



Australian Capital Territory

# **Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004**

**SL2004-24**

made under the

**Magistrates Court Act 1930**

**Republication No 1**

**Effective: 1 July 2004 – 1 November 2004**

Republication date: 1 July 2004

Regulations not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004*, 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 July 2004. It also includes any commencement, repeal or expiry affecting the republished law.

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 amendments

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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01/07/04

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**1 Name of regulations**

These regulations are the *Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004*.

**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 *Civil Law (Sale of Residential Property) Act 2003*.

*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 Administering authority**

The administering authority for an infringement notice offence against the *Civil Law (Sale of Residential Property) Act 2003* is the commissioner for fair trading.

**6 Infringement notice offences**

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the *Civil Law (Sale of Residential Property) Act 2003* mentioned in schedule 1, column 2.

**7 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the *Civil Law (Sale of Residential Property) Act 2003*, 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 *Civil Law (Sale of Residential Property) Act 2003*, 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 *Civil Law (Sale of Residential Property) Act 2003* is \$34.

## **8 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 *Civil Law (Sale of Residential Property) Act 2003* 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.

## **9 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 *Civil Law (Sale of Residential Property) Act 2003* must identify the authorised person by—

- (a) the authorised person's full name, or surname and initials; and
- (b) any unique number given to the person by the administering authority under regulation 5 (Administering authority) for these regulations.

**10 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 *Civil Law (Sale of Residential Property) Act 2003* must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) any unique number given to the person by the administering authority under regulation 5 (Administering authority) for these regulations.

**11 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 *Civil Law (Sale of Residential Property) Act 2003*; and
- (b) a reminder notice for an infringement notice offence against the *Civil Law (Sale of Residential Property) Act 2003*.



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## **Schedule 1      Civil Law (Sale of Residential Property) Act infringement notice offences and penalties**

(see reg 6 and reg 7)

| <b>column 1<br/>item</b> | <b>column 2<br/>offence provision</b> | <b>column 3<br/>offence penalty<br/>(penalty units)</b> | <b>column 4<br/>infringement<br/>penalty (\$)</b> |
|--------------------------|---------------------------------------|---|---|
| 1                        | section 10                            | 10  | 250   |
| 2                        | section 22 (1)                        | 5   | 100   |
| 3                        | section 28                            | 50  | 500   |
| 4                        | section 32                            | 50  | 500   |

## Endnotes

1 About the endnotes

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## 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<br>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<br>or to be expired |

### 3 Legislation history

#### **Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004 SL2004-24**

notified LR 30 June 2004

reg 1, reg 2 commenced 30 June 2004 (LA s 75 (1))

remainder commenced 1 July 2004 (reg 2)

### 4 Amendment history

#### **Commencement**

reg 2 om LA s 89 (4)

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