

Building Regulation News Updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring in the industry, Building Code of Australia (BCA) and its referenced documents and legislation.

Penalty Units and Other Penalties Amendment Act 2007

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Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Bill 2007

Purpose

- 1 To advise that the value of a penalty unit has increased as a consequence of *Penalty Units and Other Penalties Amendment Act 2007***
- 2 Early notification that changes to the *Building Act 2000* will occur in April 2008**

Background

1 The *Penalty Units and Other Penalties Act 1987* sets the penalties applicable for offences under Tasmanian legislation including a number of acts and regulations that the Department of Justice has administrative responsibility for. This includes the *Building Act 2000* and the *Building Regulations 2004* and *Plumbing Regulations 2004*.

Since 1987 one penalty unit has been set at \$100 but the legislation was amended in Parliament during July 2007 and now sets one penalty unit at the sum of \$120. The amendment to the legislation received Royal Assent and commenced on 24 October 2007.

The amending legislation also features a provision to enable penalty units to be indexed annually to keep pace with inflation. However each increase will be rounded to the nearest \$10 thus making for easier calculation of penalties to be applied. A notice will be published on or before 1 July each year in the *Gazette* specifying the value of a penalty unit for the following financial year.

All inspectors, Permit Authorities and other staff involved in the issuing or processing of infringement notices need to be mindful of the recent change and apply the new amount in any infringement notice that is issued.

2 The purpose of **Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Bill 2007** is to make changes to approximately 50 acts and regulations to allow for the commencement of the *Monetary Penalties Enforcement Act 2005* next year. The commencement of Act will change the way infringement notices and fines are enforced in Tasmania. The Monetary Penalties Enforcement Act 2005 includes provisions which standardise the form of infringement notice, the options available for the alleged offender who has been issued with the infringement notice, the time within which the options must be exercised and the

consequences of exercising each option. Where there was once a multitude of acts and regulations all dealing with processes to be followed on the issue of an infringement notice, often with small differences, there is now one act to ensure uniformity. As a result, this bill repeals all the redundant procedural sections from various acts and regulations.

A number of amendments to the *Building Act 2000* are proposed under the Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Bill 2007. These changes will remove some of the procedural detail about the issue of infringement notices including the approved form. The new Act does not remove the right to issue infringement notices under the Building Act nor the allocation of fines, but does put a central fines enforcement regime for all legislation in place.

This information is being provided at this stage as it is expected the changes will come into force around April 2008. The format of infringement notices will be standardised and no longer be an Approved Form under the Building Act. Therefore if any Council is considering printing new infringement notice books before that date they should make further enquiries.

For further information contact the Workplace Standards Tasmania Helpline:

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