



Australian Capital Territory

# **Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020 (repealed)**

**SL2020-12**

made under the

**Magistrates Court Act 1930**

**Republication No 7**

**Effective: 1 March 2024**

Republication date: 1 March 2024

Regulation expired 29 February 2024 (see endnote 3)

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020* (repealed), made under the *Magistrates Court Act 1930*, including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 March 2024.

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](#) 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](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](#), 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](#), s 133).



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made under the

**Magistrates Court Act 1930**

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R7  
01/03/24

Magistrates Court (Public Health (COVID-19)  
Infringement Notices) Regulation 2020 (repealed)  
Effective: 01/03/24

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Australian Capital Territory

# Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020 (repealed)

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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 (Public Health (COVID-19) Infringement Notices) Regulation 2020*.

**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 [Public Health Act 1997](#).

*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 [Public Health Act 1997](#) is the director-general for that Act.

## **7           Infringement notice offences**

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against the *Public Health Act 1997*, section 118ZQ (1) or section 120B (1), but only if the offence is committed by—

- (a) for an offence for failing to comply with a face mask direction—  
a person who is 16 years old or older; or
- (b) in any other case—a person who is 18 years old or older.

## **8           Infringement notice penalties**

- (1) The penalty payable for an offence against the *Public Health Act 1997*, section 118ZQ (1) or section 120B (1), under an infringement notice for an offence, is—
  - (a) for an offence for failing to comply with a face mask direction—
    - (i) for an individual—\$200; and
    - (ii) for a corporation—\$1 000; or
  - (b) in any other case—
    - (i) for an individual—\$1 000; and
    - (ii) for a corporation—\$5 000.
- (2) The cost of serving a reminder notice for an infringement notice offence against the *Public Health Act 1997* 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 *Public Health Act 1997* must identify the authorised person by—

- (a) for an authorised person who is a police officer—the person's police officer service number; or

- (b) for any other authorised person—
  - (i) the authorised person’s full name, or surname and initials;  
or
  - (ii) 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 *Public Health Act 1997* 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 *Public Health Act 1997* must identify the authorised person by—

- (a) for an authorised person who is a police officer—the person’s police officer service number; or
- (b) for any other authorised person—
  - (i) the authorised person’s full name, or surname and initials;  
or
  - (ii) any unique number given, for this regulation, to the authorised person by the administering authority.



## 12 Authorised people for infringement notice offences

An authorised person may serve the following:

- (a) an infringement notice for an infringement notice offence against the *Public Health Act 1997*;
- (b) a reminder notice for an infringement notice offence against the *Public Health Act 1997*.

## 13 Expiry—regulation

- (1) This regulation expires on the later of the following:

- (a) at the end of a 12-month period during which no COVID-19 emergency has been in force;
- (b) if a COVID-19 management declaration has been made before the end of the period mentioned in paragraph (a)—at the end of a 12-month period during which no COVID-19 management declaration or extension has been in force.

- (2) In this section:

***COVID-19 emergency*** means—

- (a) a state of emergency declared under the *Emergencies Act 2004*, section 156 because of the coronavirus disease 2019 (COVID-19); or
- (b) an emergency declared under the *Public Health Act 1997*, section 119 (including any extension or further extension) because of the coronavirus disease 2019 (COVID-19).

***COVID-19 management declaration*** means a declaration made under the *Public Health Act 1997*, section 118O (1).

## 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.

*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
- infringement notice
- infringement notice offence
- infringement notice penalty
- reminder notice.

***authorised person*** means—

- (a) a public health officer authorised to exercise a function under the [Public Health Act 1997](#), section 121; or
- (b) a person authorised under the [Public Health Act 1997](#), section 121 (2); or
- (c) a police officer.

***face mask direction*** means a direction—

- (a) to wear or carry a face mask; or
- (b) that otherwise relates to wearing or carrying a face mask.

**Example—par (b)**

a direction that a person who owns a business ensure their workers wear or carry a face mask

## 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 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 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

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### 3 Legislation history

#### **Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020 SL2020-12**

notified LR 2 April 2020

s 1, s 2 commenced 2 April 2020 (LA s 75 (1))

remainder commenced 3 April 2020 (s 2)

*Note* Regulation exp 29 February 2024 (s 13 (1) (b)).

as amended by

#### **Magistrates Court (Public Health (COVID-19) Infringement Notices) Amendment Regulation 2021 (No 1) SL2021-6**

notified LR 1 April 2021

s 1, s 2 commenced 1 April 2021 (LA s 75 (1))

remainder commenced 2 April 2021 (s 2)

#### **Magistrates Court (Public Health (COVID-19) Infringement Notices) Amendment Regulation 2021 (No 2) SL2021-17**

notified LR 5 July 2021

s 1, s 2 commenced 5 July 2021 (LA s 75 (1))

remainder commenced 6 July 2021 (s 2)

#### **Public Health Amendment Act 2021 A2021-31 sch 1**

notified LR 10 December 2021

s 1, s 2 commenced 10 December 2021 (LA s 75 (1))

sch 1 commenced 11 December 2021 (s 2)

#### **Public Health Amendment Act 2022 A2022-9 sch 1 pt 1.2**

notified LR 17 June 2022

s 1, s 2 commenced 17 June 2022 (LA s 75 (1))

sch 1 pt 1.2 commenced 24 June 2022 (s 2 (1))

## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Infringement notice offences

s 7 am [SL2021-17](#) s 4  
sub [A2021-31](#) amdt 1.1  
am [A2022-9](#) amdt 1.6

### Infringement notice penalties

s 8 am [SL2021-17](#) s 5; [A2021-31](#) amdt 1.2; [A2022-9](#) amdt 1.7

### Expiry—regulation

s 13 sub [SL2021-6](#) s 4  
am [A2022-9](#) amdt 1.8, amdt 1.9

### Dictionary

dict def *face mask direction* ins [SL2021-17](#) s 6

## Endnotes

### 5 Earlier republishings

## 5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication<br>No and date | Effective                    | Last<br>amendment<br>made by | Republication<br>for                                      |
|------------------------------|------------------------------|------------------------------|---|
| R1<br>3 Apr 2020             | 3 Apr 2020–<br>29 Apr 2020   | not amended                  | new regulation  |
| R2<br>30 Apr 2020            | 30 Apr 2020–<br>1 Apr 2021   | not amended                  | includes editorial<br>amendments under<br>Legislation Act |
| R3<br>2 April 2021           | 2 April 2021–<br>5 July 2021 | <a href="#">SL2021-6</a>     | amendments by<br><a href="#">SL2021-6</a>                 |
| R4<br>6 July 2021            | 6 July 2021–<br>10 Dec 2021  | <a href="#">SL2021-17</a>    | amendments by<br><a href="#">SL2021-17</a>                |
| R5<br>11 Dec 2021            | 11 Dec 2021–<br>23 June 2022 | <a href="#">A2021-31</a>     | amendments by<br><a href="#">A2021-31</a>                 |
| R6<br>24 June 2022           | 24 June 2022–<br>29 Feb 2024 | <a href="#">A2022-9</a>      | amendments by<br><a href="#">A2022-9</a>                  |

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