



Australian Capital Territory

Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011

Subordinate Law SL2011-38

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

Dated 20 December 2011.

ANDREW BARR
Minister

CHRIS BOURKE
Minister



Australian Capital Territory

Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011

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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 (Work Health and Safety Infringement Notices) Regulation 2011*.

2 Commencement

This regulation commences on the commencement of the *Work Health and Safety Act 2011*, section 3.

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

For example, the signpost definition '*inspector*—see the *Work Health and Safety Act 2011*, dictionary.' means that the term 'inspector' 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 work health and safety legislation.

Note 1 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.

Note 2 If an infringement notice is to be given to the Territory for an offence against the work health and safety legislation, the infringement notice may be given to the territory agency whose acts or omissions are alleged to contravene the work health and safety legislation and the territory agency may be specified in the infringement notice (see the Act, s 248).

Note 3 An infringement notice served on a public authority for an offence against the work health and safety legislation is taken to be an infringement notice served on its successor if the successor is a public authority. Similarly, any penalty paid by a public authority in relation to an infringement notice is taken to be a penalty paid by its successor if the successor is a public authority (see the Act, s 253).

6 Administering authority

The administering authority for an infringement notice offence against the work health and safety legislation is the regulator under the *Work Health and Safety Act 2011*.

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable for an offence against the work health and safety legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The cost of serving a reminder notice for an infringement notice offence against the work health and safety legislation 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 work health and safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

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 work health and safety 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

A reminder notice served on a person by an authorised person for an infringement notice offence against the work health and safety legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

12 Authorised people for infringement notice offences

An inspector may serve—

- (a) an infringement notice for an infringement notice offence against the work health and safety legislation; and
- (b) a reminder notice for an infringement notice offence against the work health and safety legislation.

Schedule 1 Work health and safety legislation infringement notice offences and penalties

(see s 7 and 8)

Part 1.1 Work Health and Safety Act 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
1	38 (7)		
1.1	<ul style="list-style-type: none">• for an individual	5 000	600
1.2	<ul style="list-style-type: none">• for a body corporate	25 000	3 000
2	70 (1) (c)		
2.1	<ul style="list-style-type: none">• for an individual	10 000	720
2.2	<ul style="list-style-type: none">• for a body corporate	50 000	3 600
3	70 (1) (d)		
3.1	<ul style="list-style-type: none">• for an individual	10 000	720
3.2	<ul style="list-style-type: none">• for a body corporate	50 000	3 600
4	70 (1) (e)		
4.1	<ul style="list-style-type: none">• for an individual	10 000	720
4.2	<ul style="list-style-type: none">• for a body corporate	50 000	3 600
5	70 (2)		
5.1	<ul style="list-style-type: none">• for an individual	10 000	720
5.2	<ul style="list-style-type: none">• for a body corporate	50 000	3 600

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.1 Work Health and Safety Act 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
6	72 (7)		
6.1	• for an individual	10 000	720
6.2	• for a body corporate	50 000	3 600
7	74 (1)		
7.1	• for an individual	2 000	240
7.2	• for a body corporate	10 000	1 200
8	75 (1)		
8.1	• for an individual	5 000	600
8.2	• for a body corporate	25 000	3 000
9	79 (3)		
9.1	• for an individual	10 000	720
9.2	• for a body corporate	50 000	3 600
10	79 (4)		
10.1	• for an individual	10 000	720
10.2	• for a body corporate	50 000	3 600
11	97 (1)		
11.1	• for an individual	5 000	600
11.2	• for a body corporate	25 000	3 000
12	193		
12.1	• for an individual	50 000	720
12.2	• for a body corporate	250 000	3 600
13	273		
13.1	• for an individual	5 000	600
13.2	• for a body corporate	25 000	3 000

Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
1	22 (3)		
1.1	• for an individual	3 600	432
1.2	• for a body corporate	18 000	2 160
2	46 (2)		
2.1	• for an individual	3 600	432
2.2	• for a body corporate	18 000	2 160
3	46 (4)		
3.1	• for an individual	3 600	432
3.2	• for a body corporate	18 000	2 160
4	48 (2)		
4.1	• for an individual	6 000	720
4.2	• for a body corporate	30 000	3 600
5	50 (2)		
5.1	• for an individual	1 250	144
5.2	• for a body corporate	6 000	720
6	66 (2)		
6.1	• for an individual	3 600	432
6.2	• for a body corporate	18 000	2 160
7	66 (5)		
7.1	• for an individual	3 600	432
7.2	• for a body corporate	18 000	2 160

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
8	67 (4)		
8.1	• for an individual	6 000	720
8.2	• for a body corporate	30 000	3 600
9	68 (1)		
9.1	• for an individual	3 600	432
9.2	• for a body corporate	18 000	2 160
10	69		
10.1	• for an individual	6 000	720
10.2	• for a body corporate	30 000	3 600
11	76 (2)		
11.1	• for an individual	1 250	144
11.2	• for a body corporate	6 000	720
12	77 (2)		
12.1	• for an individual	1 250	144
12.2	• for a body corporate	6 000	720
13	77 (3)		
13.1	• for an individual	1 250	144
13.2	• for a body corporate	6 000	720
14	77 (4)		
14.1	• for an individual	1 250	144
14.2	• for a body corporate	6 000	720
15	77 (5)		
15.1	• for an individual	3 600	432
15.2	• for a body corporate	18 000	2 160

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
16	85 (1)		
16.1	• for an individual	3 600	432
16.2	• for a body corporate	18 000	2 160
17	85 (2)		
17.1	• for an individual	3 600	432
17.2	• for a body corporate	18 000	2 160
18	85 (3)		
18.1	• for an individual	3 600	432
18.2	• for a body corporate	18 000	2 160
19	85 (4)		
19.1	• for an individual	1 250	144
19.2	• for a body corporate	6 000	720
20	94 (1)		
20.1	• for an individual	1 250	144
20.2	• for a body corporate	6 000	720
21	96		
21.1	• for an individual	1 250	144
21.2	• for a body corporate	6 000	720
22	97		
22.1	• for an individual	1 250	144
22.2	• for a body corporate	6 000	720
23	98 (1)		
23.1	• for an individual	1 250	144
23.2	• for a body corporate	6 000	720

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
24	111		
24.1	• for an individual	1 250	144
24.2	• for a body corporate	6 000	720
25	142 (1)		
25.1	• for an individual	1 250	144
25.2	• for a body corporate	6 000	720
26	150 (1)		
26.1	• for an individual	3 600	432
26.2	• for a body corporate	18 000	2 160
27	150 (2)		
27.1	• for an individual	3 600	432
27.2	• for a body corporate	18 000	2 160
28	150 (3)		
28.1	• for an individual	1 250	144
28.2	• for a body corporate	6 000	720
29	154		
29.1	• for an individual	6 000	720
29.2	• for a body corporate	30 000	3 600
30	155 (1)		
30.1	• for an individual	6 000	720
30.2	• for a body corporate	30 000	3 600
31	155 (2)		
31.1	• for an individual	6 000	720
31.2	• for a body corporate	30 000	3 600

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
32	159		
32.1	• for an individual	6 000	720
32.2	• for a body corporate	30 000	3 600
33	160		
33.1	• for an individual	6 000	720
33.2	• for a body corporate	30 000	3 600
34	165 (1)		
34.1	• for an individual	3 600	432
34.2	• for a body corporate	18 000	2 160
35	165 (2)		
35.1	• for an individual	1 250	144
35.2	• for a body corporate	6 000	720
36	170		
36.1	• for an individual	1 250	144
36.2	• for a body corporate	6 000	720
37	175 (1)		
37.1	• for an individual	1 250	144
37.2	• for a body corporate	6 000	720
38	175 (2)		
38.1	• for an individual	1 250	144
38.2	• for a body corporate	6 000	720
39	175 (3)		
39.1	• for an individual	1 250	144
39.2	• for a body corporate	6 000	720

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
40	180		
40.1	• for an individual	1 250	144
40.2	• for a body corporate	6 000	720
41	181 (2)		
41.1	• for an individual	1 250	144
41.2	• for a body corporate	6 000	720
42	181 (3)		
42.1	• for an individual	1 250	144
42.2	• for a body corporate	6 000	720
43	181 (4)		
43.1	• for an individual	1 250	144
43.2	• for a body corporate	6 000	720
44	182 (2)		
44.1	• for an individual	1 250	144
44.2	• for a body corporate	6 000	720
45	182 (3)		
45.1	• for an individual	1 250	144
45.2	• for a body corporate	6 000	720
46	182 (4)		
46.1	• for an individual	3 600	432
46.2	• for a body corporate	18 000	2 160
47	182 (5)		
47.1	• for an individual	1 250	144
47.2	• for a body corporate	6 000	720

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
48	224 (1)		
48.1	• for an individual	3 600	432
48.2	• for a body corporate	18 000	2 160
49	224 (2)		
49.1	• for an individual	3 600	432
49.2	• for a body corporate	18 000	2 160
50	226 (1)		
50.1	• for an individual	1 250	144
50.2	• for a body corporate	6 000	720
51	226 (3)		
51.1	• for an individual	1 250	144
51.2	• for a body corporate	6 000	720
52	226 (4)		
52.1	• for an individual	1 250	144
52.2	• for a body corporate	6 000	720
53	228		
53.1	• for an individual	1 250	144
53.2	• for a body corporate	6 000	720
54	229 (1)		
54.1	• for an individual	1 250	144
54.2	• for a body corporate	6 000	720
55	229 (2)		
55.1	• for an individual	1 250	144
55.2	• for a body corporate	6 000	720

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
56	230 (1)		
56.1	• for an individual	1 250	144
56.2	• for a body corporate	6 000	720
57	230 (2)		
57.1	• for an individual	1 250	144
57.2	• for a body corporate	6 000	720
58	230 (3)		
58.1	• for an individual	1 250	144
58.2	• for a body corporate	6 000	720
59	237 (2)		
59.1	• for an individual	1 250	144
59.2	• for a body corporate	6 000	720
60	237 (4)		
60.1	• for an individual	1 250	144
60.2	• for a body corporate	6 000	720
61	237 (5)		
61.1	• for an individual	1 250	144
61.2	• for a body corporate	6 000	720
62	238 (2)		
62.1	• for an individual	6 000	720
62.2	• for a body corporate	30 000	3 600
63	253		
63.1	• for an individual	3 600	432
63.2	• for a body corporate	18 000	2 160

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
64	254		
64.1	• for an individual	3 600	432
64.2	• for a body corporate	18 000	2 160
65	260 (3)		
65.1	• for an individual	1 250	144
65.2	• for a body corporate	6 000	720
66	260 (4)		
66.1	• for an individual	1 250	144
66.2	• for a body corporate	6 000	720
67	260 (5)		
67.1	• for an individual	1 250	144
67.2	• for a body corporate	6 000	720
68	262 (1)		
68.1	• for an individual	1 250	144
68.2	• for a body corporate	6 000	720
69	273 (3)		
69.1	• for an individual	1 250	144
69.2	• for a body corporate	6 000	720
70	273 (4)		
70.1	• for an individual	1 250	144
70.2	• for a body corporate	6 000	720
71	275 (1)		
71.1	• for an individual	1 250	144
71.2	• for a body corporate	6 000	720

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
72	282 (1)		
72.1	• for an individual	1 250	144
72.2	• for a body corporate	6 000	720
73	287		
73.1	• for an individual	1 250	144
73.2	• for a body corporate	6 000	720
74	288 (1)		
74.1	• for an individual	1 250	144
74.2	• for a body corporate	6 000	720
75	296		
75.1	• for an individual	3 600	432
75.2	• for a body corporate	18 000	2 160
76	301		
76.1	• for an individual	3 600	432
76.2	• for a body corporate	18 000	2 160
77	303 (1)		
77.1	• for an individual	1 250	144
77.2	• for a body corporate	6 000	720
78	303 (2)		
78.1	• for an individual	1 250	144
78.2	• for a body corporate	6 000	720
79	303 (3)		
79.1	• for an individual	3 600	432
79.2	• for a body corporate	18 000	2 160

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
80	304 (3)		
80.1	• for an individual	3 600	432
80.2	• for a body corporate	18 000	2 160
81	304 (4)		
81.1	• for an individual	3 600	432
81.2	• for a body corporate	18 000	2 160
82	304 (5)		
82.1	• for an individual	1 250	144
82.2	• for a body corporate	6 000	720
83	308		
83.1	• for an individual	3 600	432
83.2	• for a body corporate	18 000	2 160
84	312		
84.1	• for an individual	3 600	432
84.2	• for a body corporate	18 000	2 160
85	313 (1)		
85.1	• for an individual	1 250	144
85.2	• for a body corporate	6 000	720
86	313 (2)		
86.1	• for an individual	1 250	144
86.2	• for a body corporate	6 000	720
87	313 (3)		
87.1	• for an individual	3 600	432
87.2	• for a body corporate	18 000	2 160

Schedule 1 Work health and safety legislation infringement notice offences and penalties
Part 1.2 Work Health and Safety Regulation 2011

column 1 item	column 2 offence provision	column 3 offence penalty (\$)	column 4 infringement penalty (\$)
88	313 (4)		
88.1	• for an individual	1 250	144
88.2	• for a body corporate	6 000	720
89	316		
89.1	• for an individual	3 600	432
89.2	• for a body corporate	18 000	2 160
90	326 (1)		
90.1	• for an individual	1 250	144
90.2	• for a body corporate	6 000	720
91	326 (2)		
91.1	• for an individual	1 250	144
91.2	• for a body corporate	6 000	720

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:

- 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.

inspector—see the *Work Health and Safety Act 2011*, dictionary.

work health and safety legislation means—

- (a) the *Work Health and Safety Act 2011*; and
- (b) the *Work Health and Safety Regulation 2011*.

Endnotes

1 Notification

Notified under the Legislation Act on 22 December 2011.

2 Republications of amended laws

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

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