



Australian Capital Territory

# Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010

Subordinate Law SL2010-42

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

Dated 21 October 2010.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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Magistrates Court Act 1930

## Contents

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	Page
1 Name of regulation	1
2 Commencement	1
3 Dictionary	1
4 Notes	1
5 Purpose of regulation	1
6 Administering authority—Act, s 117	2
7 Infringement notice offences—Act, s 117	2

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## Contents

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		Page
8	Infringement notice penalties—Act, s 117	2
9	Contents of infringement notices—identifying authorised person—Act, s 121 (1) (g)	3
10	Contents of infringement notices—other information—Act, s 121 (1) (h)	3
11	Contents of reminder notice—identifying authorised person—Act, s 130 (f)	4
12	Authorised people for infringement notice offences—Act, s 134A (2)	4
<b>Schedule 1</b>	<b>Dangerous goods legislation infringement notice offences and penalties</b>	5
<b>Part 1.1</b>	<b>Dangerous Goods (Road Transport) Act 2009</b>	5
<b>Part 1.2</b>	<b>Dangerous Goods (Road Transport) Regulation 2010</b>	6
<b>Dictionary</b>		10

**1 Name of regulation**

This regulation is the *Magistrates Court (Dangerous Goods Road Transport Infringement Notices) Regulation 2010*.

**2 Commencement**

This regulation commences on the day after its notification day.

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

**3 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)).

**4 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.

**5 Purpose of regulation**

The purpose of this regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the dangerous goods legislation.

*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.

**6 Administering authority—Act, s 117**

The administering authority for an infringement notice offence against the dangerous goods legislation is the entity declared to be the competent authority for the *Dangerous Goods (Road Transport) Act 2009*, section 20.

**7 Infringement notice offences—Act, s 117**

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

**8 Infringement notice penalties—Act, s 117**

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

**9 Contents of infringement notices—identifying authorised person—Act, s 121 (1) (g)**

An infringement notice served on a person by an authorised person for an infringement notice offence against the dangerous goods legislation 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 appointed under the *Dangerous Goods (Road Transport) Act 2009*, section 23 (2)—
  - (i) the authorised person’s full name, or surname and initials; or
  - (ii) the authorised person’s identity card number.

**10 Contents of infringement notices—other information—Act, s 121 (1) (h)**

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the dangerous goods legislation 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.

**11 Contents of reminder notice—identifying authorised person—Act, s 130 (f)**

A reminder notice served on a person by an authorised person for an infringement notice offence against the dangerous goods legislation 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 appointed under the *Dangerous Goods (Road Transport) Act 2009*, section 23 (2)—
  - (i) the authorised person’s full name, or surname and initials; or
  - (ii) the authorised person’s identity card number.

**12 Authorised people for infringement notice offences—Act, s 134A (2)**

An authorised person under the *Dangerous Goods (Road Transport) Act 2009*, section 23 may serve—

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

*Note* Police officers and people appointed by the competent authority are authorised people under the *Dangerous Goods (Road Transport) Act 2009*, s 23.



## **Schedule 1      Dangerous goods legislation infringement notice offences and penalties**

(see s 7 and s 8)

### **Part 1.1              Dangerous Goods (Road Transport) Act 2009**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	28 (3)	100	2 200
2	29 (2)	100	2 200
3	36 (1)	50	1 100
4	37 (1)	50	1 100
5	40 (1)	50	1 100
6	44 (1)	50	1 100
7	48 (1)	50	1 100
8	50 (1)	50	1 100
9	52 (1)	50	1 100
10	58 (1)	50	1 100
11	84 (4)	50	1 100
12	87 (1)	100	2 200

## **Part 1.2**                      **Dangerous Goods (Road Transport) Regulation 2010**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	33 (1)	40	880
2	48 (1)	40	880
3	48 (2)	40	880
4	57 (1)	40	880
5	65 (1)	40	880
6	65 (3)	40	880
7	66 (1)	40	880
8	67 (1)	40	880
9	70 (1)	40	880
10	72 (1)	20	440
11	78 (1)		
11.1	<ul style="list-style-type: none"><li>if the package is large packaging or an overpack</li></ul>	20	440
11.2	<ul style="list-style-type: none"><li>in any other case</li></ul>	10	220
12	78 (2)		
12.1	<ul style="list-style-type: none"><li>if the package is large packaging or an overpack</li></ul>	20	440
12.1	<ul style="list-style-type: none"><li>in any other case</li></ul>	10	220

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
13	79 (1)		
13.1	<ul style="list-style-type: none"> <li>• if the package is large packaging or an overpack</li> </ul>	20	440
13.2	<ul style="list-style-type: none"> <li>• in any other case</li> </ul>	10	220
14	94 (1)	40	880
15	97 (1)	40	880
16	101 (1)	20	440
17	108 (1)	20	440
18	119 (1)	40	880
19	122 (1)	20	440
20	122 (3)	20	440
21	123 (1)	20	440
22	125 (1)	10	220
23	126 (1)	20	440
24	128 (1)	10	220
25	131 (1)	20	440
26	134 (1)	15	330
27	135 (1)	20	440
28	136 (1)	15	330
29	136 (2)	15	330
30	139 (1)	20	440
31	140 (1)	15	330
32	140 (2)	15	330

**Schedule 1**  
**Part 1.2**

Dangerous goods legislation infringement notice offences and penalties  
Dangerous Goods (Road Transport) Regulation 2010

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
33	140 (3)	15	330
34	142 (1)	40	880
35	143 (1)	40	880
36	144 (1)	15	330
37	145 (2)	10	220
38	147 (1)	10	220
39	148 (1)	15	330
40	149 (2)	40	880
41	149 (3)	40	880
42	149 (4)	40	880
43	150 (1)	40	880
44	151 (1)	40	880
45	152 (1)	40	880
46	153 (2)	15	330
47	153 (3)	15	330
48	154 (2)	40	880
49	155 (2)	20	440
50	155 (3)	20	440
51	156 (1)	40	880
52	156 (2)	40	880
53	157 (1)	40	880
54	157 (2)	40	880
55	158 (2)	20	440
56	159 (2)	20	440

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<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
57	159 (3)	20	440
58	196 (1)	40	880
59	197 (1)	40	880
60	209 (1)	10	220
61	218 (1)	10	220
62	218 (2)	10	220
63	218 (3)	10	220
64	218 (4)	10	220
65	220 (3)	10	220
66	220 (4)	10	220
67	223 (1)	40	880
68	227 (2)	10	220
69	228 (2)	10	220
70	238 (1)	15	330

## Dictionary

(see s 3)

*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.

*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.

***dangerous goods legislation*** means—

- (a) the *Dangerous Goods (Road Transport) Act 2009*; and
- (b) the *Dangerous Goods (Road Transport) Regulation 2010*.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 28 October 2010.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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