

Building Infringement notice

SECTION 373, BUILDING ACT 2004

Service Request No.	<input type="text"/>	Notice No.	<input type="text"/>
Enforcement Authority	<input type="text"/>		

To:
(owner/builder or person carrying out or supervising the building work or others as appropriate)

Full address:

Occupation:
(if known)

Date of birth:
DAY MONTH YEAR
(if known)

Details of alleged infringement offence(s)

Provision of Building Act 2004:

Description of offence:

Date:

 Time:
DAY MONTH YEAR

Place:

Fee:

\$

Time for payment of infringement fee(s)

The infringement fee(s) is (or are) payable within 28 days after *(date this notice is delivered personally or served by post).*

DAY MONTH YEAR

Place for payment of infringement fee(s)

The infringement fee(s) is (or are) payable to:

 by;
(name of authority)

› mail at PO Box:

 ; or

› at any Service Centre as listed:

 .

Issued by:

Signature of enforcement officer:

(owner/occupier/person in control of premises/agent on behalf of, and with the authority of, the owner/occupier/person)

Full name of enforcement officer:

Summary of rights

Please read this summary. If you do not understand it, you should consult your lawyer immediately.

- 1 This notice sets out 1 or more infringement offences that you are alleged to have committed.

The ways you may deal with the offence are set out below. However, paragraphs 6(b) and (c), 7, and 8 do not apply to you if you enter, or have already entered, into a time-to-pay arrangement under **section 21(3A) or (3C)(a)** of the Summary Proceedings Act 1957.

You may act in the same way on all the offences or in different ways on different offences.

Payments

- 2 If you pay the fee for the offence within 28 days after you get this notice, there will be no further enforcement action against you for the offence. You can pay to the enforcement authority at the place shown on the front page of this notice.

Defences

- 3 You have a complete defence against proceedings for an offence if the fee for the offence has been paid to the enforcement authority at the place shown on the front page of this notice within 28 days after you get a reminder notice. Late payment is not a defence and neither is payment made at any other place.
- 4 This paragraph describes a defence additional to the one described in paragraph 3. You must prove either of the following to have the defence:
- (a) that—
- (i) the action or event to which the offence relates was necessary for the purposes of saving or protecting life or health or preventing serious damage to property; and
 - (ii) your conduct was reasonable in the circumstances; and
 - (iii) you adequately mitigated or remedied the effects of the action or event after it occurred; or
- (b) that—
- (i) the action or event to which the offence relates was due to an event beyond your control, including natural disaster, mechanical failure, or sabotage; and
 - (ii) you could not reasonably have foreseen or provided against the action or event; and
 - (iii) you adequately mitigated or remedied the effects of the action or event after it occurred.
- 5 This paragraph describes a defence additional to those described in paragraphs 3 and 4. This defence is available if—
- (a) you are—
- (i) a principal; or
 - (ii) an employer; and
- (b) you may be liable for an offence alleged to have been committed by—
- (i) your agent; or
 - (ii) your employee.

If you are a natural person, including a partner in a firm, you must prove either of the following to have the defence:

- (a) that you—
- (i) did not know, and could not reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
- (b) took all reasonable steps to—
- (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.

If you are a body corporate, you must prove either of the following to have the defence:

- (a) that—
- (i) neither the directors nor any person involved in the management of the body corporate knew, or could reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) you took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
- (b) that you took all reasonable steps to—
- (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.

Further action

- 6 You may write a letter to the enforcement authority if you want to do 1 of the following:
- (a) raise a matter about the circumstances of the offence for the enforcement authority to consider; or
 - (b) deny liability for the offence and ask for a court hearing (refer to paragraphs 7 and 11); or
 - (c) admit liability for the offence but have a court consider written submissions (refer to paragraphs 8 and 11).
- You must sign the letter yourself; direct it to the enforcement authority's address shown on the front page of this notice; and ensure it arrives within 28 days after you get this notice.
- 7 If you deny liability for the offence and ask for a court hearing, the enforcement authority will consider whether it will bring proceedings against you for the offence. If it decides to bring proceedings, it will serve you with a notice of hearing setting out the place and time at which you will have an oral hearing before the court.
- 8 If you admit liability for the offence but want to have a court consider written submissions, you must do the following in your letter to the enforcement authority:
- (a) admit liability; and
 - (b) ask for a hearing; and
 - (c) set out the written submissions that you want the court to consider.
- The enforcement authority will consider whether it will bring proceedings against you for the offence. If it decides to bring proceedings, it will file your letter with the court. You will not have an oral hearing before the court.

Non-payment of fee

- 9 If you do not pay the fee and do not ask for a court hearing within 28 days after you get this notice, the enforcement authority will decide whether to serve you with a reminder notice.
- 10 If you do not pay the fee and do not ask for a court hearing within 28 days after you get the reminder notice, the enforcement authority will consider whether it will bring proceedings against you for the offence. If it does, you are liable to pay a fine and court costs.

Queries and correspondence

- 11 When you are writing to the enforcement authority or paying a fee, please state—
- (a) the date of the offence; and
 - (b) the number of this infringement notice; and
 - (c) if this notice sets out more than 1 offence, whether you are paying all the fees for all the offences; and
 - (d) if paragraph (c) does not apply, how you are dealing with each offence; and
 - (e) your full address for replies.

If it is not clear which offence a payment is for, the payment may be treated as for the offences in the order in which they are set out on the front page of this notice.

All queries and correspondence about the offence(s) must be made to the enforcement authority at the address shown on the front page of this notice.