



Australian Capital Territory

Magistrates Court (Building Infringement Notices) Regulation 2008

SL2008-10

made under the

Magistrates Court Act 1930

Republication No 1

Effective: 31 March 2008 – 30 June 2012

Republication date: 31 March 2008

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Magistrates Court (Building Infringement Notices) Regulation 2008*, made under the *Magistrates Court Act 1930* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 31 March 2008. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Magistrates Court (Building Infringement Notices)
Regulation 2008

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Effective: 31/03/08-30/06/12

1 Name of regulation

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

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.

Schedule 1 Building legislation infringement notice offences and penalties

(see s 7 and s 8)

Part 1.1 Building Act 2004

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

Part 1.2 Building (General) Regulation 2008

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
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*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 **Legislation history**

Magistrates Court (Building Infringement Notices) Regulation 2008 SL2008-10

notified LR 28 March 2008

s 1, s 2 commenced 28 March 2008 (LA s 75 (1))

remainder commenced 31 March 2008 (s 2 and see Building
Legislation Amendment Act 2007 A2007-26 s 2, Planning and
Development Act 2007 A2007-24, s 2 and CN2008-1)

4 **Amendment history**

Commencement

s 2 om LA s 89 (4)

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