



Australian Capital Territory

# Magistrates Court (Building Infringement Notices) Regulation 2008

Subordinate Law SL2008-10

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

Dated 27 March 2008.

SIMON CORBELL  
Minister

KATY GALLAGHER  
Minister

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**Magistrates Court Act 1930**

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**1 Name of regulation**

This regulation is the *Magistrates Court (Building Infringement Notices) Regulation 2008*.

**2 Commencement**

This regulation commences on the commencement of the *Building Legislation Amendment Act 2007*, schedule 1, part 1.1, amendment 1.46.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Purpose of regulation**

The purpose of this regulation is to provide for infringement notices under the *Magistrates Court Act 1930*, part 3.8 for certain offences against the building legislation.

*Note* The *Magistrates Court Act 1930*, pt 3.8 provides a system of infringement notices for offences against various Acts. The infringement notice system is intended to provide an alternative to prosecution.

**4 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## **5 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

## **6 Administering authority**

The administering authority for an infringement notice offence against the building legislation is the construction occupations registrar.

## **7 Infringement notice offences**

The *Magistrates Court Act 1930*, part 3.8 applies to an offence against a provision of the building legislation mentioned in schedule 1, column 2.

## **8 Infringement notice penalties**

- (1) The penalty payable by an individual for an offence against the building legislation, 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 building legislation, 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 building legislation is \$34.

**9 Contents of infringement notices—other information**

An infringement notice served on a person by an authorised person for an infringement notice offence against the building legislation must include—

- (a) if the person is a company registered under the Corporations Act—the company’s ACN; or
- (b) if the person is a partner in a partnership—the partnership’s name.

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

**10 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 building legislation must identify the authorised person by—

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

**11 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 building legislation must identify the authorised person by—

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

## 12 Authorised people for infringement notice offences

- (1) An inspector may serve—
- (a) an infringement notice for an infringement notice offence against the building legislation; and
  - (b) a reminder notice for an infringement notice offence against the building legislation.

*Note* For how documents may be served, see the Legislation Act, pt 19.5.

- (2) In this section:

**builder**—see the *Construction Occupations (Licensing) Act 2004*, section 8.

**building surveyor**—see the *Construction Occupations (Licensing) Act 2004*, section 9.

**construction occupation**—see the *Construction Occupations (Licensing) Act 2004*, section 7.

**inspector** means—

- (a) a building inspector under the *Building Act 2004*; or
- (b) a compliance auditor under the *Construction Occupations (Licensing) Act 2004*; or
- (c) a deputy registrar appointed under the *Construction Occupations (Licensing) Act 2004*, section 106 for the construction occupation of builder; or
- (d) a deputy registrar appointed under the *Construction Occupations (Licensing) Act 2004*, section 106 for the construction occupation of building surveyor.



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## **Schedule 1      Building legislation infringement notice offences and penalties**

(see s 7 and s 8)

### **Part 1.1              Building Act 2004**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	50B (1)	60	1200
2	50B (2) (b) (ii)	60	1200

### **Part 1.2              Building (General) Regulation 2008**

<b>column 1 item</b>	<b>column 2 offence provision</b>	<b>column 3 offence penalty (penalty units)</b>	<b>column 4 infringement penalty (\$)</b>
1	49	10	1000

## Dictionary

(see s 4)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- construction occupations registrar
- corporation
- Corporations Act
- individual.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Magistrates Court Act 1930* (see Legislation Act, s 148). For example, the following terms are defined in the *Magistrates Court Act 1930*, dict:

- administering authority
- authorised person
- infringement notice
- infringement notice offence
- reminder notice.

***building legislation*** means—

- (a) the *Building Act 2004*; and
- (b) the *Building (General) Regulation 2008*.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 28 March 2008.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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