



Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulations 2003

Subordinate Law SL2003-39

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

Dated 31 October 2003.

BILL WOOD
Minister

JON STANHOPE
Minister



Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulations 2003

Subordinate Law SL2003-39

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>Agents Act</i>	1
6 Administering authority	2
7 Infringement notice offences	2
8 Infringement notice penalties	2

Contents

		Page
9	Contents of infringement notices—other information	2
10	Contents of infringement notices—identifying authorised person	3
11	Contents of reminder notices—identifying authorised person	3
12	Authorised people for infringement notice offences	3
Schedule 1	Agents Act infringement notice offences and penalties	4

1 Name of regulations

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

2 Commencement

These regulations commence on 1 November 2003.

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 Agents 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 Agents Act

In these regulations:

Agents Act means the *Agents Act 2003*.

6 Administering authority

The administering authority for an infringement notice offence against the Agents 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 Agents Act mentioned in schedule 1, column 2.

8 Infringement notice penalties

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

- (a) any unique number given to the person by the administering authority under regulation 6 (Administering authority) for these regulations; and
- (b) 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 Agents Act must identify the authorised person by—

- (a) any unique number given to the person by the administering authority under regulation 6 (Administering authority) for these regulations; and
- (b) the authorised person’s full name, or surname and initials.

12 Authorised people for infringement notice offences

An investigator under the *Fair Trading (Consumer Affairs) Act 1973*, section 9 may serve—

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

Schedule 1 Agents Act infringement notice offences and penalties

(see reg 7 and reg 8)

column 1 item	column 2 provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	section 18 (1) (b) (i)	100	1000
2	section 19 (1) (b) (i)	100	1000
3	section 20 (1) (b) (i)	100	1000
4	section 21 (1) (b) (i)	100	1000
5	section 22 (1) (b) (i)	100	1000
6	section 69 (1)	100	500
7	section 69 (2)	100	500
8	section 70 (1)	100	500
9	section 70 (2)	100	500
10	section 74	50	500
11	section 75 (2)	50	500
12	section 77 (1)	100	1000
13	section 106	100	500
14	section 107 (2)	100	500
15	section 107 (3)	100	500

column 1 item	column 2 provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
16	section 108	100	1000
17	section 110	100	1000
18	section 115 (2)	50	500
19	section 124 (4)	20	100
20	section 127 (1)	50	500
21	section 127 (3)	50	500
22	section 127 (5)	30	300
23	section 128	50	500
24	section 133 (1)	200	2000
25	section 133 (2)	200	2000
26	section 133 (3)	200	2000
27	section 134	100	1000
28	section 202	30	150

Endnote

Notification

Notified under the Legislation Act on 31 October 2003.

(see www.legislation.act.gov.au)

© Australian Capital Territory 2003