



Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulations 2003

SL2003-39

made under the

Magistrates Court Act 1930

Republication No 2

Effective: 25 August 2004 – 2 November 2004

Republication date: 25 August 2004

Last amendment made by A2004-42

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Agents Infringement Notices) Regulations 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 25 August 2004. It also includes any amendment, repeal or expiry affecting the republished law to 25 August 2004.

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

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R2
25/08/04

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Effective: 25/08/04-02/11/04

1 Name of regulations

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

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; or
- (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; or
- (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
16	section 108	100	1000

Schedule 1 Agents Act infringement notice offences and penalties

column 1 item	column 2 provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
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

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
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
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

Endnotes

3 Legislation history

3 Legislation history

Magistrates Court (Agents Infringement Notices) Regulations 2003 SL2003-39

notified LR 31 October 2003

reg 1, reg 2 commenced 31 October 2003 (LA s 75 (1))

remainder commenced 1 November 2003 (reg 2)

as amended by

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.15

notified LR 11 August 2004

s 1, s 2 commenced 11 August 2004 (LA s 75 (1))

sch 3 pt 3.15 commenced 25 August 2004 (s 2 (1))

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Contents of infringement notices—identifying authorised person

reg 10 am A2004-42 amdt 3.81

Contents of reminder notices—identifying authorised person

reg 11 am A2004-42 amdt 3.81

5 Earlier replications

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

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

Replication No and date	Effective	Last amendment made by	Replication for
R1 1 Nov 2003	1 Nov 2003– 24 Aug 2004	not amended	new regulations

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