

2005

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**MAGISTRATES COURT (SALE OF MOTOR VEHICLES INFRINGEMENT NOTICES)
REGULATION 2005**

SUBORDINATE LAW SL2005-31

EXPLANATORY STATEMENT

**Circulated by authority of
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MAGISTRATES COURT (SALE OF MOTOR VEHICLES INFRINGEMENT NOTICES) REGULATION 2005

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Outline

The *Magistrates Court Act 1930* part 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. The *Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005* enables infringement notices to be issued for certain offences in the *Sale of Motor Vehicles Act 1977* (“the Act”). The infringement notice provisions in the regulation were previously provisions under the Act.

The Act regulates the sale of motor vehicles in the ACT. The objects of the Act are to ensure proper records are kept by dealers and wholesalers; to prevent misleading conduct in relation to sale of motor vehicles; and to provide a statutory warranty with respect to vehicles of a particular class.

The ability to issue infringement notices for offences against the Act will encourage compliance with the legislation and will allow immediate action to be taken against sellers of vehicles whose conduct breaches the legislation. This will assist in providing greater consumer protection in the ACT.

Notes on sections

Section 1 – Name of regulation – provides that the regulation is the *Magistrates Court (Sale of Motor Vehicles Infringement Notices) Regulation 2005*.

Section 2 – Commencement – provides that the regulation commences at the same time as schedule 3, amendment 3.399 of the *Statute Law Amendment Act 2005* (which has provisions that remove the infringement notice provisions from the Act and establish the infringement notices under the *Magistrates Court Act 1930*).

Section 3 – Purpose of regulation – provides that the purpose of the regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Act.

Section 4 – Dictionary – provides that the dictionary included in the regulation is part of the regulation.

Section 5 – Notes – provides that a note included in this regulation is explanatory and is not part of the regulation.

Section 6 – Administering authority – provides that the administering authority for an infringement notice offence against the Act is the Registrar of Motor Vehicle Dealers.

Section 7 – Infringement notice offences – provides that infringement notices can be issued for offences listed in schedule 1, column 2.

Section 8 – Infringement notice penalties – provides that the penalties for the offences in schedule 1 are listed in column 4 of the schedule. The penalties for corporations are five times the amount listed in column 4 of the schedule.

This section also provides that a charge of \$34 will be imposed for serving a reminder notice on a person who has not paid their infringement notice.

Section 9 – Contents of infringement notices – other information - identifying particulars for a person who is a corporation specifies that an infringement notice must state the ACN (Australian Company Number) of the company in the notice.

Section 10 – Contents of infringement notices — identifying authorised person – provides that the infringement notice must identify the authorised person serving the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

Section 11 – Contents of reminder notices – identifying authorised person – provides that the infringement notice must identify the authorised person who served the notice by their full name, or surname and initials, and any unique number given to the person by the administering authority.

Section 12 – Costs if liability disputed – provides that the cost of beginning a proceeding is \$200.

Section 13 – Authorised people for infringement notices – provides that Inspectors under the Act are authorised to serve notices and reminders.

Section 14 – Expiry of Regulation – provides for the expiry of the regulation on the day the *Criminal Code 2002* applies to all ACT offences. This ‘sunset clause’ is included to ensure infringement notice schemes for Acts yet to be harmonised with the Criminal Code are reviewed.

Schedule 1 – Sale of Motor Vehicles Act infringement notice offences and penalties – lists the infringement notice offences and penalties under sections 7 and 8.

Dictionary

The Dictionary sets out the definitions for the regulation.