



Australian Capital Territory

Magistrates Court (Crimes Infringement Notices) Regulation 2008

Subordinate Law SL2008-14

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

Dated 10 April 2008.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

Magistrates Court (Crimes Infringement Notices) Regulation 2008

Subordinate Law SL2008-14

made under the

Magistrates Court Act 1930

Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Purpose of regulation	1
4 Dictionary	1
5 Notes	2
6 Administering authority	2
7 Service of infringement notices, Act, s 120—belief about age of individual	2
8 Service of infringement notices, Act, s 120—witnessing conduct	2
9 Infringement notice offences	3
10 Infringement notice penalties	3

J2008-17

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

Contents

	Page	
11	Contents of infringement notices—other information	3
12	Contents of infringement notices—identifying authorised person	4
13	Contents of reminder notices—identifying authorised person	4
14	Authorised people for infringement notice offences	5
Schedule 1	Crimes Act infringement notice offences and penalties	6
Dictionary		7

1 Name of regulation

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

2 Commencement

This regulation commences on the commencement of the *Crimes Amendment Act 2008*.

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 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—
 - (a) an infringement notice for an infringement notice offence against the Crimes Act; and
 - (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—
 - (a) an infringement notice for an infringement notice offence against the Crimes Act, section 120; and
 - (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	393A, except where individual is under 16 years old	10	200
3	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 Notification

Notified under the Legislation Act on 14 April 2008.

2 Republications of amended laws

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

© Australian Capital Territory 2008