

2003

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (HAWKERS INFRINGEMENT NOTICES)  
REGULATIONS 2003

Subordinate Law No 37 of 2003

EXPLANATORY STATEMENT

Circulated by authority of Jon Stanhope MLA  
Attorney General

## **BACKGROUND AND OUTLINE**

The *Hawkers Act 2003* (the Hawkers Act) regulates the activities of hawkers in public places. The *Magistrates Court (Hawkers Infringement Notices) Regulations 2003* are made under the *Magistrates Court Act 1930*, Part 8, to create a system of infringement notices for certain offences against the Hawkers Act.

## **DETAILS OF THE REGULATIONS**

Regulation 1 provides that the name of the regulations is the *Magistrates Court (Hawkers Infringement Notices) Regulations 2003*.

Regulation 2 provides that the regulations commence the day after their notification day.

Regulation 3 provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the Hawkers Act. The infringement notice system is intended to provide an alternative to prosecution.

Regulation 4 provides that a note found in the regulations is explanatory and is not part of the regulations.

Regulation 5 defines the Hawkers Act as being the *Hawkers Act 2003*.

Regulation 6 provides that the administering authority for an infringement notice offence against the Hawkers Act is the chief executive.

Regulation 7 provides infringement notices can be issued for the offences listed in schedule 1.

Regulation 8 provides that the penalties for the offences in schedule 1 are listed in column 4 of the schedule. Penalties for an offence by a corporation are five times that applicable for an individual. This regulation also provides for a reminder notice for an infringement notice offence; the cost of its service is \$34.

Regulation 9 specifies that infringement notices served on a company must include the company's ACN.

Regulation 10 provides that an infringement notice must identify the authorised person who served the notice as follows:

- . if he or she is a police officer – by the police officer's service number; and
- . if he or she is an authorised person to whom section 41 of the Hawkers Act applies – by any unique number given to the person by the administering authority, or by the authorised person's full name, or surname and initials.

Regulation 11 provides that where a reminder notice is issued for an infringement notice the reminder notice must identify the authorised person who served the notice as follows:

- . if he or she is a police officer – by the police officer’s service number; and
- . if he or she is an authorised person to whom section 41 of the Hawkers Act applies – by any unique number given to the person by the administering authority, or by the authorised person’s full name, or surname and initials.

Regulation 12 provides that any one who is an authorised person under section 40 of the Hawkers Act may serve infringement notices and reminder notices for infringement notice offences under the Hawkers Act.

### **Schedule 1**

Provides for the Hawkers Act infringement notice offences and penalties under Regulations 7 and 8.

### **FINANCIAL IMPLICATIONS**

Nil