

Australian Capital Territory

Magistrates Court (Building Infringement Notices) Amendment Regulation 2024 (No 1)

Subordinate law SL2024–2

made under the

Magistrates Court Act 1930

EXPLANATORY STATEMENT

This explanatory statement relates to the *Magistrates Court (Building Infringement Notices) Amendment Regulation 2024 (No 1)* (the regulation) as made by the Executive.

It has been prepared to assist the reader of the regulation. It does not form part of the regulation and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW

The regulation is being made in accordance with part 3.8 of the *Magistrates Court Act 1930* and will enable infringement notices to be issued for certain offences against the *Building Act 2004* (the Building Act).

Infringement notices under the *Magistrates Court Act 1930* are an additional compliance mechanism which allows the Construction Occupations Registrar to issue a notice to a person who has committed a strict liability offence under the Building Act. This can be an efficient and more cost-effective alternative to respond to breaches of the Act, rather than seeking a prosecution.

It should be noted that paying an infringement notice is not an acceptance of guilt. If a person declines to pay an infringement notice, the Construction Occupations Registrar has the discretion to either proceed with a prosecution or cease action.

There are currently only a small number of infringement notices for the Building Act set out in the *Magistrates Court (Building Infringement Notices) Regulation 2008*. This regulation includes a range of additional infringement notices.

A regulatory impact statement is not required for this regulation as it is amending an existing regulation, not imposing new regulation on the community.

CONSISTENCY WITH HUMAN RIGHTS

Assessment has already been undertaken during the development of the regulation, and due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004*.

SUMMARY OF CLAUSES

Clause 1 Name of regulation

This clause provides that the name of the regulation is the *Magistrates Court (Building Infringement Notices) Amendment Regulation 2024 (No 1)*.

Clause 2 Commencement

This clause provides for the commencement of the regulation on 1 March 2024.

Clause 3 Legislation amended

This clause provides that the regulation amends the *Magistrates Court (Building Infringement Notices) Regulation 2008*.

Clause 4 Schedule 1, part 1.1

This clause provides the schedule of offence provisions, offence penalties (penalty units) and infringement penalties, for offences under the *Building Act 2004*.