

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN  
CAPITAL TERRITORY**

**BUILDING ACT 1972**

**INSTRUMENT UNDER SECTION 24 OF THE BUILDING ACT**

**EXPLANATORY STATEMENT**

*No. 110*

**Circulated by Authority of the Minister for Urban Services**

**Terry Connolly MLA**

## **MODIFICATION OF THE BUILDING CODE**

### **The Building Act**

The *Building Act 1972* (the Act) regulates the erection, alteration, demolition and occupancy of buildings. Section 24 of the Act provides for the technical requirements for these to be specified in the Building Code and allows the Minister to adopt the provisions of the Building Code of Australia (BCA) as prepared and published by the Australian Uniform Building Regulations Co-ordinating Council, an association of State and Territory building control authorities. This section also provides for the Minister to have prepared and published an ACT Appendix to the BCA to provide for necessary and appropriate standards distinctive to the ACT.

The 1990 edition of the BCA with its third amendment was formally adopted as the Building Code for the ACT on 31 July 1992 and modified to add ACT provisions for thermal insulation in December 1992.

The instrument adopting the Building Code is a disallowable instrument to ensure that the setting of building standards is subject to scrutiny.

### **The present instrument**

The fourth amendment to the BCA and its ACT Appendix was published on 1 November 1992 and the fifth amendment was published on 14 June 1993. The present instrument revokes the former adoption and specifies the adoption of all the provisions of the BCA as constituted by the 1990 edition of the BCA with its fifth amendment and the incorporation of the ACT variations contained in the ACT Appendix.

It adds to the ACT Appendix a requirement that thermal insulation materials have a minimum resistance to fire.

The adoption of the Building Code takes effect on the date of the gazettal of a notice of preparation under section 25 of the Act. The Building Code controls the building process by determining what technical standards apply to the approval of building plans. Because building plans may be lodged with the Building Controller several days before the date on which they are approved, the operation of the newly adopted code has been limited to building plans lodged from the date of adoption.