006.

2 Republications of amended laws

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

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