

2001

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**BUILDING ACT 1972  
BUILDING REGULATIONS AMENDMENT**

**EXPLANATORY STATEMENT**

Circulated by authority of  
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Minister for Urban Services

## **Building Regulations Amendment**

### **OUTLINE**

These are amending Regulations. They amend the Building Regulations (the "Principal Regulations").

The *Building Amendment Act 2001* extended the approval processes under the *Building Act 1972* (the "Act") to unleased Territory land. The amending regulations contain exemptions from building approval for types of construction where the application of the Act would increase the complexity of the approval process but not significantly improve outcomes.

The Act defines "buildings" to include not only buildings in the ordinary sense but also structures upon land or attached to land. A variety of structures may be erected on unleased land that fall within this definition but are rare on leased land. The detailed technical requirements of the Act and the Building Code it brings into force are not intended to apply to such structures and the specific skills of the certifiers who administer the requirements of the Act are not directly relevant to evaluating them.

The amending regulations give exemption from the requirements of the Act to civil engineering works, such as bridges and dams, and to masts for purposes such as electricity transmission and telecommunications. These structures require specialised skills to design and construct and alternative quality control mechanisms are already a standard part of their construction.

A further group of structures is exempted because their design is repetitive, their construction is not complex and alternative quality control mechanisms apply to them. They include street light poles, playground equipment and some fences.

In addition to these new exemptions, other works constructed on unleased land, such as structures up to 2 square metres in area and 1.8 metres high, will be covered by the older exemptions made under section 6AA of the Act that appear in regulation 4 of the principal regulations.

### **Financial Implications**

There are no financial implications.

## REGULATION NOTES

### Formal regulations

**Regulations 1 and 2** are formal regulations that deal with the date of commencement of the amending regulations and the name of the Principal Regulations. The commencement is linked to that of the *Building Amendment Act 2001*.

### Substitution

#### *Dictionary*

**Regulation 3** replaces Regulation 2 of the Principal Regulations. Defined terms no longer appear close to the beginning of the Principal Regulations. Instead a dictionary is to be inserted at the end of the Regulations and **new Regulation 2** points to its existence and notes that it may include cross-references to other legislation.

### Insertion

#### *Notes*

**Regulation 4** adds **New Regulation 2A**. The new regulation states that the notes that now appear in legislation are explanatory and not parts of the legislation. This addition is in accordance with current drafting style.

### Insertion

#### *Exempt buildings*

**Regulation 5** adds **new Regulation 20A**. Paragraph 67 (a) of the Act allows buildings to be exempted from the operation of part or all of the Act. Regulation 5 adds **New Regulation 20A**. This regulation sets out structures that are exempt from all the requirements of the Principal Act and then poles and masts that are exempt on conditions relating to their ownership. New paragraph 20A (1) (c) refers to retaining walls associated with bridges, dams or roads. These are intended to include the head walls of a culvert.

### Insertion

#### *Dictionary*

**Regulation 6** inserts at the end of the Principal Regulations the dictionary of defined terms referred to in new Regulation 2. The terms included are those that appear in the version of Regulation 2 of the Principal Regulations that is removed by Regulation 4 of the amending regulations. Changes in the wording of the definitions are only a matter of drafting style.