



New South Wales

Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020

under the

Residential Apartment Buildings (Compliance and Enforcement Powers)
Act 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The objects of this Regulation are as follows—

- (a) to prescribe offences under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* that may be dealt with by way of penalty notice and the penalty amounts payable,
- (b) to enable local councils to enter into information sharing arrangements with the Secretary of the Department of Customer Service.

This Regulation is made under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, including sections 57, 65(7) (paragraph (b) of the definition of **relevant agency**) and 68 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature.

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Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020

under the

Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020

1 Name of Regulation

This Regulation is the *Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020*.

2 Commencement

This Regulation commences on 1 September 2020 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation—

the Act means the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Exchange of information

For the purposes of paragraph (b) of the definition of *relevant agency* in section 65(7) of the Act, a local council is prescribed.

Schedule 1 Penalty notice offences

1 Application of Schedule

- (1) For the purposes of section 57 of the Act—
- (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
- (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Column 1	Column 2	Column 3
Provision	Penalty— individuals	Penalty— corporations
Offences under the Act		
Section 7	\$3,000	\$11,000
Section 8	\$1,500	\$5,500
Section 9(7)	\$3,000	\$11,000
Section 37(2)	—	\$220
Section 45(2)	—	\$220