



Australian Capital Territory

Construction Occupations Legislation (Exemption Assessment) Amendment Regulation 2011 (No 1)

Subordinate Law SL2011-21

The Australian Capital Territory Executive makes the following regulation under the *Building Act 2004* and the *Planning and Development Act 2007*.

Dated 7 July 2011.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Construction Occupations Legislation (Exemption Assessment) Amendment Regulation 2011 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Construction Occupations Legislation (Exemption Assessment) Amendment Act 2010*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Building (General) Regulation 2008* and the *Planning and Development Regulation 2008*.

Part 2 Building (General) Regulation 2008

4 New part 2A

insert

Part 2A Exemption assessments

7A Number of copies of plans—Act, s 14 (2)

The number of copies prescribed is—

- (a) 1 in electronic form; and
- (b) if the building surveyor asks for paper copies—3 copies.

7B Details to be contained in exemption assessment application—Act, s 14 (3)

The following details are prescribed:

- (a) in relation to the parcel—
 - (i) the block and section number and division; and
 - (ii) the street name and number; and
 - (iii) if relevant—the unit number or shop number;
- (b) in relation to the applicant—
 - (i) if the applicant is an entity—the full name of the entity; and
 - (ii) if the applicant is a company—the company name and the Australian Company Number (ACN); and
 - (iii) the postal address; and

- (iv) if the applicant has an email address—the email address;
and
- (v) the contact telephone number; and
- (vi) if the applicant has a fax number—the fax number;
- (c) a brief description of the building work;
- (d) whether the building work has been carried out and, if so, the commencement and completion dates of the building work.

7C Plan information and requirements—Act, s 14 (4)

- (1) The information set out in section 12 (2) (a), (d), (f) and (h) is prescribed.
- (2) The requirements set out in section 16 (2) and section 17 (2) are prescribed.

7D Exemption assessment B notices—Act, s 14B (2) (b) (iii)

The following are prescribed:

- (a) any information that was used by the building surveyor in assessing whether the building work is exempt or not;
- (b) the building surveyor's full name and licence number;
- (c) if the building surveyor is a corporation—the building surveyor's ACN;
- (d) the building surveyor's postal address, email address (if any), contact telephone number and facsimile number (if any);
- (e) the building surveyor's signature or, if the building surveyor is not a natural person, the signature of the building surveyor's nominee under the *Construction Occupations Licensing Regulation 2004*, section 15 (2);
- (f) the date of the notice.

**7E Exemption assessment B notice—attached documents—
Act, s 14B (2A) (a) and (b)**

- (1) A copy of the plans used by the building surveyor in an exemption assessment of the building work is prescribed.
- (2) If the building surveyor assesses that the building work, or part of the building work, is exempt—
 - (a) the exemption must be marked on, or attached to, or partly marked on or partly attached to, each page of the plans used by the surveyor in the assessment; and
 - (b) the building surveyor must initial, date and mark the building surveyor's licence number on each page of the plans.
- (3) However, if, because of the size of the plans, it is impractical to mark the exemption on each page of the plans, the building surveyor may, instead of marking the exemption under subsection (2) (a), mark each page of the plans with—
 - (a) the building surveyor's initials and licence number and the date; and
 - (b) an indication that the details of the exemption are in the exemption assessment B notice.
- (4) The pages of any document attached to an exemption assessment B notice must be numbered consecutively through each document, starting with the number 1 and each page must state the total number of pages comprising the attached documents.

Example

An exemption assessment B notice has 3 attached documents that total 25 pages. Each page of the attachments, starting from the first page, is numbered as 'page 1 of 25', 'page 2 of 25' and so on, until the last page of the final attachment which is numbered 'page 25 of 25'.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**5 Requirements for plans for alteration and erection of buildings—Act, s 27 (1) (a)
New section 17 (2) (d)**

before the examples, insert

- (d) a certifier to work out if the building work is exempt from all or part of the Act.

Part 3 Planning and Development Regulation 2008

6 New part 3.1A

before part 3.2, insert

Part 3.1A Exemption assessment matters

21 Number of copies of plans—Act, s 138B (2) (a) (ia)

The number of copies prescribed is—

- (a) 1 in electronic form; and
- (b) if the person to whom the application is made asks for paper copies—3 copies.

22 Details to be included in exemption assessment application—Act, s 138B (2) (a) (ii)

The following details are prescribed:

- (a) in relation to the parcel—
 - (i) the block and section number and division; and
 - (ii) the street name and number;
- (b) in relation to the applicant—
 - (i) if the applicant is an entity—the full name of the entity; and
 - (ii) if the applicant is a company—the company name and the Australian Company Number (ACN); and
 - (iii) the postal address; and

- (iv) if the applicant has an email address—the email address; and
- (v) the contact telephone number; and
- (vi) if the applicant has a fax number—the fax number;
- (c) a brief description of the development;
- (d) whether the development has been undertaken and, if so, the commencement and completion dates of the development.

23 Requirements for exemption assessment D notice

- (1) This section applies if a works assessor or building surveyor issues an exemption assessment D notice under section 138D (2).
- (2) The exemption assessment D notice must—
 - (a) state—
 - (i) any information that was used by the works assessor or building surveyor in assessing whether the development is exempt or not; and
 - (ii) if the works assessor or building surveyor assesses that the development is exempt—whether the development is exempt under—
 - (A) a development table, and if so, which table; or
 - (B) the Act, section 134; or
 - (C) a regulation, and if so, which regulation; and
 - (iii) the works assessor or building surveyor's name, signature and licence number; and
 - (iv) the date of the notice; and

- (b) include—
 - (i) a copy of any plans that were used by the works assessor or building surveyor in assessing whether the development is exempt or not; and
 - (ii) if the works assessor or building surveyor assesses that a single dwelling is exempt under schedule 1, section 1.100 (Compliant single dwellings)—a copy of the survey certificate that was used by the works assessor or building surveyor in assessing that the dwelling is exempt.
- (3) If the works assessor or building surveyor assesses that the development is exempt—
 - (a) the exemption must be marked on, or attached to, or partly marked on or partly attached to, each page of the plans used by the works assessor or building surveyor in the assessment; and
 - (b) the works assessor or building surveyor must initial, date and mark the works assessor or building surveyor's licence number on each page of the plans.
- (4) However, if, because of the size of the plans, it is impractical to mark the exemption on each page of the plans, the works assessor or building surveyor may, instead of marking the exemption under subsection (3) (a), mark each page of the plans with—
 - (a) the works assessor or building surveyor's initials and licence number and the date; and
 - (b) an indication that the details of the exemption are in the exemption assessment D notice.

- (5) The pages of any document attached to an exemption assessment D notice must be numbered consecutively through each document, starting with the number 1 and each page must state the total number of pages comprising the attached documents.

Example

An exemption assessment D notice has 3 attached documents that total 25 pages. Each page of the attachments, starting from the first page, is numbered as 'page 1 of 25', 'page 2 of 25' and so on, until the last page of the final attachment which is numbered 'page 25 of 25'.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Endnotes

1 Notification

Notified under the Legislation Act on 7 July 2011.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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