



Australian Capital Territory

Magistrates Court (Hawkers Infringement Notices) Regulations 2003

Subordinate Law SL2003-37

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

Dated 29 October 2003.

BILL WOOD
Minister

JON STANHOPE
Minister



Australian Capital Territory

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1 Name of regulations

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

2 Commencement

These regulations commence on 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 provide for infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the Hawkers 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 *Hawkers Act*

In these regulations:

Hawkers Act means the *Hawkers Act 2003*.

6 Administering authority

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

7 Infringement notice offences

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

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the Hawkers 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 Hawkers 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 Hawkers 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 Hawkers 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 Hawkers Act must identify the authorised person by—

- (a) for an authorised person who is a police officer—the service number for the police officer; and
- (b) for an authorised person to whom the Act, section 41 (Identity cards) applies—
 - (i) any unique number given to the person by the administering authority under regulation 6 (Administering authority) for these regulations; or
 - (ii) the authorised person’s full name, or surname and initials.

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 Hawkers Act must identify the authorised person by—

- (a) for an authorised person who is a police officer—the service number for the police officer; and
- (b) for an authorised person to whom the Act, section 41 (Identity cards) applies—
 - (i) any unique number given to the person by the administering authority under regulation 6 (Administering authority) for these regulations; or
 - (ii) the authorised person’s full name, or surname and initials.

12 Authorised people for infringement notice offences

Anyone who is an authorised person under the Hawkers Act, section 40 (Authorised people), may serve—

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

Schedule 1 Hawkers 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)	30	200
2	section 11 (1)	10	100
3	section 11 (2)	10	100
4	section 12 (1)	10	100
5	section 12 (2)	10	100
6	section 13 (1)	10	100
7	section 13 (2)	10	100
8	section 14 (1)	10	100
9	section 15 (1)	10	100
10	section 15 (2)	10	100
11	section 16 (2)	5	50
12	section 16 (3)	5	50
13	section 26 (1)	5	50
14	section 32 (1)	5	50
15	section 37 (1)	5	50

Schedule 1 Hawkers Act infringement notice offences and penalties

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
16	section 37 (3)	5	50
17	section 42 (3)	5	50

Endnotes

1 Notification

Notified under the Legislation Act on 30 October 2003.
(see www.legislation.act.gov.au)

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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