

2005

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 2004

BUILDING (ACT APPENDIX TO THE BUILDING CODE OF
AUSTRALIA) DETERMINATION 2005

Disallowable Instrument 2005-176

EXPLANATORY STATEMENT

Circulated by authority of Simon Corbell MLA
Minister for Planning

Building (ACT Appendix to the Building Code of Australia) Determination 2005

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Provisions of the Determination

The Building (ACT Appendix to the Building Code of Australia) Determination 2005 revokes the previous ACT Appendix to the Building Code of Australia, determines and determines a new ACT Appendix to the Building Code.

The Determination provides that for the purposes of this determination, section 47 (5) and (6) of the *Legislation Act 2001* do not apply. This clause removes the requirement for the text of the ACT Appendix to the Building Code of Australia to be notified, as doing so would be in breach of copyright as the Code and the Appendices are published by the Australian Building Codes Board (ABCB) and the ABCB is the copyright owner. In order for the Appendix to be accessible for the public to inspect, it will be made available at the Planning and Land Authority shopfront at Dame Patty Menzies House, 16 Challis Street, Dickson.

Background and Outline

Section 136 of the *Building Act 2004* (the Act) deals with the version of the Building Code of Australia that is in force in the ACT. The Building Code of Australia (the Code) applies throughout Australia and is divided into two volumes, “Class 2 to Class 9 buildings” and “Class 1 and Class 10 buildings”, each of which consists of a main text and a group of appendices for each State and Territory. In each part of Australia the applicable version consists of the main text as modified by these appendices. The Building Code of Australia, including the State and Territory appendices, is published annually.

The last ACT Appendix to the Code was determined in 2002 under the Building Act (1972). It was in place at the republication of the Code in 2004. The Schedule to this determination forms the ACT Appendix to the 2005 edition of the Code.

The 2005 Appendix amends the 2002 Appendix by removing separate energy efficiency provisions for the ACT. To date the ACT has had energy efficiency provisions more stringent than those for other states (requiring four star energy efficiency rating while the substantive BCA for other states did not have such a requirement). The energy efficiency requirements in the substantive 2005 edition of the Code are in line with the additional requirements previously in place for the ACT, making additional requirements in the ACT Appendix unnecessary.

The 2005 Appendix also amends requirements for the handling and disposal of asbestos based materials. The new provisions require that asbestos be handled and disposed of in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos, rather than the

Workplace Australia Code of Practice and Guidance Notes as required under the 2002 Appendix.

Several references to amended Acts and regulations have also been updated.