



Australian Capital Territory

Magistrates Court (Security Industry Infringement Notices) Regulation 2003

SL2003-29

made under the

Magistrates Court Act 1930

Republication No 4

Effective: 2 June 2005 – 18 October 2006

Republication date: 2 June 2005

Last amendment made by A2005-20

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Security Industry Infringement Notices) Regulation 2003*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 June 2005. It also includes any amendment, repeal or expiry affecting the republished law to 2 June 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Magistrates Court Act 1930

Contents

	Page
1 Name of regulation	2
3 Purpose of regulation	2
4 Notes	2
5 Meaning of <i>Security Act</i>	2
6 Administering authority	2
7 Infringement notice offences	2
8 Infringement notice penalties	3
9 Contents of infringement notices—other information	3
10 Contents of infringement notices—identifying authorised person	3
11 Contents of reminder notices—identifying authorised person	4

R4
02/06/05

Magistrates Court (Security Industry Infringement Notices)
Regulation 2003

contents 1

Effective: 02/06/05-18/10/06

Contents

12	Authorised people for infringement notice offences	Page 4
Schedule 1	Security Act infringement notice offences and penalties	5
Endnotes		
1	About the endnotes	6
2	Abbreviation key	6
3	Legislation history	7
4	Amendment history	7
5	Earlier republications	8



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R4
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Magistrates Court (Security Industry Infringement Notices)
Regulation 2003

page 1

Effective: 02/06/05-18/10/06

1 Name of regulation

This regulation is the *Magistrates Court (Security Industry Infringement Notices) Regulation 2003*.

3 Purpose of regulation

The purpose of this regulation is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the Security Act.

Note The *Magistrates Court Act 1930*, pt 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.

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

5 Meaning of *Security Act*

In this regulation:

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 3.8 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 section is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

- (2) In this section:

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; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

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; or
- (b) any unique number given, for this regulation, to the authorised person by the administering authority.

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 s 7 and s 8)

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

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Magistrates Court (Security Industry Infringement Notices) Regulations 2003*. It was renamed under the *Legislation Act 2001*.

Magistrates Court (Security Industry Infringement Notices) Regulation 2003 SL2003-29

notified LR 2 September 2003
s 1, s 2 commenced 2 September 2003 (LA s 75 (1))
remainder commenced 3 September 2003 (s 2)

as amended by

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.47

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.47 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.38

notified LR 12 May 2005
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))
sch 3 pt 3.38 commenced 2 June 2005 (s 2 (1))

4 Amendment history

Name of regulation

s 1 am R2 LA

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am A2004-60 amdt 1.432, amdt 1.433

Infringement notice offences

s 7 am A2004-60 amdt 1.434

Contents of infringement notices—identifying authorised person

s 10 sub A2005-20 amdt 3.314

Contents of reminder notices—identifying authorised person

s 11 sub A2005-20 amdt 3.314

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 3 Sept 2003	3 Sept 2003– 31 Oct 2004	not amended	new regulation
R2 1 Nov 2004	1 Nov 2004– 9 Jan 2005	<u>A2004-60</u>	editorial amendments under Legislation Act
R3 10 Jan 2005	10 Jan 2005– 1 June 2005	A2004-60	amendments by A2004-60

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