

2004

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY STATEMENT

MAGISTRATES COURT (CONSTRUCTION OCCUPATIONS INFRINGEMENT NOTICES) REGULATIONS 2004

Subordinate Law SL2004-38

Circulated by the authority of
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Background and Outline

Part 8 of the *Magistrates Court Act 1930* provides for the issue of infringement notices for offences listed in regulations. The Magistrates Court (Construction Occupations Infringement Notices) Regulations 2004 (the regulations) enable infringement notices to be issued for certain offences in the *Construction Occupations (Licensing) Act 2004*.

The Construction Occupations (Licensing) Act provides a single licensing and disciplinary regime for builders, electricians, plumbers, drainers, gasfitters, building surveyors and plumbing plan certifiers. The regulations complement the disciplinary scheme of the Construction Occupations (Licensing) Act.

The regulations enable infringement notices to be issued when persons represent themselves as a licensed person when they are not, or when they provide a service in a construction occupation or occupation class without holding a licence or without having an endorsement in the licence to authorise the provision of the service.

Clause notes

Regulation 1 provides for the name of the regulations.

Regulation 2 provides that the regulations commence on the commencement of section 6 of the Construction Occupations (Licensing) Act, which is 1 September 2004.

Regulation 3 provides that the purpose of the regulations is to create a system of infringement notices under the *Magistrates Court Act 1930*, part 8 for certain offences against the construction occupations legislation.

Regulation 4 explains that notes within the regulations are explanatory and do not form part of the regulations.

Regulation 5 defines the meaning of *construction occupations legislation* as the *Construction Occupations (Licensing) Act 2004*.

Regulation 6 provides that the administering authority for the infringement notice offences is the construction occupations registrar, which is a position specified in the *construction occupations legislation*.

Regulation 7 enables infringement notices to be issued for offences listed in schedule 1, column 2. These offences are pretending to be licensed, and providing a construction service without a licence.

Regulation 8 provides that the penalties for the offences in schedule 1 are listed in column 4 of the schedule. The penalties for corporations are five times the amounts listed in column 4 of the schedule. Regulation 8 also provides that the cost for the issue of a reminder notice for an infringement notice offence is \$34.

Regulation 9 provides that an infringement notice served on a company that is a corporation registered under the Corporations Act must include the company's ACN. Where an infringement notice is issued on a partner in a partnership, the notice must include the partnership's name.

Regulation 10 provides that an infringement notice must identify the authorised person who served the notice by the authorised person's full name, or surname and initials, and the position held by the authorised person as it appears in his or her identity card, or by any unique number given to the authorised person by the administering authority.

Regulation 11 provides that a reminder notice served on a person for an infringement notice offence must identify the authorised person who served the notice by the authorised person's full name, or surname and initials, and the position held by the authorised person as it appears in his or her identity card, or by any unique number given to the authorised person by the administering authority.

Schedule 1 lists the infringement notice offences and penalties under regulations 7 and 8.