

**109 Breach of rules—rule infringement notice**

- (1) This section applies if the executive committee of an owners corporation reasonably believes that—
  - (a) the owner or occupier (the **person**) of a unit has contravened a provision of the corporation's rules; and
  - (b) the circumstances of the contravention make it likely that the contravention will continue or be repeated.
- (2) The owners corporation may, if authorised by an ordinary resolution of the executive committee, give the person a notice (a **rule infringement notice**) requiring the person to remedy the contravention.

*Note* If a form is approved under s 146 for this provision, the form must be used.

- (3) A rule infringement notice must state the following:
  - (a) that the owners corporation believes the person is contravening, or has contravened, a provision of the rules;
  - (b) the provision of the rules the owners corporation believes is, or was, contravened;
  - (c) details sufficient to identify the contravention;
  - (d) if the owners corporation believes the contravention is continuing—the period (which must be reasonable in the circumstances) within which the person must remedy the contravention;
  - (e) if the owners corporation believes the contravention is likely to be repeated—that the person must not repeat the contravention;
  - (f) if the person does not comply with the notice—
    - (i) the person commits an offence; and

- (ii) the owners corporation may, without further notice, apply to the ACAT for an order in relation to the failure to comply with the notice.
- (4) If a rule infringement notice is given to a person following a request under section 111, the owners corporation must, not later than 14 days after the day the request was received, tell the person who made the request that the notice has been given.

**110 Breach of rules—failure to comply with rule infringement notice**

- (1) A person commits an offence if the person—
  - (a) is given a rule infringement notice under section 109; and
  - (b) does not comply with the notice.

Maximum penalty: 5 penalty units.

- (2) However, the person does not commit an offence under this section if, when the rule infringement notice is given to the person, the person is not contravening, or has not contravened, the provision mentioned in the notice in the way detailed for section 109 (3) (c).

**111 Breach of rules—request for rule infringement notice**

- (1) This section applies if—
  - (a) a dispute exists between the owner or occupier of a unit in a units plan (the **complainant**) and the owner or occupier of another unit in the units plan (the **accused person**); and
  - (b) the dispute arises because the complainant reasonably believes that—
    - (i) the accused person has contravened a provision of the corporation's rules; and
    - (ii) the circumstances of the contravention make it likely that contravention will continue or be repeated.
- (2) The complainant may ask the owners corporation to give the accused person a rule infringement notice for the contravention.

**112      Application of Legislation Act**

- (1) The [Legislation Act](#) applies to the rules of an owners corporation as if the rules were an Act and as if each rule were a section of an Act.
- (2) Terms used in the rules of an owners corporation have the same meaning as in this Act, unless the contrary intention appears.