

Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020

[2020-475]



New South Wales

Status Information

Currency of version

Historical version for 3 September 2021 to 3 July 2022 (accessed 2 May 2024 at 4:35)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Residential Apartment Buildings \(Compliance and Enforcement Powers\) Amendment \(Building Work Levy\) Regulation 2022 \(293\)](#) (not commenced — to commence on 4.7.2022)
- **Staged repeal status**
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 17 June 2022

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New South Wales

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Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020



New South Wales

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.

3A Secretary may issue prohibition order if rectification bond not provided

(1) For the purposes of the Act, section 9(1)(f), the Secretary may make a prohibition order in relation to a residential apartment building if—

- (a) the Secretary has accepted, under the Act, section 28(1), a written undertaking from a developer that the developer will provide the Secretary with a rectification bond in relation to the residential apartment building, and
- (b) the rectification bond required under the terms of the undertaking has not been provided to the Secretary.

(2) In this clause—

rectification bond, in relation to a residential apartment building, means a bank guarantee, bond or other form of security acceptable to the Secretary, that may be claimed or realised by the Secretary, or another party approved by the Secretary, to meet the costs of eliminating, minimising or remediating a serious defect or a potential serious defect in the residential apartment building.

4 Exchange of information

For the purposes of the Act, section 65(7), definition of **relevant agency**, paragraph (b), the following persons and bodies are prescribed—

- (a) a local council,
- (b) an owner of a residential apartment building that is not subject to a strata scheme,
- (c) an owners corporation for a strata scheme for a residential apartment building,
- (d) a contractor or subcontractor engaged, for and on behalf of the Secretary, to carry out building work in relation to a residential apartment building.

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