



Australian Capital Territory

# **Magistrates Court (Agents Infringement Notices) Regulation 2003**

**SL2003-39**

made under the

**Magistrates Court Act 1930**

**Republication No 7**

**Effective: 5 July 2019**

Republication date: 5 July 2019

Last amendment made by [SL2019-18](#)

## 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 5 July 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 5 July 2019.

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](http://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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Magistrates Court (Agents Infringement Notices) Regulation 2003

made under the

**Magistrates Court Act 1930**

## Contents

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	Page
1 Name of regulation	2
3 Purpose of regulation	2
4 Notes	2
5 Meaning of <i>Agents Act</i>	2
6 Administering authority	2
7 Infringement notice offences	2
8 Infringement notice penalties	3
9 Contents of infringement notices—other information	3
10 Contents of infringement notices—identifying authorised person	3
11 Contents of reminder notices—identifying authorised person	4

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R7  
05/07/19

Magistrates Court (Agents Infringement Notices)  
Regulation 2003  
Effective: 05/07/19

contents 1

Contents

---

12	Authorised people for infringement notice offences	Page 4
<b>Schedule 1</b>	<b>Agents Act infringement notice offences and penalties</b>	<b>5</b>
<b>Endnotes</b>		
1	About the endnotes	6
2	Abbreviation key	6
3	Legislation history	7
4	Amendment history	9
5	Earlier republications	10



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**Magistrates Court Act 1930**

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R7  
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page 1

**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 the following:

- (a) an infringement notice for an infringement notice offence against the [Agents Act](#);
- (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	22 (1) (b) (i)	100	1000
5	69 (1)	100	500
6	69 (2)	100	500
7	70 (1)	100	500
8	70 (2)	100	500
9	74	50	500
10	75 (2)	50	500
11	77 (1)	100	1000
12	106	100	500
13	107 (2)	100	500
14	107 (3)	100	500
15	108	100	1000
16	110	100	1000
17	115 (1)	50	500
18	124 (4)	20	100
19	127 (4)	50	500
20	127 (5)	30	300
21	128	50	500

column 1 item	column 2 provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
22	133 (1)	200	2000
23	133 (2)	200	2000
24	133 (3)	200	2000
25	134	100	1000

## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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
	reloc = relocated

div = division	renum = renumbered
exp = expires/expired	R[X] = Republication No
Gaz = gazette	RI = reissue
hdg = heading	s = section/subsection
IA = Interpretation Act 1967	sch = schedule
ins = inserted/added	sdiv = subdivision
LA = Legislation Act 2001	SL = Subordinate law
LR = legislation register	sub = substituted
LRA = Legislation (Republication) Act 1996	<u>underlining</u> = whole or part not commenced or to be expired
mod = modified/modification	

### 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))

## Endnotes

3 Legislation history

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sch 3 pt 3.17 commenced 1 January 2011 (s 2 (1))

**Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.11**

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 3 pt 3.11 commenced 10 June 2015 (s 2)

**Magistrates Court (Agents Infringement Notices) Amendment  
Regulation 2019 (No 1) SL2019-18**

notified LR 4 July 2019

s 1, s 2 commenced 4 July 2019 (LA s 75 (1))

remainder commenced 5 July 2019 (s 2)

## 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

**Authorised people for infringement notice offences**

s 12 am [A2010-54](#) amdt 3.45; [A2015-15](#) amdt 3.60, amdt 3.61

**Agents Act infringement notice offences and penalties**

sch 1 am [A2015-15](#) amdts 3.62-3.65; items renum R6 LA;  
[SL2019-18](#) s 4

## Endnotes

### 4 Earlier replications

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## 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. Electronic and printed versions of an authorised replication are identical.

<b>Replication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Replication for</b>
R1 1 Nov 2003	1 Nov 2003– 24 Aug 2004	not amended	new regulation
R2 25 Aug 2004	25 Aug 2004– 2 Nov 2004	<a href="#">A2004-42</a>	amendments by <a href="#">A2004-42</a>
R3 3 Nov 2004	3 Nov 2004– 9 Jan 2005	<a href="#">A2004-60</a>	editorial amendments under <a href="#">Legislation Act</a>
R4 10 Jan 2005	10 Jan 2005– 31 Dec 2010	<a href="#">A2004-60</a>	amendments by <a href="#">A2004-60</a>
R5 1 Jan 2011	1 Jan 2011– 9 June 2015	<a href="#">A2010-54</a>	amendments by <a href="#">A2010-54</a>
R6 10 June 2015	10 June 2015– 4 July 2019	<a href="#">A2015-15</a>	amendments by <a href="#">A2015-15</a>

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