



Australian Capital Territory

Building (General) Amendment Regulation 2024 (No 2)

Subordinate Law SL2024-25

The Australian Capital Territory Executive makes the following regulation under the *Building Act 2004*.

Dated 4 September 2024.

ANDREW BARR
Chief Minister

REBECCA VASSAROTTI
Minister



Australian Capital Territory

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made under the

[Building Act 2004](#)

1 Name of regulation

This regulation is the *Building (General) Amendment Regulation 2024 (No 2)*.

2 Commencement

- (1) Sections 3, 7 and 8 commence on 1 January 2025.

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

- (2) The remaining provisions commence on 1 July 2025.

3 Legislation amended

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

4 New section 33AA

before section 33A, insert

33AA Public servant to attend stage inspections—Act, s 44 (1A)

- (1) The construction occupations registrar must, in writing, nominate at least 1 public servant as a public servant who may attend an inspection of stages of building work.

Note 1 A nominated public servant may also prepare reports about compliance with guidelines made under the [Act](#), section 139BA and applications for certificates of occupancy (see s 35AA).

Note 2 Power to make a nomination includes power to make different provision in relation to different matters or different classes of matters, and to make a nomination that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) Before nominating a public servant, the construction occupations registrar must be satisfied the public servant has adequate knowledge and experience to prepare a report under the following provisions:
- (a) subsection (3) (b);
 - (b) section 35AA (1) (b);
 - (c) section 35AA (1) (c).
- (3) For an inspection of a stage of building work—
- (a) a nominated public servant may attend all or part of the inspection; and
 - (b) if a nominated public servant attends the inspection, they must—
 - (i) prepare a written report about the inspection; and
 - (ii) give the report to the construction occupations registrar as soon as practicable after the inspection.

5 New section 35AA

insert

**35AA Certificates of occupancy—consideration of reports—
Act, s 69 (4) (a)**

- (1) The following reports are prescribed:
 - (a) each report given to the construction occupations registrar under section 33AA (3) (b) (ii);
 - (b) if guidelines have been made under the [Act](#), section 139BA—a written report by a nominated public servant setting out the extent to which the building work meets the standards set out in the guidelines;
 - (c) for a class 2 building—a written report by a nominated public servant giving advice about the application for a certificate of occupancy, including about the following:
 - (i) the extent to which the building has been completed in accordance, or substantially in accordance, with the prescribed requirements for the building work;
 - (ii) the extent to which the building as erected or as altered is fit for occupation and use as a building of the class stated in the approved plans for the building work;
 - (iii) if the building work was carried out other than in accordance, or substantially in accordance, with the approved plans for the building work—
 - (A) the way in which the building work is inconsistent with the approved plans for the building work; and
 - (B) the impact, if any, of the inconsistency.

(2) In this section:

nominated public servant means a public servant nominated under section 33AA (1).

6 Section 35B heading

substitute

35B Certificates of occupancy—requirements if deferral arrangement applies—Act, s 69 (4) (b)

7 Section 39

omit

\$85 000

substitute

\$200 000

8 Section 41

omit

90 days

substitute

180 days

9 Dictionary, note 2

insert

- public servant

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 9 September 2024.

2 Republications of amended laws

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

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