

2003

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (SECURITY INDUSTRY INFRINGEMENT NOTICES)
REGULATIONS 2003

SUBORDINATE LAW SL2003-29

EXPLANATORY STATEMENT

Circulated by authority of the
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**MAGISTRATES COURT (SECURITY INDUSTRY INFRINGEMENT NOTICES)
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Outline

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Security Industry Infringement Notices) Regulations 2003 (the regulations) enable infringement notices to be issued for certain offences in the *Security Industry Act 2003*.

The *Security Industry Act 2003* regulates the ACT security industry, including security guards, alarm installers and crowd controllers. The Act provides for applications for licences, specific licence requirements, including training, and a range of standards and requirements for the industry and offences for breaches of standards and requirements.

The ability to issue infringement notices for offences against the *Security Industry Act 2003* will encourage compliance with the legislation and will allow for immediate action to be taken against people who are breaching the legislation. This should provide greater protection for the ACT community.

Clause Notes

Regulation 1 – Name of regulations – provides that the regulations are the Magistrates Court (Security Industry Infringement Notices) Regulations 2003

Regulation 2 – Commencement – provides that the regulations commence on the later of either 3 September 2003 or the day after their notification day.

Regulation 3 – Purpose of regulations – provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930* for offences against the *Security Industry Act 2003*.

Regulation 4 – Notes – provides that the notes included in the regulations are explanatory and do not form part of the regulations.

Regulation 5 – Meaning of *Security Act* – provides that the ‘Security Act’ means the *Security Industry Act 2003*.

Regulation 6 – Administering authority – provides that the administering authority for infringement notices against the Security Act is the Commissioner for Fair Trading.

Regulation 7 – Infringement notice offences – provides that infringement notices can be issued for offences listed in schedule 1.

Regulation 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 regulation 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.

Regulation 9 – Contents of infringement notice – specifies that infringement notices served on a company must include the company’s ACN.

Regulation 10 – Contents of infringement notices – identifying authorized person – provides that the infringement notice must identify the authorised person who served the notice by their full name or surname and initials and the date of issue, and date of expiry of their identity card.

Regulation 11 – Contents of reminder notices – identifying authorised person – provides that the reminder notice for the infringement notice must identify the authorised person who served the notice by their full name or surname and initials and the date of issue, and date of expiry of their identity card.

Regulation 12 – Authorised people for infringement notice offences – provides that an infringement notice or a reminder notice under these regulations may be issued by a person authorized by the Commissioner for Fair Trading under section 9 of the *Fair Trading (Consumer Affairs) Act 1973*.

Schedule 1 – Security Act infringement notice offences and penalties – lists the offences for which an infringement notice can be issued. The schedule lists the maximum number of penalty units for the offence and the penalty that can be imposed for the offence by infringement notice. The schedule provides that the maximum penalty for any infringement notice is \$500 for an individual.