



New South Wales

# Building Professionals Amendment (Inspections and Penalty Notices) Regulation 2009

under the

Building Professionals Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Building Professionals Act 2005*.

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## Explanatory note

The object of this Regulation is to amend the *Building Professionals Regulation 2007*:

- (a) to authorise persons holding certain categories of accreditation to carry out certain inspections under the *Environmental Planning and Assessment Act 1979*, *Strata Schemes (Freehold Development) Act 1973* and the *Strata Schemes (Leasehold Development) Act 1986* as a consequence of the enactment of the *Environmental Planning and Assessment Amendment Act 2008*, and
- (b) to require records to be kept by accredited certifiers of certain inspections carried out under the *Environmental Planning and Assessment Act 1979*, and
- (c) to prescribe certain offences against the *Building Professionals Act 2005* as penalty notice offences.

This Regulation is made under the *Building Professionals Act 2005*, including sections 60, 92 and 94 (the general regulation making power).

**2009 No 38**

Clause 1

Building Professionals Amendment (Inspections and Penalty Notices)  
Regulation 2009

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**Building Professionals Amendment (Inspections and  
Penalty Notices) Regulation 2009**

under the

Building Professionals Act 2005

**1 Name of Regulation**

This Regulation is the *Building Professionals Amendment (Inspections and Penalty Notices) Regulation 2009*.

**2 Commencement**

This Regulation commences on 2 March 2009.

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## **Schedule 1      Amendment of Building Professionals Regulation 2007**

**[1]    Clause 8 Record keeping by accredited certifiers**

Insert “129C, 143C or” after “clause” in clause 8 (1) (h).

**[2]    Schedule 1 Categories of certificates of accreditation**

Insert after “*Environmental Planning and Assessment Act 1979*” in Column 2 of the matter relating to Category A1 in Part 1:

Carrying out of inspections under clauses 129B and 143B of the *Environmental Planning and Assessment Regulation 2000*.

**[3]    Schedule 1, Part 1**

Insert after “1 March 2009” wherever occurring in Column 2 of the matter relating to Category A2 and Category A3:

Carrying out of inspections under clauses 129B and 143B of the *Environmental Planning and Assessment Regulation 2000*.

**[4]    Schedule 1, Part 1**

Insert after “subdivision certificates.” in Column 2 of the matter relating to Category B1:

Carrying out of inspections under clause 129B of the *Environmental Planning and Assessment Regulation 2000*.

**[5]    Schedule 1**

Insert after “those Acts.” in Column 2 of the matter relating to Category D1:

Carrying out of inspections referred to in section 37AA of the *Strata Schemes (Freehold Development) Act 1973* and section 66AA of the *Strata Schemes (Leasehold Development) Act 1986*.

**[6]    Schedule 4 Savings and transitional provisions**

Insert after Part 2:

## **Part 3      Provisions consequent on enactment of Building Professionals Amendment (Penalty Notices) Regulation 2008**

### **8      New authorisations**

For the avoidance of doubt, the amendments made to Schedule 1 by the *Building Professionals Amendment (Inspections and*

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Schedule 1 Amendment of Building Professionals Regulation 2007

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*Penalty Notices) Regulation 2009* apply to a person holding a relevant certificate of accreditation whether or not the certificate was issued before, on or after the commencement of those amendments.

### [7] Schedule 3

Omit the Schedule. Insert instead:

## Schedule 3 Penalty notice offences

(Clause 22)

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty (\$)</b>
<b>Building Professionals Act 2005</b>	
Section 58 (2)	\$1,500 for an individual \$3,000 for a corporation
Section 60 (1)	\$750 for an individual \$1,500 for a corporation
Section 60 (2)	\$1,500 for an individual \$3,000 for a corporation
Section 61 (1)	\$1,500 for an individual \$3,000 for a corporation
Section 61 (2)	\$750 for an individual \$1,500 for a corporation
Section 61 (3)	\$250 for an individual \$500 for a corporation
Section 63 (1)	\$1,500 for an individual \$3,000 for a corporation
Section 64 (2)	\$1,500, for an individual \$3,000, for a corporation
Section 66 (1)	\$1,500, for an individual \$3,000 for a corporation
Section 72	\$1,500, for an individual \$3,000 for a corporation

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty (\$)</b>
Section 73	\$1,500, for an individual \$3,000 for a corporation
Section 74 (1)	\$750 for an individual \$1,500 for a corporation
Section 85 (1)	\$1,500, for an individual \$3,000 for a corporation

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