



Australian Capital Territory

Magistrates Court (Security Industry Infringement Notices) Regulations 2003

Subordinate Law SL2003-29

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

Dated 2 September 2003.

KATY GALLAGHER
Minister

BILL WOOD
Minister



Australian Capital Territory

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1 Name of regulations

These regulations are the *Magistrates Court (Security Industry Infringement Notices) Regulations 2003*.

2 Commencement

These regulations commence on the later of—

- (a) 3 September 2003; and
- (b) the day after their notification day.

Note The naming and commencement provisions 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 *Security Act*.

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 *Security Act*

In these regulations:

Security Act means the *Security Industry Act 2003*.

6 Administering authority

The administering authority for an infringement notice offence against the Security Act is the commissioner for fair trading.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the Security Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Security Act, 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 Security Act, 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 Security Act is \$34.

9 Contents of infringement notices—other information

- (1) An infringement notice served on a company by an authorised person for an infringement notice offence against the Security Act must include the company's ACN.

Note The requirement under this regulation is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this regulation:

company means a company registered under the Corporations Act.

10 Contents of infringement notices—identifying authorised person

An infringement notice served on a person by an authorised person for an infringement notice offence against the Security Act 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 Contents of reminder notices—identifying authorised person

A reminder notice served on a person by an authorised person for an infringement notice offence against the Security Act 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

A person authorised by the commissioner for fair trading under the *Fair Trading (Consumer Affairs) Act 1973*, section 9 may serve—

- (a) an infringement notice for an infringement notice offence against the Security Act; and
- (b) a reminder notice for an infringement notice offence against the Security Act.

Schedule 1 Security Act infringement notice offences and penalties

(see reg 7 and reg 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	section 10 (1)	50	500
2	section 38 (1)	50	500
3	section 39 (2)	20	150
4	section 40 (1)	30	200
5	section 41 (1)	10	100
6	section 42 (1)	10	100
7	section 43 (1)	50	500
8	section 44 (1)	50	500
9	section 45 (1)	50	500
10	section 47 (1)	5	50

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 2 September 2003.
(see www.legislation.act.gov.au)

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