



New South Wales

# Fair Trading (Penalty Notices) Regulation 1998

under the  
Fair Trading Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

BRIAN LANGTON, M.P.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the *Fair Trading (Penalty Notices) Regulation 1993*. The new Regulation prescribes the offences under sections 32 (1) and 40 (1) of the *Fair Trading Act 1987* as offences that may be dealt with by way of penalty notice, specifies the short descriptions to be used in connection with those offences for the purposes of section 145B of the *Justices Act 1902* and specifies the penalties payable for those offences when dealt with by way of penalty notice.

This Regulation relates to matters of a machinery nature.

This Regulation is made under the *Fair Trading Act 1987* (including sections 64 and 92) and section 145B of the *Justices Act 1902*.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Fair Trading (Penalty Notices) Regulation 1998

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## Fair Trading (Penalty Notices) Regulation 1998

### 1 Name of Regulation

This Regulation is the *Fair Trading (Penalty Notices) Regulation 1998*.

### 2 Commencement

This Regulation commences on 1 September 1998.

### 3 Definition

In this Regulation:

*the Act* means the *Fair Trading Act 1987*.

### 4 Notes

The explanatory note and table of contents do not form part of this Regulation.

### 5 Penalty notice offences: section 64

For the purposes of section 64 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

### 6 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

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- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

### 7 Repeal

The *Fair Trading (Penalty Notices) Regulation 1993* is repealed.

Fair Trading (Penalty Notices) Regulation 1998

Penalty notice offences

Schedule 1

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## Schedule 1 Penalty notice offences

(Clauses 5 and 6)

Column 1	Column 2	Column 3
<b>Offences under the Act</b>		
Section 32 (2)	supply goods contra to interim/permanent order under sec 30/31	\$500
Section 40 (1)	sell goods at price greater than lower/lowest marked price	\$200