

Australian Capital Territory

Magistrates Court (Liquor Infringement Notices) Regulation 2010

SL2010-47

made under the

Magistrates Court Act 1930

Republication No 7

Effective: 22 November 2018

Republication date: 22 November 2018

Last amendment made by [A2018‑42](http://www.legislation.act.gov.au/a/2018-42/" \o "Statute Law Amendment Act 2018)

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](http://www.legislation.act.gov.au/a/2001-14), part 11.3 (Editorial changes)) as in force on 22 November 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 22 November 2018.

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](http://www.legislation.act.gov.au)):

* authorised republications to which the [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14) applies
* unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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 includes 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](http://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](http://www.legislation.act.gov.au/a/2001-14), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see [Legislation Act 2001](http://www.legislation.act.gov.au/a/2001-14), s 133).



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Australian Capital Territory

Magistrates Court (Liquor Infringement Notices) Regulation 2010

made under the

[Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21" \o "A1930-21)

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 (Australian Consumer Law) Act 1992](http://www.legislation.act.gov.au/a/1992-72), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/1930-21), part 3.8 for certain offences against the Liquor Act.

Note The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), 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 for that Act.

7 Infringement notice offences

The [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), part 3.8 applies to an offence against a provision of the [Liquor Act](https://www.legislation.act.gov.au/a/2010-35/) 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](http://www.legislation.act.gov.au/a/1930-21), s 121 (1) (c).

(2) In this section:

company means a company registered under the [Corporations Act](http://www.comlaw.gov.au/Series/C2004A00818).

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 the following:

(a) an infringement notice for an infringement notice offence against the Liquor Act;

(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 | 100 (1) | 50 | 1 100 |
| 5 | 100 (2) | 50 | 1 100 |
| 6 | 100 (3) | 50 | 1 100 |
| 7 | 100 (4) | 50 | 1 100 |
| 8 | 101 (1), except where individual is under 16 years old | 10 | 220 |
| 9 | 101 (2), except where individual is under 16 years old | 10 | 220 |
| 10 | 102 (1) | 50 | 1 100 |
| 11 | 102 (2) | 50 | 1 100 |
| 12 | 102 (3), except where individual is under 16 years old | 10 | 220 |
| 13 | 102 (4), except where individual is under 16 years old | 10 | 220 |
| 14 | 103 (1) | 20 | 440 |
| 15 | 103 (2) | 20 | 440 |
| 16 | 105 (1) | 50 | 1 100 |
| 17 | 105 (2) | 50 | 1 100 |
| 18 | 105 (3) | 50 | 1 100 |
| 19 | 105 (4) | 50 | 1 100 |
| 20 | 106 (1), except where individual is under 16 years old | 10 | 220 |
| 21 | 106 (2), except where individual is under 16 years old | 10 | 220 |
| 22 | 107 (1), except where individual is under 16 years old | 5 | 110 |
| 23 | 108 (1), except where individual is under 16 years old | 10 | 220 |
| 24 | 108 (2), except where individual is under 16 years old | 10 | 220 |
| 25 | 123 (1) | 20 | 440 |
| 26 | 123 (2) | 20 | 440 |
| 27 | 125 (1) | 50 | 1 100 |
| 28 | 125 (2) | 50 | 1 100 |
| 29 | 126 (1) | 10 | 220 |
| 30 | 126 (2) | 10 | 220 |
| 31 | 132 (1) | 10 | 220 |
| 32 | 132 (2) | 10 | 220 |
| 33 | 134 (1) | 20 | 440 |
| 34 | 134 (2) | 20 | 440 |
| 35 | 138 (1), except where individual is under 16 years old | 20 | 440 |
| 36 | 139 (1) | 20 | 440 |
| 37 | 139 (2), except where individual is under 16 years old | 10 | 220 |
| 38 | 139A (1) | 20 | 440 |
| 39 | 139A (2) | 10 | 220 |
| 40 | 141 (1) | 5 | 110 |
| 41 | 141 (2) | 5 | 1 10 |
| 42 | 142 (1) | 20 | 440 |
| 43 | 142 (2) | 50 | 1 100 |
| 44 | 143A (1) | 10 | 220 |
| 45 | 143A (2) | 10 | 220 |
| 46 | 148 (1) | 50 | 1 100 |
| 47 | 199 (1), except where individual is under 16 years old | 5 | 110 |

Dictionary

(see s 3)

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), 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](http://www.legislation.act.gov.au/a/1930-21) (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 148). For example, the following terms are defined in the [Magistrates Court Act 1930](http://www.legislation.act.gov.au/a/1930-21), dict:

 administering authority

 authorised person

 infringement notice

 infringement notice offence

 reminder notice.

investigator—see the [Fair Trading (Australian Consumer Law) Act 1992](http://www.legislation.act.gov.au/a/1992-72), dictionary.

Liquor Act means the [Liquor Act 2010](http://www.legislation.act.gov.au/a/2010-35).

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](http://www.legislation.act.gov.au/a/2001-14), 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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 | r = rule/subrule |
| Assembly | reloc = relocated |
| div = division | renum = renumbered |
| exp = expires/expired | R[X] = Republication No |
| Gaz = gazette | RI = reissue |
| hdg = heading | s = section/subsection |
| IA = Interpretation Act 1967 | sch = schedule |
| ins = inserted/added | sdiv = subdivision |
| LA = Legislation Act 2001 | SL = Subordinate law |
| LR = legislation register | sub = substituted |
| LRA = Legislation (Republication) Act 1996 | underlining = whole or part not commenced |
| mod = modified/modification | or to be expired |

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](http://www.legislation.act.gov.au/a/2010-35) A2010-35, s 2 (3) (as am by [A2010‑43](http://www.legislation.act.gov.au/a/2010-43) amdt 1.19) and [CN2010-14](http://www.legislation.act.gov.au/cn/2010-14/default.asp)))

as amended by

[Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011](http://www.legislation.act.gov.au/a/2011-22) 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))

[Magistrates Court (Liquor Infringement Notices) Amendment Regulation 2012 (No 1)](http://www.legislation.act.gov.au/sl/2012-28) SL2012-28

notified LR 28 June 2012

s 1, s 2 commenced 28 June 2012 (LA s 75 (1))

remainder commenced 29 June 2012 (s 2)

[Statute Law Amendment Act 2013](http://www.legislation.act.gov.au/a/2013-19) A2013-19 sch 3 pt 3.27

notified LR 24 May 2013

s 1, s 2 commenced 24 May 2013 (LA s 75 (1))

sch 3 pt 3.27 commenced 14 June 2013 (s 2)

[Statute Law Amendment Act 2015](http://www.legislation.act.gov.au/a/2015-15) A2015‑15 sch 3 pt 3.27

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.27 commenced 10 June 2015 (s 2)

[Liquor Amendment Act 2017](http://www.legislation.act.gov.au/a/2017-13/default.asp) A2017‑13 sch 1 pt 1.1

notified LR 17 May 2017

s 1, s 2 commenced 17 May 2017 (LA s 75 (1))

sch 1 pt 1.1 commenced 18 May 2017 (s 2 (2))

[Statute Law Amendment Act 2018](http://www.legislation.act.gov.au/a/2018-42/) A2018-42 sch 3 pt 3.23

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.23 commenced 22 November 2018 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [A2013‑19](http://www.legislation.act.gov.au/a/2013-19) amdt 3.206

Administering authority

s 6 am [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) amdt 1.315; [A2013‑19](http://www.legislation.act.gov.au/a/2013-19) amdt 3.207

Authorised people for infringement notice offences

s 12 am [A2015‑15](http://www.legislation.act.gov.au/a/2015-15) amdt 3.109, amdt 3.110

Repeal of Magistrates Court (Liquor Infringement Notices) Regulation 2008

s 13 om LA s 89 (3)

Liquor Act infringement notice offences and penalties

sch 1 am [SL2012‑28](http://www.legislation.act.gov.au/sl/2012-28) s 4; items renum R3 LA; [A2017‑13](http://www.legislation.act.gov.au/a/2017-13/default.asp) amdts 1.1‑1.3; items renum R6 LA; [A2018‑42](http://www.legislation.act.gov.au/a/2018-42/) amdt 3.73; items renum R7 LA

Dictionary

dict am [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) amdt 1.316, amdt 1.317

def investigator sub [A2013‑19](http://www.legislation.act.gov.au/a/2013-19) amdt 3.208

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 |
| R2 1 July 2011 | 1 July 2011– 28 June 2012 | [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) | amendments by [A2011‑22](http://www.legislation.act.gov.au/a/2011-22) |
| R3 29 June 2012 | 29 June 2012– 13 June 2013 | [SL2012‑28](http://www.legislation.act.gov.au/sl/2012-28) | amendments by [SL2012‑28](http://www.legislation.act.gov.au/sl/2012-28) |
| R4 14 June 2013 | 14 June 2013– 9 June 2015 | [A2013-19](http://www.legislation.act.gov.au/a/2013-19) | amendments by [A2013-19](http://www.legislation.act.gov.au/a/2013-19) |
| R5 10 June 2015 | 10 June 2015– 17 May 2017 | [A2015‑15](http://www.legislation.act.gov.au/a/2015-15) | amendments by [A2015‑15](http://www.legislation.act.gov.au/a/2015-15) |
| R6 18 May 2018 | 18 May 2018– 21 Nov 2018 | [A2017‑13](http://www.legislation.act.gov.au/a/2017-13/) | amendments by [A2017‑13](http://www.legislation.act.gov.au/a/2017-13/) |

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