



Australian Capital Territory

# **Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024**

**SL2024-12**

made under the

**Magistrates Court Act 1930**

**Republication No 1**

**Effective: 16 July 2024**

Republication date: 16 July 2024

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024*, 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 16 July 2024. It also includes any commencement, repeal or expiry affecting this 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, 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 (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024

made under the

**Magistrates Court Act 1930**

## Contents

---

		Page
1	Name of regulation	2
2	Dictionary	2
3	Notes	2
4	Purpose of regulation	2
5	Administering authority	2
6	Infringement notice offence	3
7	Infringement notice penalty	3
8	Contents of infringement notices—identifying authorised person	3
9	Contents of infringement notices—other information	3

---

R1  
16/07/24

Magistrates Court (Fair Trading Australian Consumer  
Law Infringement Notices) Regulation 2024

contents 1

Effective: 16/07/24

## Contents

---

	Page	
10	Contents of reminder notices—identifying authorised person	4
11	Authorised person for infringement notice offences	4
12	Prescribed person—Act, s 135 (1)	4
 <b>Dictionary</b>		 5
 <b>Endnotes</b>		
1	About the endnotes	6
2	Abbreviation key	6
3	Legislation history	7



Australian Capital Territory

# Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024

---

made under the

**Magistrates Court Act 1930**

---

---

R1  
16/07/24

Magistrates Court (Fair Trading Australian Consumer  
Law Infringement Notices) Regulation 2024

page 1

Effective: 16/07/24

**1 Name of regulation**

This regulation is the *Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024*.

**2 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

**4 Purpose of regulation**

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for an offence against the relevant provision.

*Note* The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various territory laws. The infringement notice system is intended to provide an alternative to prosecution.

**5 Administering authority**

The administering authority for an infringement notice offence against the relevant provision is the commissioner for fair trading.

**6 Infringement notice offence**

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against the relevant provision.

**7 Infringement notice penalty**

- (1) The penalty payable by an individual for an offence against the relevant provision, under an infringement notice for the offence, is \$960.
- (2) The penalty payable by a corporation for an offence against the relevant provision, under an infringement notice for the offence, is \$4 800.
- (3) The cost of serving a reminder notice for an infringement notice offence against the relevant provision is \$34.

**8 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 relevant provision must identify the authorised person by—

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

**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 relevant provision must include the company’s ACN.

*Note* This 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 reminder notices—identifying authorised person**

A reminder notice served on a person by an authorised person for an infringement notice offence against the relevant provision must identify the authorised person by—

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

**11 Authorised person for infringement notice offences**

An authorised person may serve the following:

- (a) an infringement notice for an infringement notice offence against the relevant provision;
- (b) a reminder notice for an infringement notice offence against the relevant provision.

**12 Prescribed person—Act, s 135 (1)**

A public servant is prescribed.



## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions relevant to this regulation. For example:

- corporation
- [Corporations Act](#)
- individual
- public servant.

*Note 2* Terms used in this regulation have the same meaning that they have in the [Magistrates Court Act 1930](#). For example, the following terms are defined in that Act, dict:

- administering authority
- infringement notice
- infringement notice offence
- infringement notice penalty
- reminder notice.

***authorised person*** means an investigator appointed under the [Fair Trading \(Australian Consumer Law\) Act 1992](#), section 36.

***relevant provision*** means the [Fair Trading \(Australian Consumer Law\) Act 1992](#), section 34GA (1).

## Endnotes

1 About the endnotes

---

## 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 made as part of the *Housing and Consumer Affairs Legislation Amendment Act 2024* (see A2024-29, s 5 and sch 2) and is taken to have been made under the *Magistrates Court Act 1930* A1930-21 (see A2024-29, s 5 (1)).

#### **Magistrates Court (Fair Trading Australian Consumer Law Infringement Notices) Regulation 2024 SL2024-12**

taken to have been notified LR 9 July 2024 (A2024-29 s 5 (2) (a))  
s 1 commenced 9 July 2024 (LA s 75 (1))  
remainder commenced 16 July 2024 (A2024-29 s 5 (2) (b))

© Australian Capital Territory 2024