



Australian Capital Territory

# **Magistrates Court (Building Infringement Notices) Regulation 2008**

**SL2008-10**

made under the

**Magistrates Court Act 1930**

**Republication No 2**

**Effective: 1 July 2012 – 9 June 2015**

Republication date: 1 July 2012

Last amendment made by [A2011-54](#)

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 1 July 2012. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2012.

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](http://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 changes

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 includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

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made under the

**Magistrates Court Act 1930**

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R2  
01/07/12

Magistrates Court (Building Infringement Notices)  
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# Magistrates Court (Building Infringement Notices) Regulation 2008

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**Magistrates Court Act 1930**

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R2  
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page 1

Effective: 01/07/12-09/06/15

**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	37A (6)	5	100
2	37B (5)	5	100
3	50B (1)	60	1200
4	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

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## 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

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## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<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](#))

as amended by

#### **[Planning and Building Legislation Amendment Act 2011 \(No 2\)](#) A2011-54 pt 5**

notified LR 13 December 2011

s 1, s 2 commenced 13 December 2011 (LA s 75 (1))

pt 5 commenced 1 July 2012 (s 2 and [CN2012-11](#))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Building Act 2004**

sch 1 pt 1.1 am [A2011-54](#) s 9; items renum R2 LA

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 31 Mar 2008	31 Mar 2008– 30 June 2012	not amended	new regulation

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