



Australian Capital Territory

Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002

Subordinate Law SL2002-36

The Australian Capital Territory Executive makes the following regulations under the *Magistrates Court Act 1930*.

Dated 9 December 2002.

JON STANHOPE
Minister

BILL WOOD
Minister



Australian Capital Territory

Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002

Subordinate Law SL2002-36

made under the

Magistrates Court Act 1930

Contents

	Page
1 Name of regulations	1
2 Commencement	1
3 Purpose of regulations	1
4 Notes	1
5 Meaning of <i>trade measurement legislation</i>	2
6 Administering authority	2

Contents

		Page
7	Infringement notice offences	2
8	Infringement notice penalties	2
9	Identifying particulars for person served	3
10	Identifying particulars for authorised person for infringement notice	3
11	Identifying particulars for authorised person for reminder notice	3
12	Authorised people for infringement notice offences	4
Schedule 1	Trade measurement legislation infringement notice offences and penalties	5
Part 1.1	Trade Measurement Act 1991	5
Part 1.2	Trade Measurement (Measuring Instruments) Regulations 1991	6
Part 1.3	Trade Measurement (Miscellaneous) Regulations 1991	6
Part 1.4	Trade Measurement (Weighbridges) Regulations 1991	7

1 Name of regulations

These regulations are the *Magistrates Court (Trade Measurement Infringement Notices) Regulations 2002*.

2 Commencement

These regulations commence on the day after their notification day.

Note The provisions of regulations providing for the name and commencement automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Purpose of regulations

The purpose of these regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8, for certain offences against the trade measurement legislation.

Note The *Magistrates Court Act 1930*, pt 8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *trade measurement legislation*

In these regulations:

trade measurement legislation means—

- (a) the *Trade Measurement Act 1991*; and
- (b) the *Trade Measurement (Measuring Instruments) Regulations 1991*; and
- (c) the *Trade Measurement (Miscellaneous) Regulations 1991*; and
- (d) the *Trade Measurement (Weighbridges) Regulations 1991*.

6 Administering authority

The administering authority for an infringement notice offence against the trade measurement legislation is the commissioner for fair trading.

7 Infringement notice offences

The Act, part 8 applies to an offence against a provision of the trade measurement legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the trade measurement legislation, under an infringement notice for the offence, is the amount mentioned in schedule 1, column 4 for the offence.
- (2) The penalty payable by a corporation for an offence against the trade measurement legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 4 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the trade measurement legislation is \$34.

9 Identifying particulars for person served

An infringement notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the person as follows:

- (a) if the person is a company registered under the *Corporations Act 2001* (Cwlth)—by the company’s ACN;
- (b) if the person is a business with a business name registered under the *Business Names Act 1963*—by the registered business name.

10 Identifying particulars for authorised person for infringement notice

An infringement notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) the date of issue of the authorised person’s identity card; and
- (c) the date of expiry of the authorised person’s identity card.

11 Identifying particulars for authorised person for reminder notice

A reminder notice served on a person by an authorised person for an infringement notice offence against the trade measurement legislation must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) the date of issue of the authorised person’s identity card; and
- (c) the date of expiry of the authorised person’s identity card.

12 Authorised people for infringement notice offences

- (1) An inspector under the *Trade Measurement (Administration) Act 1991*, section 7 may serve—
 - (a) an infringement notice for an infringement notice offence against the trade measurement legislation; and
 - (b) a reminder notice for an infringement notice offence against the trade measurement legislation.

Schedule 1 Trade measurement legislation infringement notice offences and penalties

(see reg 7 and reg 8)

Part 1.1 Trade Measurement Act 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	7 (1)		
1.1	(a) if measuring instrument is a weighbridge	100	500
1.2	(b) in any other case	50	500
2	7 (2)	100	500
3	8 (1)	200	200
4	8 (2)	200	200
5	28 (1)	100	250
6	28 (2)	100	250

Part 1.2 Trade Measurement (Measuring Instruments) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	22 (1) (e)	20	100
2	22 (1) (f)	20	100
3	22 (3) (a)	20	100
4	22 (3) (b)	20	100
5	22 (3) (c)	20	100
6	22 (3) (d)	20	100
7	23 (a)	20	100
8	23 (b)	20	100

Part 1.3 Trade Measurement (Miscellaneous) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	4 (2)	20	100

Part 1.4

Trade Measurement (Weighbridges) Regulations 1991

column 1 item	column 2 offence provision and, if relevant, case	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	19	2	50
2	25 (a)	20	100
3	25 (c)	20	100
4	25 (d)	20	100
5	25 (e)	20	100
6	29	20	250
7	30 (1)	20	250

Endnotes

Penalty units

- 1 The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Notification

- 2 Notified under the Legislation Act on 12 December 2002.
(see www.legislation.act.gov.au)

© Australian Capital Territory 2002