



Australian Capital Territory

Magistrates Court (Crimes Infringement Notices) Regulation 2008

SL2008-14

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 16 April 2008 – 9 June 2015

Republication date: 16 April 2008

Regulation not amended

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 16 April 2008. It also includes any commencement, repeal or expiry affecting the republished law.

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 amendments

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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R1
16/04/08

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Effective: 16/04/08-09/06/15

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—
 - (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 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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<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)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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