

## PENALTIES COMPARISON

### Comparison of *Builders' Registration Act 1939* with *Building Services (Complaint Resolution and Administration) Bill*

Clause No.	Clause Title	Penalty in the <i>Builders' Registration Act 1939</i>	Penalty in Bill
25	<i>Attendance at conciliation proceeding</i>	N/A	A fine of \$5 000.
47	<i>Provision of information and documents to Building Commissioner</i>	N/A	A fine of \$10 000.
53	<i>Compliance with orders</i>	\$10,000	For a first offence, a fine of \$50 000. For a second offence, a fine of \$75 000. For a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.
53	<i>Compliance with orders – obstructing a person</i>	N/A	A fine of \$10 000.
61	<i>Identity cards</i>	N/A	A fine of \$5 000.
70	<i>Obstruction</i>	N/A	A fine of \$10 000.
71	<i>Directions Generally</i>	N/A	A fine of \$10 000.
78	<i>Restricting access to dangerous situations</i>	N/A	For a first offence, a fine of \$50 000. For a second offence, a fine of \$75 000.

Clause No.	Clause Title	Penalty in the <i>Builders' Registration Act 1939</i>	Penalty in Bill
			For a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.
80	<i>Remediation notice</i>	N/A	For a first offence, a fine of \$50 000. For a second offence, a fine of \$75 000. For a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.
90	<i>Disclosure of material personal interest</i>	N/A	A fine of \$25 000.
103	<i>Confidentiality</i>	N/A	A fine of \$25 000.
104	<i>False or misleading information</i>	\$10,000 (Fraudulently obtaining certificate, falsifying register etc)	A fine of \$25 000.
109	<i>Regulations</i>	\$2,000 (general breach of regulations)	A fine not exceeding \$5 000.

**Comparison of *Builders' Registration Act 1939* with *Building Services (Registration) Bill***

Clause No.	Clause Title	Penalty in the <i>Builders' Registration Act 1939</i>	Proposed Penalty
4	<i>Restriction on use of titles</i>	N/A	A fine of \$25 000.
5	<i>Claims as to registration</i>	N/A	A fine of \$25 000.
6	<i>Advertising entitlement to carry out prescribed building service when not registered</i>	N/A	A fine of \$25 000.

Clause No.	Clause Title	Penalty in the <i>Builders' Registration Act 1939</i>	Proposed Penalty
7	<i>Carrying out prescribed building service when not registered</i>	Penalty of \$10 000 and a daily penalty of \$250 for a continuing offence.	A fine of \$25 000.
8	<i>Advertisements by building service contractor</i>	N/A	A fine of \$5 000.
22(1) & (3)	<i>Effect of not having nominated supervisor</i>	\$250 (failure to manage/supervise building work) Penalty: \$5 000 (failure to advise of change of supervisor only)	A fine of \$25 000. A fine of \$10 000.
25	<i>Compliance with conditions</i>	Penalty: \$400 or 12 months' imprisonment (making a false statement on a statutory declaration in respect of conditional registration)	A fine of \$25 000.
32	<i>Notification of change of address</i>	Penalty: \$1 000.	A fine of \$5 000.
33	<i>Notification of change in eligibility</i>	Penalty: \$5 000 (failure to advise of change of director)	A fine of \$10 000.
34	<i>Notification of financial difficulty</i>	N/A	A fine of \$10 000.
35	<i>Notification of certain offences</i>	N/A	A fine of \$5 000.
36	<i>Notification of disciplinary action</i>	N/A	A fine of \$5 000.
37	<i>Return of registration certificate</i>	\$50	A fine of \$5 000.

Clause No.	Clause Title	Penalty in the <i>Builders' Registration Act 1939</i>	Proposed Penalty
49	<i>Compliance with conditions [owner-builders]</i>	N/A	A fine of \$25 000.
57	<i>Board may deal with certain complaints</i>	N/A	A fine of a specified amount not exceeding \$5 000.
58	<i>Jurisdiction of State Administrative Tribunal</i>	N/A	A fine not exceeding \$25 000.
89	<i>Disclosure of interest</i>	N/A	A fine of \$25 000.
99	<i>False or misleading information</i>	\$10,000 (Fraudulently obtaining certificate, falsifying register etc)	A fine of \$25 000.
100	<i>Confidentiality of information</i>	N/A	A fine of \$25 000.
104	<i>Regulations</i>	\$2,000 (General breach of regulations) \$250 (Failure to erect a sign)	A fine of \$5 000.

**Penalties contained in the Builders' Registration Act 1939 that are not contained in the *Building Services (Complaint Resolution and Administration) Bill 2010* or the *Building Services (Registration) Bill***

Section 4A(2)	<i>Local governments not to issue building permits to unregistered persons</i>	Penalty: \$10 000
Section 18(2)	<i>Local governments to furnish information to the Board</i>	Penalty: \$1 000