



Australian Capital Territory

Magistrates Court (Construction Occupations Infringement Notices) Regulations 2004

Subordinate Law SL2004-38

The Australian Capital Territory Executive makes the following regulations under the *Magistrates Court Act 1930*.

Dated 26 August 2004.

JON STANHOPE
Minister

BILL WOOD
Minister

2003 085S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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1 Name of regulations

These regulations are the *Magistrates Court (Construction Occupations Infringement Notices) Regulations 2004*.

2 Commencement

These regulations commence on the commencement of the *Construction Occupations (Licensing) Act 2004*, section 6.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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 construction occupations legislation.

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 Meaning of *construction occupations legislation*

In these regulations:

construction occupations legislation means the *Construction Occupations (Licensing) Act 2004*.

6 Administering authority

The administering authority for an infringement notice offence against the construction occupations legislation is the construction occupations registrar.

7 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the construction occupations legislation mentioned in schedule 1, column 2.

8 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the construction occupations legislation, 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 construction occupations legislation, 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 construction occupations legislation is \$34.

9 Contents of infringement notices—other information

An infringement notice served on a person by an authorised person for an infringement notice offence against the construction occupations legislation must include—

- (a) if the person is a company registered under the Corporations Act—the company’s ACN; or
- (b) if the person is a partner in a partnership—the partnership’s name.

Note The requirement under this regulation is additional to the requirement under the *Magistrates Court Act 1930*, s 121 (1) (c).

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 construction occupations legislation must identify the authorised person—

- (a) by—
 - (i) the authorised person’s full name, or surname and initials; and
 - (ii) the position held by the authorised person as it appears on the authorised person’s identity card; or
- (b) by any unique number given, for these regulations, to the authorised person by the administering authority.

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 construction occupations legislation must identify the authorised person—

- (a) by—
 - (i) the authorised person’s full name, or surname and initials; and
 - (ii) the position held by the authorised person as it appears on the authorised person’s identity card; or
- (b) by any unique number given, for these regulations, to the authorised person by the administering authority.

Schedule 1 Construction occupations infringement notice offences and penalties

(see reg 7 and reg 8)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty unit)	column 4 infringement penalty (\$)
1	section 81	50	1 250
2	section 84	50	1 250

Endnotes

1 Notification

Notified under the Legislation Act on 31 August 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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