

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

Magistrates Court (Construction Occupations Infringement Notices) Regulations 2003

Subordinate Law SL2003-

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

Dated 2003.

Minister

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 2003*.

2 Commencement

These regulations commence on the commencement of the *Construction Occupations (Licensing) Act 2003*, section 6 (What is a *construction practitioner*?).

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

3 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.

4 Purpose of regulations

The purpose of these regulations is to apply the system of infringement notices under the *Magistrates Court Act 1930*, part 8, to 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.

5 Meaning of *construction occupations legislation*

(1) In these regulations:

construction occupations legislation means—

- (a) the *Construction Occupations (Licensing) Act 2003*; and
- (b) each operational Act.

(2) In this regulation:

operational Act—see *Construction Occupations (Licensing) Act 2003*, section 16.

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 Act, part 8 applies to an offence against the following provisions of the *Construction Occupations (Licensing) Act 2003*:

- section 83 (Pretending to be licensed)
- section 86 (Certain entities not to provide construction services).

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 3 for the offence.
- (2) The penalty payable by a corporation for an offence against the construction occupation legislation, under an infringement notice for the offence, is 5 times the amount mentioned in schedule 1, column 3 for the offence.
- (3) The cost of serving a reminder notice for an infringement notice offence against the construction occupations legislation is \$34.

9 Identifying particulars for person served

An infringement notice served on an entity by an authorised person for an infringement notice offence against the construction occupations legislation must identify the entity as follows:

- (a) if the entity is a corporation registered under the Corporations Act—by the ACN;
- (b) if the entity is a partnership—by the partnership's name.

10 Identifying particulars for authorised person for infringement notice

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 by—

- (a) the authorised person's full name, or surname and initials; and
- (b) the position held by the authorised person as it appears on the authorised person's identity card.

11 Identifying particulars for authorised person for reminder notice

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 by—

- (a) the authorised person's full name, or surname and initials; and
- (b) the position held by the authorised person as it appears on the authorised person's identity card.

12 Costs for beginning proceeding—Act, s 134 (3) (b)

The costs for beginning the proceeding are \$200.

Schedule 1 Construction occupations legislation infringement notice offences and penalties

(see reg 8)

column 1 item	column 2 offence provision	column 3 infringement penalty (\$)
1	Act, s 83	1250
2	Act, s 85	100

Endnote

Notification

Notified under the Legislation Act on 2003.
(see www.legislation.act.gov.au)