



Australian Capital Territory

Magistrates Court (Health Infringement Notices) Regulation 2016

Subordinate Law SL2016-4

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

Dated 25 February 2016.

SIMON CORBELL
Minister

MEEGAN FITZHARRIS
Minister



Australian Capital Territory

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[Magistrates Court Act 1930](#)

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1 Name of regulation

This regulation is the *Magistrates Court (Health Infringement Notices) Regulation 2016*.

2 Commencement

This regulation commences on the later of—

- (a) the commencement of the *Health (Patient Privacy) Amendment Act 2015*, section 4; and
- (b) the day after this regulation's 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 provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the [Health 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 [Health Act](#) is the chief police officer.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the [Health Act](#) mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the [Health 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 [Health 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 [Health 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 [Health Act](#) must identify the authorised person by the person's police officer service number.

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 [Health 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 [Health Act](#) must identify the authorised person by the person's police officer service number.

12 Authorised people for infringement notice offences

A police officer may serve the following:

- (a) an infringement notice for an infringement notice offence against the [Health Act](#);
- (b) a reminder notice for an infringement notice offence against the [Health Act](#).

Schedule 1 Health Act 1993 infringement notice offences and penalties

(see s 7 and s 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	87 (1)	25	750
2	87 (2)	50	1500

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:

- 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.

Health Act means the [Health Act 1993](#).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 29 February 2016.

2 Republications of amended laws

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

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