



Australian Capital Territory

Magistrates Court (Liquor Infringement Notices) Regulation 2010

SL2010-47

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 1 July 2011 – 28 June 2012

Republication date: 1 July 2011

Last amendment made by A2011-22

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Liquor Infringement Notices) Regulation 2010*, 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 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

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 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, 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 \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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made under the

Magistrates Court Act 1930

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1 Name of regulation

This regulation is the *Magistrates Court (Liquor Infringement Notices) Regulation 2010*.

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

For example, the signpost definition ‘*investigator*—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.’ means that the term ‘investigator’ 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)).

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 provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Liquor 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.

6 Administering authority

The administering authority for an infringement notice offence against the Liquor Act is the director-general.

7 Infringement notice offences

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

Note Some infringement notice offences in sch 1 may be committed by individuals who are under 18 years old. However, infringement notices for those offences may only be given to individuals who are 16 years old or older (see sch 1, col 2).

8 Infringement notice penalties

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

9 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 Liquor 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 who is an investigator—
 - (i) the investigator’s full name, or surname and initials; or
 - (ii) any unique number given to the investigator by the administering authority for this regulation.

10 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 Liquor 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.

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 Liquor 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 who is an investigator—
 - (i) the investigator’s full name, or surname and initials; or
 - (ii) any unique number given to the investigator by the administering authority for this regulation.

12 Authorised people for infringement notice offences

A police officer or investigator may serve—

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

Schedule 1 Liquor Act infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	34 (3)	5	110
2	46 (1)	20	440
3	66 (1)	20	440
4	105 (1)	50	1 100
5	105 (2)	50	1 100
6	105 (3)	50	1 100
7	105 (4)	50	1 100
8	106 (1), except where individual is under 16 years old	10	220
9	106 (2), except where individual is under 16 years old	10	220
10	107 (1), except where individual is under 16 years old	5	110
11	108 (1), except where individual is under 16 years old	10	220
12	108 (2), except where individual is under 16 years old	10	220
13	109 (1)	10	220
14	109 (2)	10	220
15	123 (1)	20	440

column 1 item	column 2 offence provision and case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
16	123 (2)	20	440
17	125 (1)	50	1 100
18	125 (2)	50	1 100
19	126 (1)	10	220
20	126 (2)	10	220
21	132 (1)	10	220
22	132 (2)	10	220
23	134 (1)	20	440
24	134 (2)	20	440
25	138 (1), except where individual is under 16 years old	20	440
26	138 (2), except where individual is under 16 years old	20	440
27	139 (1)	20	440
28	139 (2), except where individual is under 16 years old	10	220
29	141 (1)	5	110
30	141 (2)	5	1 10
31	142 (1)	20	440
32	142 (2)	50	1 100
33	148 (1)	50	1 100
34	199 (1), except where individual is under 16 years old	5	110

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
- director-general (see s 163)
- 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.

investigator—see the *Fair Trading (Consumer Affairs) Act 1973*, dictionary.

Liquor Act means the *Liquor Act 2010*.

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

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

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Liquor Infringement Notices) Regulation 2010 SL2010-47

notified LR 30 November 2010

s 1, s 2 commenced 30 November 2010 (LA s 75 (1))

remainder commenced 1 December 2010 (s 2 and see Liquor Act 2010
A2010-35, s 2 (3) (as am by A2010-43 amdt 1.19) and CN2010-14))

as amended by

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.103

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.103 commenced 1 July 2011 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Administering authority

s 6 am A2011-22 amdt 1.315

Repeal of Magistrates Court (Liquor Infringement Notices) Regulation 2008

s 13 om LA s 89 (3)

Dictionary

dict am A2011-22 amdt 1.316, amdt 1.317

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 1 Dec 2010	1 Dec 2010– 30 June 2011	not amended	new regulation

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