

Offence to hinder or obstruct

Offence to give false or misleading statements or documents

This fact sheet explains the changes to existing offences under sections 244 and 246 of the *Building Act 1993 (the Act)*, which come into effect on 31 January 2018

THE CHANGES

The changes outlined in this fact sheet relate to the offences against any person or body carrying out a function under the Act or the Regulations.

For example, a person must not, without reasonable excuse, hinder or obstruct an authorised person or body from carrying out a function under the Act and Regulations, or knowingly give false or misleading statements or documents to an authorised person or body.

WHAT THE CHANGES MEAN

Section 244 Offence to hinder or obstruct

It is now an offence under section 244 of the Act to *hinder* or obstruct an authorised person or body carrying out a function under the Act or Regulations without a reasonable excuse.

This now expanded provision, as of 31 January 2018, includes *to hinder*. Hinder may be interpreted by a court or tribunal to include acting as an obstacle, causing unnecessary delays or refusing entry to a property.

The penalty for breaching section 244 of the Act has also increased.

PENALTY FOR BREACHING SECTIONS 244

Penalty for breaching Section 244:

- **60 penalty units** (\$9,514.20 as at 1 July 2017)

Section 246 Offence to give false or misleading statements or documents

From 31 January 2018, the offence under section 246 to knowingly make any false or misleading statements or to provide any false or misleading information to a person or body carrying out any

function under the Act or the Regulations has extended to that of knowingly producing false or misleading documents.

Specifically, in addition to the existing offence to give false or misleading statements, a person also must not produce a document which they know to be false or misleading without indicating so and, if practicable, providing the correct information.

The penalty for breaching section 246 will change to include a body corporate (i.e. a company).

PENALTIES FOR BREACHING SECTION 246

- **60 penalty units** (\$9,514.20 as at 1 July 2017), in the case of a natural person;
- **300 penalty units** (\$47,571 as at 1 July 2017), in the case of a body corporate.

Want to know more?

Review new and amended sections within the Building Act 1993.

Please submit an enquiry or call us on 1300 815 127.

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