



Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulation 2003

SL2003-39

made under the

Magistrates Court Act 1930

Republication No 5

Effective: 1 January 2011 – 9 June 2015

Republication date: 1 January 2011

Last amendment made by [A2010-54](#)

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 1 January 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 January 2011.

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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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R5
01/01/11

Magistrates Court (Agents Infringement Notices)
Regulation 2003

contents 1

Effective: 01/01/11-09/06/15

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Australian Capital Territory

Magistrates Court (Agents Infringement Notices) Regulation 2003

made under the

Magistrates Court Act 1930

1 Name of regulation

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

3 Purpose of regulation

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

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 3.8 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 (Australian Consumer Law) Act 1992*, section 36 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
17	110	100	1000
18	115 (2)	50	500
19	124 (4)	20	100
20	127 (1)	50	500
21	127 (3)	50	500

Schedule 1Agents Act infringement notice offences and penalties

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.17

notified LR 16 December 2010
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))
sch 3 pt 3.17 commenced 1 January 2011 (s 2 (1))

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 persons 10 am [A2004-42](#) amdt 3.81**Contents of reminder notices—identifying authorised person**s 11 am [A2004-42](#) amdt 3.81**Authorised people for infringement notice offences**s 12 am [A2010-54](#) amdt 3.45**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
R3 3 Nov 2004	3 Nov 2004– 9 Jan 2005	A2004-60	editorial amendments under Legislation Act
R4 10 Jan 2005	10 Jan 2005– 31 Dec 2010	A2004-60	amendments by A2004-60

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