

Australian Capital Territory

Building (General) Amendment Regulation 2020 (No 1)

Subordinate law SL2020-26

made under the

Building Act 2004, s 44 (Stage Inspections)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Building (General) Amendment Regulation 2020 (No 1)* (the regulation). It has been prepared to assist the reader of the regulation and has not been endorsed by the Assembly.

The Statement is to be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. This statement provides information about the intent of the provisions in the regulation; however, it is not to be taken as providing a definitive interpretation of the meaning of a provision.

Overview

The *Building (General) Amendment Regulation 2020 (No 1)* amends the *Building (General) Regulation 2008*.

In June 2016, the ACT Government announced the *Improving the ACT Building Regulatory System* reforms. <https://www.planning.act.gov.au/build-buy-renovate/reviews-and-reforms/building-reforms> (link current at time of publication).

Regulation to require stage inspection information shortly after the inspection is complete.

Section 44 of the *Building Act 2004* provides for inspections at prescribed stages of work (stage inspections). At present, information about stage inspections and the result of the inspection is not generally required to be given to the Registrar until after the completion of all building work under an approval. This makes it difficult for the regulator to track projects and target inspections as well as to have timely knowledge of emerging problems in the industry.

The regulation addresses this issue by using the regulation-making power in section 44(1A) of the Building Act to give effect to Reform 5 of the Government's Improving the ACT Building Regulatory System reforms. Reform 5 is to enact regulation to require stage inspection information to be given to the Registrar shortly after the inspection is complete. The intent is for building surveyors who undertake building certification work to supply information to the Constructions Occupations Registrar (the Registrar) quickly following staged inspections.

The regulation applies to stage inspections on buildings that include a dwelling (a class 1 or 2 building as classified under the [Building Code of Australia](#)), which includes inspections on the non-residential parts of the building. The regulation has been developed to provide the Registrar with the information to help track the progress of building projects and target inspections as well as to have timely knowledge of emerging problems in the building industry.

The information that the regulation requires certifiers to provide to the Registrar is:

- the block and section number
- the building approval number for the building work;
- the stage of building work that was inspected;
- whether or not the certifier is satisfied on reasonable grounds that the building work compliance.

To lessen the administrative burden on building surveyors, Access Canberra will develop an electronic format to allow the information to be supplied quickly and directly to the Registrar.

The regulation will commence on 1 April 2021 to enable appropriate engagement with building surveyors and establishing administrative processes before the regulation comes into effect.

Regulatory Impact

A regulatory impact statement is not required for this regulation as it does not impose any appreciable costs on the community, or part of a community.

Offences and Penalties

The regulation does not introduce any new offences or penalties.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. There are no human rights impacts related to this regulation. The regulation does not engage with human rights under the Human Rights Act 2004.

Scrutiny Committee Principles

The regulation is consistent with Scrutiny Committee (the Committee) principles.

- Although the Building Act does not include objects, the regulation accords with the general purpose of the Act by matching the intention of the law regarding advancing safety in building and construction in the Territory.
- The regulation does not unduly trespass on rights previously established by law. The regulation improves information available to the Registrar to support safety in building and construction in the Territory.
- The regulation does not contain matters which should properly be dealt with in an Act of the Legislative Assembly. The Act includes powers to provide for information to be provided by a certifier following a stage inspection.

Outline of provisions

Part 1 Preliminary

Clause 1 Name of Regulation

This clause provides that the name of the regulation is the *Building (General) Amendment Regulation 2020 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation commences on 1 April 2021.

Clause 3 Legislation amended

This clause provides that the regulation amends the *Building (General) Regulation 2008*.

Clause 4 New section 33A

This clause inserts new section 33A into the Building (General) Regulation.

Section 33A applies to a certifier who is undertaking stage inspections of building work. The certifier must provide the listed information to the Registrar within 2 working days of the stage inspection of the work.