

2003

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT
(CONSTRUCTION OCCUPATIONS INFRINGEMENT NOTICES)
REGULATIONS 2003
EXPOSURE DRAFT

EXPLANATORY STATEMENT

Circulated by the authority of the
Minister for Planning

MAGISTRATES COURT (CONSTRUCTION OCCUPATIONS INFRINGEMENT NOTICES) REGULATIONS 2003 – EXPOSURE DRAFT

PURPOSE

The *Magistrates Court (Construction Occupations Infringement Notices) Regulations 2003* are made under the *Magistrates Court Act 1930, Part 8*. Their purpose is to create a system of infringement notices for certain offences in relation to the enforcement of the construction occupations licensing requirements.

BACKGROUND

These regulations will compliment the disciplinary scheme that is proposed in the *Construction Occupations Licensing Bill 2003 Exposure Draft*. These exposure draft regulations form part of a broader reform package to the regulation of licensed trades within the building and construction industry.

DETAILS OF THE REGULATIONS

Clause 1 provides that the name of the regulations is the *Magistrates Court (Construction Occupations Infringement Notices) Regulations 2002*.

Clause 2 provides that the commencement date of the regulations will be the day after their notification.

Clause 3 explains that notes within the regulations are only explanatory and do not form part of the regulations.

Clause 4 provides that the purpose of the regulations is to create a system of infringement notices for certain offences in relation to the enforcement of the regulatory scheme proposed in the *Construction Occupations Licensing Bill 2003 Exposure Draft*.

Clause 5 defines the meaning of **construction occupation legislation and operation Act**.

Clause 6 stipulates that the administering authority for the infringement notice offences is the construction occupations registrar, which is a position specified in the *Construction Occupations Licensing Bill 2003 Exposure Draft*.

Clause 7 enables an infringement notice to be issued under the *Magistrates Court Act 1930, Part 8*, for offences under section 83 and 86 of the *Construction Occupations (Licensing) Act 2003*. These offences are pretending to be licensed, and providing a construction service without a licence.

Clause 8 specifies that the penalties payable by an individual or a corporation for an offence specified under regulation 7 are listed in schedule 1 to the regulations. Penalties for an offence against the regulations by a corporation are 5 times that applicable for an individual. Clause 8 also provides that the cost for the issue of a reminder notice for an infringement notice offence is \$34.

Clause 9 provides that the infringement notice served on a person for an infringement notice offence against the must identify –

- a) in the case of a company registered under the *Corporations Act 2001* (Cwlth), its ACN;
- b) in the case of a partnership, by the partner's name.

Clause 10 provides that an infringement notice served on a person for an infringement notice offence against the regulations by an authorised person must also identify -

- a) the authorised person's full name, or surname and initials; and
- b) the authorised person's identity card number.

Clause 11 provides that a reminder notice served on a person for an infringement notice offence against the regulations by an authorised person must also identify -

- a) the authorised person's full name, or surname and initials; and
- b) the authorised person's identity card number.

Clause 12 specifies that the cost for beginning proceedings under section 134(3)(b) of the *Magistrates Court Act 1930* is \$200.

Schedule 1

Provides for the construction occupations regulations infringement notice offences and penalties under clause 8 of these regulations.

FINANCIAL IMPLICATIONS

Nil