



Australian Capital Territory

Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004

Subordinate Law SL2004-24

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

Dated 30 June 2004.

JON STANHOPE
Minister

TED QUINLAN
Minister



Australian Capital Territory

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1 Name of regulations

These regulations are the *Magistrates Court (Sale of Residential Property Infringement Notices) Regulations 2004*.

2 Commencement

These regulations commence on 1 July 2004.

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 *Civil Law (Sale of Residential Property) Act 2003*.

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 Administering authority

The administering authority for an infringement notice offence against the *Civil Law (Sale of Residential Property) Act 2003* is the commissioner for fair trading.

6 Infringement notice offences

The *Magistrates Court Act 1930*, part 8 applies to an offence against a provision of the *Civil Law (Sale of Residential Property) Act 2003* mentioned in schedule 1, column 2.

7 Infringement notice penalties

- (1) The penalty payable by an individual for an offence against the *Civil Law (Sale of Residential Property) Act 2003*, 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 *Civil Law (Sale of Residential Property) Act 2003*, 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 *Civil Law (Sale of Residential Property) Act 2003* is \$34.

8 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 *Civil Law (Sale of Residential Property) Act 2003* must include the company's ACN.

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

- (2) In this regulation:

company means a company registered under the Corporations Act.

9 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 *Civil Law (Sale of Residential Property) Act 2003* must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) any unique number given to the person by the administering authority under regulation 5 (Administering authority) for these regulations.

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 *Civil Law (Sale of Residential Property) Act 2003* must identify the authorised person by—

- (a) the authorised person’s full name, or surname and initials; and
- (b) any unique number given to the person by the administering authority under regulation 5 (Administering authority) for these regulations.

11 Authorised people for infringement notice offences

An investigator under the *Fair Trading (Consumer Affairs) Act 1973*, section 9 may serve—

- (a) an infringement notice for an infringement notice offence against the *Civil Law (Sale of Residential Property) Act 2003*; and
- (b) a reminder notice for an infringement notice offence against the *Civil Law (Sale of Residential Property) Act 2003*.

Schedule 1 Civil Law (Sale of Residential Property) Act infringement notice offences and penalties

(see reg 6 and reg 7)

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	section 10	10	250
2	section 22 (1)	5	100
3	section 28	50	500
4	section 32	50	500

Endnotes

1 Notification

Notified under the Legislation Act on 30 June 2004.

2 Republications of amended laws

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