

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION AMENDMENT (INFRINGEMENT OFFENCES)
BILL 2011

(Amendments and New Clauses to be proposed in Committee by MR DALLA-RIVA)

1. Clause 1, page 2, line 5, after "months" insert "and to provide for a savings provision in the **Summary Offences Act 1966**".
2. Clause 1, page 2, after line 5 insert—
"() amend the **Tobacco Act 1987** to provide for a savings provision; and".
3. Clause 2, line 10, omit "sections 5 and 6" and insert "this section, sections 5, 6, 7 and 8".
4. Clause 2, after line 11 insert—
"() This section comes into operation on the day that this Act receives the Royal Assent.
() Section 7 is taken to have come into operation on 16 December 2009.
() Section 8 is taken to have come into operation on 1 January 2010.".

NEW CLAUSES

5. Insert the following new clauses to follow clause 6—
'AA New section 63 inserted—Summary Offences Act 1966
After section 62 of the **Summary Offences Act 1966** insert—
"63 Savings and validation provision—Summary Offences and Control of Weapons Acts Amendment Act 2009—lodgeable infringement offences
(1) Despite anything to the contrary in the **Infringements Act 2006**, on and from 16 December 2009, an offence against section 6, 13, 14 or 17A which is an infringement offence within the meaning of that Act—
(a) is taken to be, and to always have been, a lodgeable infringement offence within the meaning of that Act as if it had been prescribed as a lodgeable infringement offence by regulations made under that Act; and
(b) may be dealt with as a lodgeable infringement offence under that Act.
(2) Any lodgement under Part 4 of the **Infringements Act 2006** and any enforcement action taken under that Act in respect of an infringement offence referred to in subsection (1) is taken to be, and

to always have been, a valid and lawful lodgement or enforcement action under that Act, as the case requires, to the extent that the lodgement or enforcement action was taken on the basis that the infringement offence was a lodgeable infringement offence."

BB New section 47 inserted—Tobacco Act 1987

After section 46 of the **Tobacco Act 1987** insert—

"47 Savings and validation provision—Tobacco Amendment (Protection of Children) Act 2009—lodgeable infringement offences

- (1) Despite anything to the contrary in the **Infringements Act 2006**, on and from 1 January 2010, an offence against section 5S which is an infringement offence within the meaning of that Act—
 - (a) is taken to be, and to always have been, a lodgeable infringement offence within the meaning of that Act as if it had been prescribed as a lodgeable infringement offence by regulations made under that Act; and
 - (b) may be dealt with as a lodgeable infringement offence under that Act.
- (2) Any lodgement under Part 4 of the **Infringements Act 2006** and any enforcement action taken under that Act in respect of an infringement offence referred to in subsection (1) is taken to be, and to always have been, a valid and lawful lodgement or enforcement action under that Act, as the case requires, to the extent that the lodgement or enforcement action was taken on the basis that the infringement offence was a lodgeable infringement offence."

AMENDMENT OF LONG TITLE

6. Long title, after "by infringement notice" insert ", to amend the **Tobacco Act 1987**".