



Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulation 2003

SL2003-39

made under the

Magistrates Court Act 1930

Republication No 3

Effective: 3 November 2004 – 9 January 2005

Republication date: 3 November 2004

Last amendment made by A2004-60
(replication includes editorial amendments
under Legislation Act)

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Agents 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 3 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 3 November 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 includes 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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made under the

Magistrates Court Act 1930

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R3
03/11/04

Magistrates Court (Agents Infringement Notices)
Regulation 2003

contents 1

Effective: 03/11/04-09/01/05

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R3
03/11/04

Magistrates Court (Agents Infringement Notices)
Regulation 2003

page 1

Effective: 03/11/04-09/01/05

1 Name of regulation

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

U 3 Purpose of regulation

The purpose of this regulation 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 this regulation is explanatory and is not part of this regulation.

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

5 Meaning of Agents Act

In this regulation:

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.

U 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 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 Agents Act must identify the authorised person by—

- (a) any unique number given to the person by the administering authority for this regulation; 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 for this regulation; 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 s 7 and s 8)

column 1 item	column 2 provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	18 (1) (b) (i)	100	1000
2	19 (1) (b) (i)	100	1000
3	20 (1) (b) (i)	100	1000
4	21 (1) (b) (i)	100	1000
5	22 (1) (b) (i)	100	1000
6	69 (1)	100	500
7	69 (2)	100	500
8	70 (1)	100	500
9	70 (2)	100	500
10	74	50	500
11	75 (2)	50	500
12	77 (1)	100	1000
13	106	100	500
14	107 (2)	100	500
15	107 (3)	100	500
16	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	110	100	1000
18	115 (2)	50	500
19	124 (4)	20	100
20	127 (1)	50	500
21	127 (3)	50	500
22	127 (5)	30	300
23	128	50	500
24	133 (1)	200	2000
25	133 (2)	200	2000
26	133 (3)	200	2000
27	134	100	1000
28	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
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

Endnotes

3 Legislation history

3 Legislation history

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

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

notified LR 31 October 2003
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))
remainder commenced 1 November 2003 (s 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))

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.41

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.41 awaiting commencement (s 2 and see Court Procedures
Act 2004 A2004-59, s 2)

Note default commencement under s 2: 2 March 2005

4 Amendment history

Name of regulation

s 1 am R3 LA

Commencement

s 2 om LA s 89 (4)

Purpose of regulation

s 3 am A2004-60 amdt 1.414, amdt 1.415

Infringement notice offences

s 7 am A2004-60 amdt 1.416

Contents of infringement notices—identifying authorised person

s 10 am A2004-42 amdt 3.81

Contents of reminder notices—identifying authorised person

s 11 am A2004-42 amdt 3.81

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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Nov 2003	1 Nov 2003– 24 Aug 2004	not amended	new regulation
R2 25 Aug 2004	25 Aug 2004– 2 Nov 2004	A2004-42	amendments by A2004-42

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Court Procedures (Consequential Amendments) Act 2004
A2004-60 sch 1 pt 1.41**

Part 1.41 Magistrates Court (Agents Infringement Notices) Regulation 2003

[1.414] Section 3

omit

part 8

Endnotes

6 Uncommenced amendments

substitute

part 3.8

[1.415] Section 3, note

omit

pt 8

substitute

pt 3.8

[1.416] Section 7

omit

part 8

substitute

part 3.8

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