



Australian Capital Territory

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

**SL2004-24**

made under the

**Magistrates Court Act 1930**

**Republication No 5**

**Effective: 10 June 2015**

Republication date: 10 June 2015

Last amendment made by [A2015-15](#)

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) Regulation 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 10 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 June 2015.

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 \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



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made under the

**Magistrates Court Act 1930**

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R5  
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Magistrates Court (Sale of Residential Property  
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page 1

Effective: 10/06/15

**1 Name of regulation**

This regulation is the *Magistrates Court (Sale of Residential Property Infringement Notices) Regulation 2004*.

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

*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 the *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 3.8 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 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*.

## 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; or

- (b) any unique number given to the person by the administering authority for this regulation.

**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; or
- (b) any unique number given to the person by the administering authority for this regulation.

**11 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 *Civil Law (Sale of Residential Property) Act 2003*;
- (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 s 6 and s 7)

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement 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 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
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

### 3 Legislation history

This regulation was originally the *Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004*. It was renamed under the *Legislation Act 2001*.

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

notified LR 30 June 2004  
s 1, s 2 commenced 30 June 2004 (LA s 75 (1))  
remainder commenced 1 July 2004 (s 2)

as amended by

#### **Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.37**

notified LR 12 May 2005  
s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))  
sch 3 pt 3.37 commenced 2 June 2005 (s 2 (1))

#### **Fair Trading (Australian Consumer Law) Amendment Act 2010 A2010-54 sch 3 pt 3.18**

notified LR 16 December 2010  
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))  
sch 3 pt 3.18 commenced 1 January 2011 (s 2 (1))

#### **Statute Law Amendment Act 2015 A2015-15 sch 3 pt 3.35**

notified LR 27 May 2015  
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))  
sch 3 pt 3.35 commenced 10 June 2015 (s 2)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### **Name of regulation**

s 1 am R2 LA

#### **Commencement**

s 2 om LA s 89 (4)

#### **Contents of infringement notices—identifying authorised person**

s 9 am [A2005-20](#) amdt 3.313

#### **Contents of reminder notices—identifying authorised person**

s 10 am [A2005-20](#) amdt 3.313

#### **Authorised people for infringement notice offences**

s 11 am [A2010-54](#) amdt 3.46; [A2015-15](#) amdt 3.125, amdt 3.126

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

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 July 2004	1 July 2004– 1 Nov 2004	not amended	new regulation
R2 2 Nov 2004	2 Nov 2004– 1 June 2005	not amended	editorial amendments under <a href="#">Legislation Act</a>
R3 2 June 2005	2 June 2005– 31 Dec 2010	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a>
R4 1 Jan 2011	1 Jan 2011– 9 June 2015	<a href="#">A2010-54</a>	amendments by <a href="#">A2010-54</a>

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