



Australian Capital Territory

# **Building Ordinance 1972**

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This is a republication of the *Building Ordinance 1972* effective 28 December 1978 to 25 September 1979.

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# AUSTRALIAN CAPITAL TERRITORY

## BUILDING ORDINANCE 1972

*Incorporating all amendments by legislation made to 28 February 1979*

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# AUSTRALIAN CAPITAL TERRITORY

## BUILDING ORDINANCE 1972

An Ordinance relating to the Erection, Alteration and Demolition of Buildings

### PART I—PRELIMINARY

1. This Ordinance may be cited as the *Building Ordinance 1972*.<sup>1</sup> Short title
2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the *Gazette*.<sup>1</sup> Commencement
- \* \* \* \* \*
4. (1) The *Building Ordinance 1964*, the *Building Ordinance 1967*, the *Building Ordinance 1969*, the *Building Ordinance 1970*, the *Building Ordinance (No. 2) 1970* and the Canberra Building Regulations (comprising the Regulations specified in the Schedule to the *Building Ordinance 1964* and Regulations 1965, No. 3; 1967, No. 11; 1970, No. 6; and 1971, No. 11) are repealed. Section 3 repealed by No. 45, 1976, s. 3
- (2) Notwithstanding the repeal effected by the last preceding subsection, a person appointed as a member of the Canberra Building Review Committee under the *Building Ordinance 1964* or under that Ordinance as amended shall hold office as a member of the Review Committee established under this Ordinance until the expiration of the period for which he was so appointed as if he were appointed to the Review Committee under this Ordinance. Repeal and saving
- (3) Notwithstanding the repeal effected by sub-section (1), the repealed laws continue to apply— Amended by No. 38, 1974, s. 2
- (a) to and in relation to building work the carrying out of which was authorized by a permit issued under the repealed laws before the commencing date;
- (b) in connexion with the carrying out of that building work, to and in relation to the person to whom the permit was issued, the owner of the parcel of land on which the building work is or is to be carried out and to all other persons engaged on the building work; and

- (c) to and in relation to all matters arising out of the issue of the permit and all matters connected with the carrying out of the building work,

to the same extent that the repealed laws would have applied if they had continued in operation and the provisions of this Ordinance (other than this sub-section and any other provision in which the contrary intention is expressed) do not apply to or in relation to any matter to which the repealed laws continue to apply.

(4) For the purposes of the continued application of the repealed laws as provided for by the last preceding sub-section—

- (a) all appointments made under the repealed laws and in force on the day immediately before the commencing date continue in force;
- (b) the Minister, the proper authority, a deputy proper authority, an inspector and the Canberra Building Review Committee have and may exercise the respective powers and functions conferred on them by the repealed laws;
- (c) the Supreme Court continues to have jurisdiction to hear and determine appeals against orders made by the Canberra Building Review Committee under the repealed laws, whether made before the commencing date or under the continued application of the repealed laws.

(5) A person who contravenes or fails to comply with a direction or order made by the Canberra Building Review Committee or by the Supreme Court in pursuance of the continued application of the repealed laws as provided by the last two preceding sub-sections is guilty of an offence against this sub-section and is punishable as provided by section 18 of the *Building Ordinance 1964-1970*.

Interpretation

5. (1) In this Ordinance, unless the contrary intention appears—

“approved” means approved by the Building Controller;

“builder’s licence” means a Builder’s Licence Class A, Builder’s Licence Class B, Builder’s Licence Class C or Builder’s Licence Class D that is in force under Division 3 of Part II;

“building” includes—

- (a) a structure upon or attached to land;
- (b) an addition to a building;
- (c) a structure attached to a building; and
- (d) a part of a building;

“building inspector” means a person for the time being appointed a building inspector under section 8 of this Ordinance;

“building permit” means a building permit that is in force under Part III;

“building work”, in relation to a building, means work in connexion with the erection, alteration or demolition of the building;

“external design”, in relation to a building, includes any matter affecting the appearance of the exterior of the building;

“licensee” means a person to whom a builder’s licence has been granted;

“owner” means—

- (a) in the case of a parcel of land held under a lease from the Commonwealth for a term of years—the person who is the lessee of the parcel of land;
- (b) in the case of a parcel of land held in fee simple—the person in whom the fee simple is vested;
- (c) in the case of a parcel of land that is sub-divided into units and common property by the registration of a units plan within the meaning of the *Unit Titles Ordinance 1970-1971*—the corporation constituted under that Ordinance in relation to the land comprised in the units plan; and
- (d) in the case of a parcel of land occupied under a tenancy from the Commonwealth—the person who occupies the parcel of land;

“stop notice” means a notice under section 43 of this Ordinance prohibiting the carrying out of building work;

“structure” includes a fence, retaining wall, swimming pool, ornamental pond, mast, antenna, aerial, advertising device, notice or sign;

“the Advisory Council” means the Advisory Council constituted under the *Advisory Council Ordinance 1936-1969*;

“the Building Controller” means the person for the time being appointed as the Building Controller under section 7 of this Ordinance, and, in relation to the exercise of the functions and performance of the powers of the Building Controller, includes a Deputy Building Controller appointed under that section;

“the Building Manual” means the latest edition, as affected by any amendments, of the Building Manual published under Division 4 of Part II;

“the commencing date” means the date fixed under section 2 of this Ordinance;

“the Commission” means the National Capital Development Commission;

“the repealed laws” means the Ordinances and Regulations referred to in sub-section (1) of section 4 of this Ordinance;

“the Review Committee” means the Building Review Committee established under this Ordinance;

“the Standards Committee” means the Building Standards Committee established under this Ordinance.

(2) A reference in this Ordinance to a builder's licence includes a reference to a Builder's Licence or a Builder's Special Licence continued in force under this Ordinance.

(3) In this Ordinance, a reference, in relation to building work in connexion with the erection or alteration of a building, to a building permit includes a reference to a permit continued in force under this Ordinance authorizing that building work.

(4) In this Ordinance, unless the contrary intention appears—

- (a) a reference to the erection of a building includes, as the case requires, a reference to the removal of a building and its re-erection, with or without alteration, after its removal from another location;
- (b) a reference to the alteration of a building includes a reference to—
  - (i) the demolition of part of a building; and
  - (ii) an addition to a building;
- (c) a reference to the removal of a building is a reference to the removal of an existing building from one place for re-erection, with or without further alteration, at another place, and includes a reference to the demolition of part of a building so removed or proposed to be so removed; and
- (d) a reference to the demolition of a building does not include a reference to the demolition of part of the building.

**Application**

6. (1) This Ordinance does not affect the operation of any other law in force in the Territory relating to the design or siting of a building or to the provision for a building of services including works for sewerage and drainage or for water or electricity supply.

(2) This Ordinance does not apply to or in relation to a temporary building (not being a dwelling place) erected on the site of building work in connexion with the erection or alteration of a building for which a building permit has been obtained and being a building that is to be removed on completion of the building work.

(3) This Ordinance, other than Division 3 of Part II, does not apply to or in relation to the erection, alteration or demolition of a building by the Department of Works or the Commission for or on behalf of the Commonwealth.

(4) Notwithstanding the last preceding sub-section, this Ordinance applies to and in relation to the alteration or demolition of a building referred to in that sub-section on and after the time when a person becomes entitled to the grant of a lease by the Commonwealth in respect of the parcel of land on which the building was erected.

(5) This Ordinance does not apply to or in relation to a structure that is—

Amended by  
No. 7, 1974, s. 2



- (a) a shed or other free-standing building not exceeding 2.100 metres in height and 5 square metres in area;
  - (b) an ornamental pond of a depth not exceeding 500 millimetres;
  - (c) an antenna or aerial not exceeding 5 metres in height; or
  - (d) a swimming pool the capacity of which does not exceed 10 cubic metres and designed to be assembled above ground level.
- (6) The provisions of this Ordinance are in addition to, and do not derogate from, the provisions of the *Scaffolding and Lifts Ordinance 1957-1968*.

## PART II—ADMINISTRATION

### *Division 1—Building Controller and Inspectors*

7. (1) The Minister may, by instrument in writing, appoint a person to be the Building Controller for the purposes of this Ordinance. Appointment  
of building  
controllers

(2) The Building Controller shall, in addition to the powers and functions expressly conferred on him by this Ordinance, take such steps as are necessary for securing the enforcement of this Ordinance with respect to the erection, alteration, demolition or occupation of buildings and for giving effect to decisions of the Review Committee and the Standards Committee.

(3) The Building Controller has all the powers and may perform all the functions of a building inspector under this Ordinance, and the provisions of this Ordinance relating to a building inspector apply to the Building Controller accordingly.

(4) The Minister may, by instrument in writing, appoint such persons as he considers necessary to be Deputy Building Controllers for the purposes of this Ordinance.

(5) A Deputy Building Controller has such of the powers and may exercise such functions of the Building Controller as the Minister specifies in the instrument of appointment.

(6) The Minister shall issue to the Building Controller or a Deputy Building Controller a certificate under his hand certifying that he is the Building Controller or a Deputy Building Controller under this Ordinance.

8. (1) The Building Controller may, by instrument in writing, appoint such persons as he considers necessary to be building inspectors for the purposes of this Ordinance. Appointment  
of building  
inspectors

(2) The Building Controller shall issue to a building inspector a certificate under his hand certifying that he is a building inspector under this Ordinance.

## Inspections

9. (1) A building inspector may inspect building work, being building work in respect of which a building permit has been issued, from time to time during its execution for the purpose of ascertaining whether the building work is being or has been carried out in accordance with the approved plans and specifications and with the conditions to which the permit is, by this Ordinance, subject.

(2) Where—

- (a) building work is being or has been carried out and a building permit has not been obtained in respect of that building work or the work is not being or has not been carried out in accordance with a building permit, a notice under Part IV or an order of the Review Committee or the Supreme Court;
- (b) a completed building has deteriorated to such an extent as to be no longer fit for any type of use;
- (c) a building or part of a building is no longer structurally sound; or
- (d) by reason of the use to which the building has been or is being put, the maximum safe live load has been or is being exceeded or the load on the building has been or is in excess of the load that the building was designed to carry,

the Building Controller may, by instrument in writing, authorize a building inspector to carry out an inspection of the building work or the building at any reasonable time.

(3) For the purposes of an inspection under this section, the Building Controller may—

- (a) authorize the making of tests of the soil or the building materials used or to be used in the building work or building; and
- (b) order the opening or cutting into or pulling down of any building work.

(4) If, on inspection, it is found that there are grounds for the giving of a stop notice, the builder shall bear the costs of any pulling down, opening or cutting into the building work carried out in the course of the inspection but, if, on inspection it is found that there are no such grounds, those costs shall be borne by the Commonwealth.

Amended by  
No. 38, 1974, s. 3

(5) Where the requirements of a notice under Part IV, or the directions in an order of the Review Committee or of the Supreme Court under this Ordinance relating to building work have not been complied with in accordance with that notice or order, the Minister may, by instrument in writing, authorize a building inspector, with such assistance as the building inspector considers necessary, to enter upon the land on which the building work referred to in the notice or order has been, or is being, carried out and to carry out the requirements or directions.

Inserted by  
No. 38, 1974, s. 3

(5A) Where, either before or after the commencement of this Ordinance, the building work in relation to a building that was required to be

carried out by a notice issued in pursuance of section 8 of the *Building Ordinance 1964-1970* has not been carried out, the Minister may, by instrument in writing, authorize a building inspector, with such assistance as the building inspector considers necessary, to enter upon the land on which that building is erected and to carry out that building work.

(6) For the purposes of this section, a building inspector may enter upon any land or premises on which a building has been erected or building work is being or has been carried out.

(7) A building inspector who enters upon land or premises in pursuance of this section is not authorized to remain on the land or premises if, on request by the occupier of the land or premises, he does not produce a certificate in writing signed by the Building Controller that he is authorized so to enter.

(8) A person who, without reasonable excuse, obstructs a building inspector acting in pursuance of this section is guilty of an offence punishable upon conviction by a fine not exceeding Two hundred dollars.

*Division 2—Building Review Committee*

10. (1) For the purposes of this Ordinance there shall be a committee to be known as the Building Review Committee.

Building  
Review  
Committee

(2) The Review Committee shall hear and determine—

- (a) applications to review decisions refusing to approve plans and specifications;
- (b) appeals against the cancellation of, or to the refusal to grant, a builder's licence;
- (c) objections to stop notices and notices for the demolition or alteration of buildings given under Part IV; and
- (d) other applications that may, under this Ordinance or the regulations, be made to the Committee.

(3) The Review Committee shall consist of a Chairman and five other members, namely—

- (a) an officer of the Department of the Interior;
- (b) an elected member of the Advisory Council nominated as the occasion requires by the Advisory Council;
- (c) a person representing the Australian Capital Territory Chapter of The Royal Australian Institute of Architects;
- (d) a person representing The Institution of Engineers of Australia; and
- (e) a person representing The Australian Institute of Building.

(4) The Chairman and members of the Review Committee shall be appointed by the Minister, shall hold office for such period, not exceeding three years, as is specified in the instrument of appointment, and, subject to this section, are eligible for re-appointment.

(5) A person is not eligible for appointment or re-appointment as the Chairman of the Review Committee if he is an officer or employee within the meaning of the *Public Service Act 1922-1972*.

Amended by  
No. 46, 1978, s. 3

(6) A person is not eligible for appointment or re-appointment as a person representing the organization referred to in paragraph (3) (c), (d) or (e) unless—

- (a) he is a member of that organization;
- (b) he is a person ordinarily resident in the Territory; and
- (c) his name is included on a panel of three names submitted to the Minister by that organization in relation to the appointment or re-appointment.

(7) Paragraph (c) of the last preceding sub-section does not apply if the organization does not, within the time specified by the Minister in a notice to the organization requesting the submission of a panel of three names, submit such a panel.

(8) A member of the Review Committee is not eligible to act as a member of the Committee in a matter coming before the Committee in which the member is, either directly or indirectly, financially interested.

(9) For the purposes of appeals and inquiries under this Ordinance, the Review Committee has the same power to summon witnesses, to require the production of books and documents and to take evidence on oath as a Board of Enquiry appointed under the *Enquiry Ordinance 1938-1970* has under that Ordinance.

Vacancies in  
office of  
members of  
Review  
Committee  
Sub-section (1)  
amended by  
No. 46, 1978, s. 3

11. (1) The Minister may, by instrument in writing signed by him, remove from office a member of the Review Committee—

- (a) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) if the member resigns his office by instrument in writing signed by him addressed to the Minister;
- (c) if the member becomes incapable of performing his duties;
- (d) in the case of a member representing an organization referred to in paragraph 10 (3) (c), (d) or (e), if the member ceases to be a member of that organization or ceases to be ordinarily resident in the Territory; or
- (e) in the case of a member referred to in paragraph 10 (3) (a), if the member ceases to be an officer of the Department of the Interior.

(2) If the member of the Review Committee who is an elected member of the Advisory Council ceases to be a member of the Advisory Council, the Minister shall, by instrument in writing signed by him, remove him from office.

(3) If the Chairman of the Review Committee becomes an officer or employee within the meaning of the *Public Service Act* 1922-1972, the Minister shall, by instrument in writing, remove him from office.

12. (1) The Review Committee may exercise its powers under this Ordinance notwithstanding that there is a vacancy in the office of a member of the Committee, but the Committee shall not hear and determine a matter unless not less than three members are present at the hearing.

Hearings of Review Committee

(2) Where the Chairman of the Review Committee is absent from a meeting of the Committee, the members present may elect an Acting Chairman for the purpose of that meeting.

(3) The Chairman or Acting Chairman has a deliberative vote and, where there is an equality of votes, a casting vote.

(4) A decision of a majority of the members of the Review Committee present at a meeting of the Committee shall be deemed to be a decision of the Committee.

(5) Subject to this Ordinance, the procedure at meetings of the Review Committee shall be as the Committee determines.

13. The Review Committee is a prescribed authority for the purposes of the *Remuneration Ordinance* 1976.

Fees and allowances to members of Review Committee  
Substituted by No. 61, 1976, s. 4

13A. The Review Committee shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister a report of the operations of the Review Committee during that year.

Annual report of Review Committee  
Inserted by No. 45, 1976, s. 4

### Division 3—Builder's Licences

14. (1) For the purposes of this Ordinance, there shall be four classes of builder's licences, namely—

Classes of Builder's licences

- (a) Builder's Licences Class A;
- (b) Builder's Licences Class B;
- (c) Builder's Licences Class C; and
- (d) Builder's Licences Class D.

(2) A Builder's Licence Class A authorizes the person to whom it is granted to carry out any kind of building work.

(3) A Builder's Licence Class B authorizes the person to whom it is granted to carry out any building work other than—

- (a) building work in connexion with a building comprising more than three storeys; or
- (b) building work in connexion with a building comprising more than one storey if the building is a building that depends or will depend for its support above the first storey on a structural steel frame-work or a reinforced concrete frame-work.

(4) A Builder's Licence Class C authorizes the person to whom it is granted to carry out any building work in connexion with a building that comprises only one storey, other than building work that involves the use of structural steel, of reinforced concrete beams or of suspended reinforced concrete in slabs the maximum of any of the spans of which exceeds ten feet and any building work that the holder of a Builder's Licence Class D is authorized to carry out.

Amended by  
No. 7, 1974, s. 2

(5) A Builder's Licence Class D authorizes the person to whom it is granted to carry out building work in connexion with the erection of out-buildings, pre-fabricated timber buildings, pre-fabricated steel buildings, fences, retaining walls the height of any part of which does not exceed 1.5 metres and ornamental pools.

(6) A Builder's Licence Class B, a Builder's Licence Class C or a Builder's Licence Class D also authorizes the person to whom it is granted to carry out any building work that does not affect an integral part of the structure of a building.

(7) A licensee shall not carry out any building work unless he is the holder of a builder's licence that authorizes him to carry out that building work.

Penalty: Five hundred dollars.

(8) For the purposes of this section, an attic storey and a basement shall each be regarded as a storey.

Applications  
for builder's  
licences

15. (1) Subject to this section, a person may apply to the Building Controller, in accordance with the prescribed form, for the grant of a builder's licence included in one of the four classes of licences specified in the last preceding section.

(2) In the case of an application for a builder's licence by a company, the Building Controller shall refuse the application unless the company has, in its application, nominated as the person who is to be responsible for the adequate direction and supervision of building work to be undertaken by the company, a director or an employee of the company who is the holder of a licence included in the class of licences to which the application relates.

(3) In the case of an application by two or more persons carrying on business in partnership, the Building Controller shall refuse the application unless the applicants have, in the application, nominated as the person to be responsible for the adequate direction and supervision of building work to be undertaken by the partnership one of the partners who is the holder of a licence included in the class of licences to which the application relates.

16. (1) A person other than a company is not eligible for the grant of a Builder's Licence Class D unless—

Eligibility for  
builder's  
licences

- (a) he has such skills in carpentry or in pre-fabricated steel construction as are adequate to enable him to carry out building work of the kind that the holder of such a licence is authorized to carry out; and
- (b) he has satisfactorily carried out building work, either under supervision or without supervision.

(2) A person other than a company is not eligible for the grant of a Builder's Licence Class C unless—

- (a) he is a person who holds a Journeyman's Certificate issued by the Apprenticeship Board constituted by the *Apprenticeship Ordinance 1936-1966* certifying that he has completed the prescribed term as an apprentice in the carpentry and joinery trade or in the bricklaying trade, that he has successfully completed the prescribed technical course for that trade and that he has attained the standards of practical and theoretical training for that trade;
- (b) he is a person who holds a certificate issued by the appropriate body in a place outside the Territory that certifies that he has completed the term required to be completed as an apprentice in such a trade, that he has successfully completed the technical course for such a trade, and that he has attained the standards of practical and theoretical training for such a trade, as required by the law in force in that place; or
- (c) he is a person who has skills and has had experience that make him as capable of carrying out building work as a person who has the certificate referred to in paragraph (a) of this sub-section.

(3) A person other than a company is not eligible for the grant of a Builder's Licence Class B unless—

- (a) he is a person who holds a certificate issued by the Department of Technical Education of the State of New South Wales certifying that he has completed a Building Foreman and Clerk of Works course conducted by that Department;
- (b) he is a person who—

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- (i) has completed, in a place outside the Territory, a trade course in accordance with the requirements for the successful completion of that course, being a course the standard of which is equivalent to the standard of the course referred to in the last preceding paragraph; and
  - (ii) holds a certificate issued by the authority by which the course is or was conducted that he has so completed that course; or
- (c) he is a person who has qualifications and skills that make him as capable of carrying out building work as a person who has the certificate referred to in paragraph (a) of this sub-section and he has satisfactorily carried out under supervision or on his own account for periods that total not less than three years building work other than building work of the kind that the holder of a Builder's Licence Class D is authorized to carry out.
- (4) A person other than a company is not eligible for the grant of a Builder's Licence Class A unless—
- (a) he is a person to whom a degree or diploma in architecture, civil engineering, structural engineering or building has been granted by an approved institution;
  - (b) he is a person to whom a degree or diploma of a university or other institution outside Australia has been granted in a course the standard of which is equivalent to the standard required for a degree or diploma referred to in the last preceding paragraph; or
  - (c) he is a person who has qualifications and skills that make him as capable of carrying out building work as a person who has a degree or diploma referred to in paragraph (a) of this sub-section and has satisfactorily carried out on his own account or under supervision for periods that total not less than three years building work other than building work of the kind that the holder of a Builder's Licence Class C or a Builder's Licence Class D is authorized to carry out.
- (5) For the purposes of paragraph (a) of the last preceding sub-section, "approved institution" means—
- (a) a university in Australia;
  - (b) the Canberra College of Advanced Education; or
  - (c) an institution that is a college of advanced education within the meaning of the *States Grants (Advanced Education) Act 1969-1972*.
- (6) A company is not, or two or more persons carrying on business in partnership are not, eligible for the grant of a builder's licence included in the class of licences to which the application relates unless the person nominated in the application for the licence as the director or employee



of the company or the partner, as the case requires, who is to be responsible for the adequate direction and supervision of building work to be undertaken by the company or partnership is the holder of such a licence.

(7) A person other than a company is not eligible for the grant of a builder's licence unless he is a person of good fame and character.

(8) A company is not eligible to apply for the grant of a builder's licence unless each of the directors of the company is a person of good fame and character.

17. (1) The Building Controller shall consider each application for a builder's licence and— Grant of licences

- (a) shall approve of the grant to the applicant of the builder's licence of the kind applied for; or
- (b) subject to this section—
  - (i) may refuse to grant a builder's licence to the applicant; or
  - (ii) may refuse to grant to the applicant a builder's licence of the kind applied for and may approve of the grant to the applicant of a builder's licence for the grant of which the applicant is eligible.

(2) The Building Controller shall only exercise the powers referred to in paragraph (b) of the last preceding sub-section if—

- (a) he has reason to believe that the applicant is not eligible for the grant of a builder's licence of any kind or of the kind applied for, as the case may be;
- (b) he has, within twenty-one days after the receipt of the application, given to the applicant notice in writing specifying the grounds upon which he bases his belief that the applicant is not eligible for the grant of the builder's licence for which he has applied; and
- (c) the applicant fails, within the period specified in that notice, to establish that he or it is eligible for the grant of the builder's licence for which he has applied.

(3) Where the Building Controller refuses to grant to a person a builder's licence or a builder's licence included in a specified class of builder's licences, that person may, within twenty-one days after the decision was given or within such further time as the Chairman of the Review Committee allows, lodge with the Chairman of the Review Committee an appeal to the Review Committee against the decision.

(4) The Review Committee shall hear and determine the appeal referred to in the last preceding sub-section and may—

- (a) confirm the decision of the Building Controller; or
- (b) uphold the appeal.

(5) Where the Review Committee upholds an appeal under this section, the Committee shall direct the Building Controller to grant to the appellant a builder's licence included in a specified class of builder's licences.

(6) Where the Building Controller has approved of the grant of a licence or the Review Committee or the Supreme Court has directed the grant of a licence, the Building Controller shall, on payment of the fee prescribed for licences included in the class of licences in which that licence is included, issue the licence to the person to whom it is to be granted.

(7) A builder's licence is, unless sooner cancelled, in force for the period of twelve months commencing on the day immediately following the day on which the licence is granted.

Cancellation  
of licences

**18.** (1) Each of the following is a ground for the cancellation of a builder's licence:

- (a) that the licence has been granted in error or in consequence of a false statement made or misleading information furnished by the holder of the licence;
- (b) that the holder of the licence carried out building work that did not comply with the standards set out in the Building Manual or otherwise approved by the Building Controller and that further building work has not been carried out in accordance with directions given under this Ordinance;
- (c) that—
  - (i) the holder of the licence has; or
  - (ii) the person working under the direction and supervision of the holder of the licence has, with the knowledge of the holder, attempted to deceive the Building Controller or building inspector with respect to building work that has been or is being carried out;
- (d) that—
  - (i) the holder of the licence has; or
  - (ii) the person working under the direction and supervision of the holder of the licence has, with the knowledge of the holder, contravened or failed to comply with, a provision of this Ordinance;
- (e) that the holder of the licence or, in the case of a licence issued to a company, a director of the company is no longer a person of good fame and character;
- (f) that, in the case of a licence granted to a company or partnership, the company has not had, for a period exceeding twenty-one days, a director or employee, or the partnership has not had,

for a period exceeding twenty-one days, a partner who holds a builder's licence included in the class held by the company or partnership;

- (g) that, in the case of a licence granted to a company or partnership, the company or the partners have not, within seven days after the person nominated or last nominated by it or them has ceased to be responsible for the adequate direction and supervision of building work undertaken by it or them, notified the Building Controller of that fact;
- (h) that the holder of the licence, or in the case of a licence granted to a company or partnership, the nominee of the company or the partnership has failed to exercise due skill, care and diligence in the carrying out of building work undertaken by him, them or it;
- (i) that the holder or, in the case of a licence issued to a company or a partnership, the nominee of the company or partnership has failed to exercise adequate direction and supervision of the building work undertaken by him, them or it.

(2) Where it appears to the Building Controller that there exists one or more of the grounds specified in the last preceding sub-section for the cancellation of a builder's licence, the Building Controller may, by notice in writing served on the holder of the licence, require the holder to show cause before the Review Committee why his licence should not be cancelled.

(3) A notice under the last preceding sub-section shall—

- (a) contain full particulars of the facts or circumstances on which the Building Controller has formed his opinion that the ground exists or the grounds exist;
- (b) specify a time not less than ten days after the date of the service of the notice within which the holder of the licence may give to the Building Controller notice of his intention to show cause before the Review Committee why his licence should not be cancelled.

(4) The Building Controller may, if he considers the circumstances justify him in so doing, suspend a builder's licence, and in that case, the Building Controller shall give notice of the suspension to the holder of the licence in the notice under sub-section (2) of this section.

(5) Where the holder of a builder's licence on whom a notice under sub-section (2) of this section has been served gives, within the time specified in that notice or within such further time as the Chairman of the Review Committee, on an application made before or after the time so specified, allows, to the Building Controller notice of his intention to show cause why the licence should not be cancelled, the Building Controller shall refer the matter to the Chairman of the Review Committee, who shall fix a time and place for the holding by the Review Committee of an inquiry at which the holder of the licence may show cause.

(6) The Chairman of the Review Committee shall give notice of the time and place fixed for the inquiry to the holder of the licence.

(7) Where the Review Committee is, after having held an inquiry under this section, satisfied that, in relation to the holder of the builder's licence, a ground referred to in sub-section (1) of this section exists, the Review Committee may—

- (a) suspend the licence for such period as the Review Committee sees fit;
- (b) cancel the licence; or
- (c) if the Review Committee is satisfied that, in the circumstances, the licence should not be suspended or cancelled, reprimand the holder of the licence.

(8) Where the holder of a licence on whom a notice under sub-section (2) of this section has been served does not, within the time specified in that notice, give to the Building Controller notice of his intention to show cause why his licence should not be cancelled, the Building Controller may cancel the licence.

(9) A suspension of a builder's licence under sub-section (4) of this section remains in force—

- (a) in a case where the holder of the licence gives notice under sub-section (5) of this section—until the Review Committee hears and determines the matter; or
- (b) in any other case—until the Building Controller revokes the suspension or cancels the licence.

(10) A builder's licence shall, during the period for which it is suspended under this section, be deemed not to be in force.

Appeals to  
Supreme  
Court

19. (1) Where the Review Committee, on an appeal under section 17 of this Ordinance, confirms the decision of the Building Controller, or, on an inquiry under the last preceding section, cancels or suspends a builder's licence, the appellant or the holder of the licence, as the case requires, may, within twenty-one days after the date of the decision, appeal to the Supreme Court against the decision of the Review Committee.

(2) Jurisdiction to hear and determine appeals under the last preceding sub-section is vested in the Supreme Court.

- (3) The appeal shall be by way of a re-hearing.
- (4) The Building Controller shall be the respondent on the appeal.
- (5) The Supreme Court may—
  - (a) give such judgment as to the Court seems proper;
  - (b) affirm, set aside or vary the decision of the Review Committee; and

(c) make such other order as justice requires.

20. (1) There shall be kept in the office of the Building Controller a register to be called the Register of Builder's Licences in which the Building Controller shall enter the names and addresses of persons holding builder's licences granted under this Ordinance, in appropriate cases, the nominees of those persons and the class of licences in which the licence issued to each of those persons is included.

Register of  
builder's  
licences

(2) The Building Controller shall record any cancellations or suspensions of builder's licences in the Register of Builder's Licences.

(3) A person may, on payment of the prescribed fee, inspect the Register of Builder's Licences at the office of the Building Controller during the hours during which that office is open for business.

21. If the Building Controller is satisfied that a builder's licence granted to a person under this Ordinance has been lost, defaced or destroyed, he may issue to that person a certified copy of the builder's licence and that copy shall be deemed to have, for the purposes of this Ordinance, the same effect as the builder's licence.

Loss, &c., of  
licence

22. (1) A company that is the holder of a builder's licence may, by notice in accordance with the prescribed form lodged with the Building Controller, nominate a director or an employee of the company who is the holder of a builder's licence included in the class of builder's licences in which the company's licence is included as the person responsible, in the place of a person previously nominated, for the adequate direction and supervision of building work undertaken by the company.

Change of  
nominee

(2) The Building Controller shall, as soon as practicable after receipt of the notice, enter particulars of the change in the Register of Builder's Licences.

23. (1) Where the address of the holder of a builder's licence is changed, the holder shall, within seven days after the change, furnish to the Building Controller notice in writing of the change.

Notice of  
change of  
address

(2) The Building Controller shall, as soon as practicable after the receipt of the notice, enter the particulars of the change of address in the Register of Builder's Licences.

#### *Division 4—The Building Standards Committee and the Building Manual*

24. (1) For the purposes of this Ordinance, there shall be a committee to be known as the Building Standards Committee.

Building  
Standards  
Committee

(2) The Standards Committee shall consist of five members, namely—

(a) the Building Controller or a Deputy Building Controller, who shall be the Chairman;

- (b) an officer of the Department of the Interior;
- (c) a person representing the Australian Capital Territory Chapter of The Royal Australian Institute of Architects;
- (d) a person representing The Institution of Engineers of Australia; and
- (e) a person representing The Australian Institute of Building.

(3) The members of the Standards Committee shall be appointed by the Minister and shall hold office for such period not exceeding three years as is specified in the instrument of appointment, and, subject to this section, are eligible for re-appointment.

(4) A person is not eligible for appointment or re-appointment as a person representing the organization referred to in paragraph (c), (d) or (e) of sub-section (2) of this section unless—

- (a) he is a member of that organization;
- (b) he is a person ordinarily resident in the Territory; and
- (c) his name is included in a panel of three names submitted to the Minister by that organization in relation to the appointment or re-appointment.

(5) Paragraph (c) of the last preceding sub-section does not apply if the organization does not, within the time specified by the Minister in a notice to the organization requesting the submission of a panel of three names, submit such a panel.

(6) The Minister may, by instrument in writing signed by him, remove from office a member of the Standards Committee—

- (a) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) if the member resigns his office by instrument in writing signed by him and addressed to the Minister;
- (c) if the member becomes incapable of performing his duties;
- (d) in the case of a member representing an organization referred to in paragraph (c), (d) or (e) of sub-section (2) of this section, if the member ceases to be a member of that organization or ceases to be ordinarily resident in the Territory; or
- (e) in the case of a member referred to in paragraph (b) of that sub-section, if the member ceases to be an officer of the Department of the Interior.

(7) The Standards Committee may exercise its powers notwithstanding that there is a vacancy in the office of a member of the Committee but the Committee shall not determine a matter unless not less than three members are present at the meeting.

(8) Where the chairman is absent from a meeting of the Standards Committee, the members present may elect an acting chairman for the purposes of that meeting.

(9) A matter at a meeting of the Standards Committee shall be determined by a majority of votes of members of the Committee present at the meeting and, for that purpose, the chairman or acting chairman has a deliberative vote and, where there is an equality of votes, a casting vote.

(10) The Standards Committee is a prescribed authority for the purposes of the *Remuneration Ordinance 1976*.

Substituted by  
No. 61, 1976, s. 4

25. (1) The Standards Committee shall cause a manual, called the Building Manual, to be prepared and published for the purposes of this Ordinance.

Building  
Manual

(2) The Standards Committee may, in the Building Manual—

Amended by  
No. 38, 1974, s. 4

- (a) classify buildings according to intended use, types of construction and materials used;
- (b) specify, in respect of each class of buildings, acceptable requirements and standards of or for—
  - (i) structural sufficiency;
  - (ii) fire resistance and protection;
  - (iii) drainage;
  - (iv) sanitation and disposal of refuse and waste;
  - (v) ventilation;
  - (vi) lighting;
  - (vii) insulation against heat, cold, dampness and noise;
  - (viii) services, installations and ancillary equipment;
  - (ix) access and egress; and
  - (x) room dimensions;
- (c) specify acceptable standards of manufacture and performance of materials;
- (d) specify acceptable methods of use of those materials; and
- (e) specify acceptable standards for plans and specifications submitted to the Building Controller for his approval under this Ordinance.

26. (1) The Standards Committee may, by instrument in writing, amend or revoke any part of the Building Manual.

Amendments  
of Building  
Manual

(2) An instrument under the last preceding sub-section does not have effect until a date specified in the instrument, being a date not less than fourteen days after notice of intention so to amend or revoke has been given in a newspaper published and circulating in the Territory.

(3) The notice under the last preceding sub-section shall set out the place where copies of the amendment or of the instrument of revocation may be purchased.

(4) An instrument under sub-section (1) of this section does not affect a building permit, approved plans and specifications or certificate of occupancy issued under this Ordinance before the date of effect of the order or any building work done after that date in accordance with such a building permit that is issued by reference to the Building Manual as in force at the date of issue of the building permit.

Annual  
report of  
Standards  
Committee  
Inserted by  
No. 45, 1976, s. 5

**26A.** The Standards Committee shall, as soon as practicable after the end of each financial year, prepare and furnish to the Minister a report of the operations of the Standards Committee during that year.

Certified  
copy of  
Building  
Manual

**27.** In any proceedings before a court or the Review Committee, evidence of the Building Manual as in force on a specified date or during a specified period may be given by the production of an office copy of the Building Manual purporting to be certified as a true copy as at that date or during that period in writing by the Building Controller.

Interpretation of  
Building  
Manual

**28.** (1) Expressions used in the Building Manual, unless the contrary intention appears in the Building Manual, have the same respective meanings as those expressions have in the *Interpretation Ordinance 1967-1972*.

(2) Instruments under this Division are not regulations within the meaning of the *Interpretation Ordinance 1967-1972*.

Inspection of  
Building  
Manual

**29.** A person may, upon application, inspect a copy of the Building Manual as in force at the time kept in the office of the Building Controller at any time during the hours during which that office is open for business.

### PART III—PLANS AND SPECIFICATIONS AND BUILDING PERMITS

General  
requirements  
for carrying  
out of  
building  
work

**30.** (1) Building work shall not be commenced or carried out unless—

- (a) a building permit for the building work has been granted by the Building Controller under this Part; or
- (b) the building work is building work to and in relation to which the repealed laws continue to apply by virtue of sub-section (3) of section 4 of this Ordinance.

(2) Subject to this section, building work shall not be commenced or carried out except by the licensee to whom the building permit for the building work has been granted by the Building Controller under this



Part or by an employee of, or by a person who carries out the work in pursuance of a contract entered into by him with, or at the request and on the instructions of, the licensee to whom the building permit has been granted.

(3) The last preceding sub-section does not apply to or in relation to building work in respect of which the Building Controller has, in pursuance of section 39 of this Ordinance, issued a building permit for that building work endorsed in accordance with that section.

(4) Where building work is commenced or carried out in contravention of sub-section (1) or (2) of this section, the owner of the parcel of land on which the building work is carried out and a person who carries out the building work are each guilty of an offence and liable, upon conviction, to a fine not exceeding Five hundred dollars.

(5) It is a defence to a prosecution against an owner of a parcel of land for an offence against this section if the owner satisfies the Court that he believed on reasonable grounds that a building permit for the building work had been granted under this Part to the person by whom or by whose employees or contractors, the work was carried out.

(6) It is a defence to a prosecution against a person other than the owner of a parcel of land if the person charged satisfies the Court that—

- (a) he was employed to carry out the building work by another person; or
- (b) he had carried out the building work in pursuance of a contract entered into by him with another person or at the request and on the instructions of another person,

and that he believed, on reasonable grounds, that a building permit for the building work had been granted under this Part to that other person.

31. (1) The Building Controller shall not grant a building permit for building work unless—

- (a) he has approved the plans and specifications in respect of the building work as provided by this Part; or
- (b) plans and specifications in respect of the building work were, before the commencing date, approved under the Canberra Building Regulations.

Building permit not to be granted until after approval of plans and specifications

(2) An application for approval under this Part of plans and specifications shall be made by the owner of the parcel of land on which the building work is to be carried out or by his agent to the Building Controller in accordance with a prescribed form and shall be accompanied by the prescribed fee.

Requirements with respect to plans and specifications for the erection or alteration of a building

32. (1) An application for approval under this Part of plans and specifications for the erection or alteration of a building shall be accompanied by—

- (a) not less than two copies of the plans and specifications—
  - (i) specifying the block, section, division and district (within the meaning of the *Districts Ordinance* 1966-1967) of the parcel of land on which the proposed building is to be erected or the building to be altered is erected;
  - (ii) incorporating a site plan showing the location, boundaries and dimensions of the parcel of land on which the proposed building is to be erected or on which the building as proposed to be altered is erected, and showing the siting of the proposed building or building as proposed to be altered on the parcel of land;
  - (iii) specifying the class of the building, classified as provided by the Building Manual according to the use to which it is intended that the building will be put when erected or altered;
  - (iv) specifying the type of construction of the building or of the building as proposed to be altered in accordance with the classification as provided by the Building Manual;
  - (v) specifying the dimensions of all parts, including the foundations, of the building as proposed to be erected or of the proposed alteration;
  - (vi) showing floor plans, sections and elevations (including existing and finished ground levels) to scale and structural details of the building as proposed to be erected or of the proposed alteration;
  - (vii) where the building or part of the building as proposed to be erected or altered is designed to be used as offices (including a studio or bank), as a shop (including a hairdresser's shop, restaurant, service station, hotel bar, library or undertaker's establishment), as a warehouse (including a public garage, hangar or showroom), as a factory or as a public building (including a hospital, nursing home, theatre, church, school, club, public baths or other assembly building) or for the manufacture, repair, preparation, packing or cleaning of foodstuffs or other goods, or for a laboratory process with chemicals, explosives, inflammable materials or materials of high fire hazard—specifying the maximum live load for which the several floors of the building or proposed building, or that part of it, have been designed; and
  - (viii) specifying the materials to be used in the building as proposed to be erected or in the proposed alteration;

- (b) if required by the Building Controller—a statement showing the results of soil tests and evidence of drainage of the parcel of land on which the building is to be erected or on which the building as proposed to be altered is erected;
- (c) if required by the Building Controller—a statement showing structural calculations in respect of any reinforced concrete or structural steel proposed to be used in the building work;
- (d) a statement specifying the name of the owner of the parcel of land on which the building is to be erected or of the land on which the building proposed to be altered is erected and, if the application is not made by the owner personally or by his solicitor or architect, the consent in writing of the owner to the application being made by his agent;
- (e) a statement showing an estimate of the cost of the building work involved in the erection or alteration;
- (f) where building work is proposed to be carried out at or near a street or place that is open to or used by the public, a statement showing particulars of the safety precautions proposed to be taken during the period in which the building work is to be carried out to protect the safety of persons using that street or place; and
- (g) a statement showing a reference to the certificate of title or lease or other evidence of title of the parcel of land on which the building is to be erected or on which the building as proposed to be altered is erected.

(2) The application for approval under this Part of plans and specifications for the alteration of a building shall, in addition to the matters referred to in the last preceding sub-section, be accompanied—

- (a) if required by the Building Controller—by not less than two copies of the approved plans and specifications of the existing building; and
- (b) by not less than two copies of a statement relating to the existing building showing particulars of—
  - (i) the class and type of construction of the existing building classified as provided by the Building Manual according to occupancy; and
  - (ii) the materials used in the existing building.

(3) Where an application for the approval under this Part of plans and specifications in respect of building work involving the erection or alteration of a building also specifies building work involving the demolition in whole or in part of a building, the Building Controller may, if the plans and specifications do not show, in relation to the demolition, the

particulars and details referred to in paragraphs (a), (b) and (c) of sub-section (1) of section 34 of this Ordinance, require the applicant to furnish further plans and specifications showing those particulars and details.

(4) Where the plans and specifications and other information submitted under this section are not adequate for the purpose of approval under this Part, the Building Controller may require the applicant to submit further plans, specifications or information.

Approval of plans and specifications to erect or alter a building

33. (1) Subject to this Part, the Building Controller shall consider the plans and specifications submitted to him for approval relating to the carrying out of building work for the erection or alteration of a building and shall—

- (a) if the building as proposed to be erected or altered is structurally sufficient, safe and stable for the purpose—approve the plans and specifications; or
- (b) in any other case—refuse to approve them or approve them subject to amendments agreed upon between him and the applicant for approval.

(2) In considering whether a building as proposed to be erected or altered will be structurally sufficient, safe and stable for the purpose, the Building Controller shall consider, in particular, whether the building will make adequate provision for the following matters:

- (a) protection against fire, having regard to the proposed provision in the building for access and egress, the sub-division of rooms, the use of fire-resistant materials, the type of heating and the type of construction proposed to be used;
- (b) health and comfort, including—
  - (i) insulation against heat, cold, dampness and noise having regard to the location, siting and class of building;
  - (ii) sanitation and disposal of refuse and waste (including smoke, gas, fumes and ash);
  - (iii) sewerage and drainage;
  - (iv) light (artificial and natural) and ventilation; and
  - (v) room dimensions (including ceiling heights); and
- (c) services, installations and ancillary equipment.

(3) The Building Controller shall not refuse to approve plans and specifications for the erection or alteration of a building on the ground of the inadequacy of a matter referred to in the last preceding sub-section if the plans and specifications and other information submitted by the applicant in respect of that matter show that the matter will conform to the appropriate acceptable requirements and standards for that matter set out in the Building Manual in respect of such a building.

(4) Nothing in the last preceding sub-section prevents the Building Controller from granting approval of a matter in plans and specifications, being a matter the acceptable requirements and standards of which are not set out in the Building Manual, if the Building Controller is satisfied in accordance with sub-section (1) of this section in relation to that matter.

(5) The Building Controller may, in a case referred to in the last preceding sub-section, refer, if he considers that the circumstances so require, the case to the Building Review Committee and, in that case, the Building Controller shall give effect to the decision of the Committee on the case.

(6) The Building Controller shall signify his approval (including any amendments to which his approval is subject) of plans and specifications under this section by signing a memorandum of that fact attached to, or inscribed on, the copies of the plans and specifications submitted to him and return to the applicant one of the copies with the memorandum attached to it or inscribed on it.

34. (1) An application for approval of plans and specifications for building work involving the removal or demolition of an existing building and not involving the erection of a building in its stead shall be accompanied by plans and specifications showing— Building permit for removal or demolition of a building

- (a) particulars of the existing building, including its location by reference to the block, section, division and district (within the meaning of the *Districts Ordinance 1966-1967*), the boundaries and dimensions of the parcel of land on which the building is erected;
- (b) details of the methods to be employed in the execution of the building work;
- (c) where the building work is proposed to be carried out on or near a street or place open to or used by the public, particulars of safety precautions proposed to be taken during the period during which the removal or demolition is to be carried out to protect the safety of persons using the street or place;
- (d) a statement showing the name of the owner of the parcel of land from which the building is to be removed or demolished and, if the owner is not the applicant, a written consent of the owner to the application being made by his agent;
- (e) a statement showing an estimate of the cost of the building work involved in the removal or demolition; and
- (f) such other information as is required by the Building Controller.

(2) Subject to this Part, the Building Controller shall approve plans and specifications for building work involving the demolition or removal of a building if the proposed methods to be employed in the execution of the building work and the safety precautions, submitted in or with the

application, proposed to be taken during the demolition or removal are adequate.

Grant of  
building  
permits

35. (1) Where plans and specifications have been approved under either of the last two preceding sections, the Building Controller shall, on application made for the purpose, grant, subject to this Part, a building permit for the building work referred to in the approved plans and specifications.

(2) Subject to section 39 of this Ordinance, an application for a building permit shall—

- (a) be made by a person who holds a builder's licence that authorizes him to carry out building work of the kind involved in the approved plans and specifications;
- (b) be in accordance with the prescribed form; and
- (c) be accompanied by the prescribed fee.

Stages of  
building  
work and  
inspection

36. (1) The Building Controller shall, in a building permit involving the erection or alteration of a building, specify the stages during the progress of the building work at which the holder of the building permit is required to have the building work inspected in accordance with this Ordinance, being stages included in the stages of building work specified in the Schedule to this Ordinance.

(2) The Building Controller may specify that more than one stage may be inspected at the one time, and those stages together may be regarded as one stage for the purposes of an inspection under this Ordinance.

(3) Subject to the next succeeding sub-section, the holder of a building permit shall not, notwithstanding the specification of stages for inspection under this section, proceed with any building work above damp course level unless the Building Controller has received a plan signed by a surveyor licensed under the *Surveyors Ordinance 1967-1970* specifying the exact position of the building in relation to the boundaries of the parcel of land on which the building is to be erected and, if the building permit so requires it, specifying the level that the floor or floors of the building will have in relation to a level specified in the building permit.

(4) The Building Controller may, in a building permit involving the alteration or addition to a building specify that the last preceding sub-section does not apply to or in relation to the building work and, in such a case, that sub-section does not apply.

(5) The holder of a building permit shall inform the Building Controller on the reaching of each stage at which he is required by the building permit to have the building work inspected under this Ordinance.

(6) The holder of a building permit shall not, except as provided by the next succeeding sub-section, proceed beyond any such stage in the

building work until the building work at that stage has been inspected and found to be in accordance with the approved plans and specifications for that building work at that stage.

Penalty: Two hundred dollars.

(7) Where—

- (a) the holder of a building permit has given notice in writing in respect of a stage of building work under sub-section (5) of this section;
- (b) a period of four working days has elapsed since the receipt by the Building Controller of that notice; and
- (c) the building work at that stage has not been inspected under this Ordinance,

the holder of the building permit may proceed to the next such stage so specified in the permit.

(8) The Building Controller or a building inspector shall, forthwith after each inspection of building work made under this Ordinance, record in writing the date and results of his inspection and shall include in the record a statement of any directions given to the holder of a building permit to be carried out by him.

(9) A copy of the record shall be served on the holder of the building permit and, on request, by the owner of the parcel of land, on the owner.

(10) The holder of a building permit shall keep records of—

- (a) test borings, test loadings or other investigations made for the purpose of determining the permissible loadings on piles used in the building work, pile-driving operations, calculations of allowable loadings and details of the location of the piles; and
- (b) test loadings and excavations made for the purpose of determining the bearing capacity of the foundation for the building or proposed building or building as proposed to be altered,

until a certificate in respect of the building work is issued under section 53 of this Ordinance, and, when the certificate is issued, the holder of the building permit shall deliver those records to the Building Controller.

37. The grant of a building permit for building work involving the erection or the alteration of a building on a parcel of land held under a lease from the Commonwealth does not authorize the use of the parcel of land for a purpose other than the purpose for which the lease was granted or the use of the parcel of land contrary to a provision, covenant or condition of the lease.

Land to be used in accordance with lease

Building Controller not to have regard to external design and siting

38. The Building Controller shall not refuse an application for a building permit by reason of the external design or siting of a proposed building, or of a building as proposed to be altered, except where the Building Controller is satisfied that it is necessary to do so in order to prevent a contravention of a provision of this Ordinance or of another law.

Building permit endorsed "No Builder's Licence Required"

39. The Building Controller, in a case where the building work in connexion with a building or proposed building for which a building permit is required under this Part is of such a nature that the building work may be carried out by a person who is not a licensee, shall, in granting approval of the plans and specifications under section 33 of this Ordinance, include in his approval the words "No Builder's Licence Required", and, in such a case, the application for the building permit shall be made by the owner of the parcel of land on which the building work is to be carried out and the building permit shall be granted to the owner.

Conditions of building permits

40. The grant of a building permit for building work is subject to the conditions that—

- (a) the materials used in the building work will conform to the standards for those materials as set out in the Building Manual or as otherwise approved and specified in the permit by the Building Controller;
- (b) the methods of use of those materials in the building work will conform to the acceptable methods of use as set out in the Building Manual or as otherwise approved and specified in the permit by the Building Controller;
- (c) the building work will be carried out in a proper and workman-like manner;
- (d) the building work will be carried out in accordance with the approved plans and specifications in respect of which the building permit is granted;
- (e) the building work will be carried out by a person who is the holder of a builder's licence, or a building permit issued for that type of work endorsed under the last preceding section, or by a person employed by or under contract to him; and
- (f) the safety precautions submitted in or with the application for the building permit will be taken.

Period during which building permit in force

41. (1) A building permit shall, unless extended by the Building Controller, lapse at the expiration of the period of three years, or such other lesser period as is specified in the permit, after the date of issue of the permit.

(2) The Building Controller may, upon application in writing by the holder of a building permit and payment of the prescribed fee, extend the building permit for such period as is reasonable in the circumstances.



(3) The application for extension shall specify the stage of the building work so far carried out under the building permit and the reasons why the period of the permit is sought to be extended.

42. (1) Where the Building Controller refuses to approve plans and specifications or particulars of safety precautions as submitted under this Part, refuses to grant a building permit, refuses to grant a building permit with the endorsement provided for in section 39 of this Ordinance or refuses to extend the period of a building permit, he shall cause notice of his decision to be given in writing to the applicant or the holder of the permit, as the case may be, setting out the reasons for his decision. Applications to review

(2) The person to whom notice of the decision of the Building Controller has been given under the last preceding sub-section may, within fourteen days after the date of the notice, or within such further time as the chairman in a particular case allows, lodge with the chairman of the Review Committee an application in writing for a review by the Review Committee of the Building Controller's decision.

(3) Upon an application to review the Building Controller's decision to refuse to approve plans and specifications for the erection or alteration of a building, or particulars of safety precautions, as submitted under this Part, the Review Committee shall hear the application and shall—

- (a) direct the Building Controller to approve the plans and specifications either without modification or with such modifications as the Building Committee specifies; or
- (b) confirm the Building Controller's decision.

(4) Upon an application to review the Building Controller's decision to refuse to grant a building permit, the Review Committee shall hear the application and shall—

- (a) direct the Building Controller to issue the building permit to the applicant; or
- (b) confirm the Building Controller's decision.

(5) Upon an application by the holder of a building permit to review the Building Controller's decision to refuse to extend the period of the permit, the Review Committee shall hear the application and shall extend the building permit for such period as the Committee considers to be a reasonable period within which to complete the building work, or shall confirm the Building Controller's decision.

#### PART IV—STOP AND DEMOLITION NOTICES

43. (1) Where building work is being carried out—

Stop notices

- (a) by a person who is not a holder of a building permit for that building work or is not employed by or under contract to the holder of a building permit for that building work;

- (b) otherwise than in accordance with the approved plans and specifications for that building work;
- (c) otherwise than in accordance with the conditions subject to which a building permit for the building work is granted;
- (d) contrary to a provision of this Ordinance relating to that building work;
- (e) where the building work is being carried out on a parcel of land held under lease from the Commonwealth, contrary to a provision, covenant or condition of the lease; or
- (f) contrary to the approval of the Commission or a condition of that approval given under the *Buildings (Design and Siting) Ordinance 1964-1972* in respect of that building work,

the Building Controller or a building inspector may, by notice in writing, prohibit the carrying out of any further building work or of such building work as he specifies in the notice.

(2) The Building Controller or building inspector may, notwithstanding sub-section (6) of section 36 of this Ordinance, give a stop notice in respect of building work for the erection or alteration of a building if—

- (a) the building work is not in accordance with the plans and specifications; and
- (b) the proposed building or the building as proposed to be altered would not, when completed, be structurally sufficient, safe and stable for the purpose or would not make adequate provision for the matters specified in sub-section (2) of section 33 of this Ordinance.

Amended by  
No. 38, 1974, s. 5

(3) A stop notice ceases to be in force—

- (a) if the Building Controller, by notice in writing signed by him revokes the notice given under sub-section (1) of this section;
- (b) on the expiration of seven days after the notice under that sub-section was given, not being a notice given on the ground specified in paragraph 43 (1) (a), unless the Building Controller, in that period of seven days, gives a further notice under the next succeeding section;
- (c) if it is revoked under section 47 of this Ordinance;
- (d) if it is deemed to have been revoked under the next succeeding sub-section; or
- (e) if a further notice is given under the next succeeding section—when the work specified in that further notice is carried out.

Substituted by  
No. 38, 1974, s. 5

(4) Where, if a stop notice in relation to building work is given on the ground specified in paragraph 43 (1) (a)—

- (a) an application for a building permit in respect of that building work is made under this Ordinance within 14 days of the giving of the notice; and

(b) having regard to all the circumstances and the building work so far carried out, the Building Controller grants a building permit, the notice shall be deemed to have been revoked.

44. (1) Where a stop notice has been given on a ground other than that specified in paragraph 43 (1)(a), the Building Controller may, within the period of seven days after the service of the stop notice, by a further notice, specify the building work (including work by way of demolition) that is required to be carried out to ensure that the building work for which the building permit was issued will be carried out in accordance with the approved plans and specifications, the provisions of this Ordinance and any conditions subject to which the building permit was issued, and shall, by that further notice, require the building work specified in the notice to be carried out within such period as is specified in that further notice.

Notice specifying building work, including demolition, of building to which stop notice relates  
Sub-section (1) amended by No. 38, 1974, s. 6

(2) Where a stop notice has been given under sub-section (2) of the last preceding section, the Building Controller shall not require the carrying out of building work by a further notice under the last preceding sub-section other than such building work as is necessary for the proposed building or the building as proposed to be altered to be, when completed, structurally sufficient, safe and stable for the purpose or to make adequate provision for the matters specified in sub-section (2) of section 33 of this Ordinance.

(3) Where—

- (a) an application for a building permit is not made as provided by sub-section 43 (4); or
- (b) the Building Controller rejects an application under that sub-section,

Substituted by No. 38, 1974, s. 6

the Building Controller, in a case in which the stop notice has not ceased to be in force, may, by notice in writing, require the owner of the parcel of land on which the building work was being carried out before the giving of the stop notice to carry out such building work (including demolition) as is specified in the notice within such period as is specified in the notice.

(4) An act or thing done by a person for the purpose of complying with a notice under this section shall not be deemed to be a contravention of a stop notice.

45. A notice under either of the last two preceding sections may be served—

Service of notice

- (a) on the owner of the parcel of land on which the building work referred to in the notice is being carried out;
- (b) on the person by whom the building work referred to in the notice is being carried out;

- (c) in the case of a stop notice, on any person carrying out building work referred to in the notice; or
- (d) jointly on any two or more of the persons to whom the notice may be given in the appropriate case under the preceding paragraphs of this section.

Notice to  
carry out  
building  
work  
Substituted by  
No. 38, 1974, s. 7

46. (1) Where—

- (a) building work has been carried out, either before or after the commencement of this Ordinance, without a permit for that building work having been issued under the Canberra Building Regulations or without a building permit granted under this Ordinance for that building work having been in force at the time the building work was carried out;
- (b) building work for which a building permit has been granted under this Ordinance has been carried out in contravention of sub-section 36 (3) or 36 (6), or otherwise than in accordance with the conditions referred to in section 40;
- (c) building work, in respect of which a notice has been served under this Part or an order has been made by the Review Committee or the Supreme Court, has been carried out otherwise than in accordance with that notice or order;
- (d) building work has been carried out on a parcel of land held under lease from Australia, contrary to a provision, covenant or condition of the lease;
- (e) building work has been carried out contrary to the approval of the Commission or a condition of that approval given under the *Buildings (Design and Siting) Ordinance 1964-1973* in respect of that building work; or
- (f) the Building Controller finds, on inspection, that—
  - (i) a building has deteriorated to such an extent as to be unfit for use for the purpose stated, or as a building of the class specified, in the approved plans and specifications for that building or, where the building is being occupied for some other purpose or so as to come within some other class as provided by the Building Manual, as to be unfit for use for that other purpose or as a building of that other class;
  - (ii) building work has not been completed when the building permit in respect of the building work lapsed;
  - (iii) a building or part of a building is not structurally sound;
  - (iv) the maximum safe live load or the load that a building was designed to carry has been exceeded; or
  - (v) the external condition of a building is such that injury to persons or damage to property may result from a part of the building becoming detached,

the Building Controller may serve on the owner of the parcel of land on which the building work has been carried out or on which the building has been erected, as the case may be, a notice directing him to carry out such building work (including demolition) on that parcel of land as is specified in the notice within such period as is specified in the notice, and may, with respect to the building work specified in the notice, require the owner to submit for approval plans and specifications and obtain the grant of a building permit.

(2) Where building work has been carried out in the circumstances mentioned in paragraph (1) (a), a notice given by the Building Controller in pursuance of sub-section (1) shall be deemed to have been revoked if the building Controller, on application by or on behalf of the owner of the parcel of land made under this Ordinance within 14 days after the service of the notice, grants a building permit for that building work.

(3) A notice served on the owner of a parcel of land by the Building Controller in pursuance of sub-section (1) directing that person to carry out building work may specify safety precautions to be taken by that person with respect to that building work, being safety precautions that are reasonable in the circumstances.

(4) Where the owner of a parcel of land—

(a) is directed by a notice under sub-section (1) to carry out building work (not being demolition); and

(b) is not required by the Building Controller under that sub-section to submit plans and specifications for approval and obtain the grant of a building permit,

he shall pay to the Building Controller those fees that would have been payable if he had been required to submit plans and specifications for approval and obtain the grant of a building permit.

47. (1) Where a notice under this Part has been served on a person, Objection the person may, within thirty days after the date of service of the notice or such further time as the chairman allows, lodge with the chairman of the Review Committee an objection in writing to the notice.

(2) The Review Committee shall hear the objection and may, by order—

(a) if satisfied that compliance with the requirements of the notice is, in the circumstances, justified—dismiss the objection; or

(b) if not so satisfied—revoke the notice, or revoke the notice and give such directions to be complied with by the person who lodged the objection as in the circumstances it thinks fit.

(3) Where—

(a) a notice has been served on a person under sub-section (3) of section 44 of this Ordinance by reason that a person did not

make an application as provided by sub-section (4) of section 43 of this Ordinance; and

- (b) the person on whom the notice has been served lodges an objection in writing to the notice,

the Review Committee shall not make an order under the last preceding sub-section, other than an order dismissing the objection, unless the person lodging the objection has lodged an application under the *Buildings (Design and Siting) Ordinance 1964-1972* for the approval by the Commission in respect of the external design and siting of the building or proposed building referred to in the notice and until that application has been finally dealt with under that Ordinance.

(4) The Review Committee shall not revoke a notice or give directions under sub-section (2) of this section if the revocation or compliance with the directions would result in the external design and siting of the proposed building or of the building as proposed to be altered being otherwise than in accordance with the approval of the Commission with respect to those matters.

Appeal to  
Supreme  
Court

48. (1) Where the Review Committee, by an order under the last preceding section, has dismissed an objection to a notice requiring the demolition of a building or has given directions that require the person who lodged the objection to demolish a building, the person who lodged the objection may, within twenty-one days after the giving of the order, appeal to the Supreme Court against the order.

(2) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(3) On an appeal under this section, the Supreme Court may confirm the order of the Review Committee or revoke the order and make such other order, including the giving of directions to be complied with by the appellant, as in the circumstances it considers to be just and reasonable.

Failure to  
comply with  
order of  
Review  
Committee  
or Supreme  
Court

49. (1) A person who contravenes or fails to comply with a direction given to him by an order made by the Review Committee or by the Supreme Court is guilty of an offence punishable upon conviction by a fine not exceeding Four hundred dollars.

(2) Where an offence against the last preceding sub-section has been committed by a person by reason of his failure to comply with a direction given to him in an order made by the Review Committee or by the Supreme Court within the period specified in the direction, the person commits an additional offence on each day on which the failure to comply continues, notwithstanding that the period (calculated subject to the next succeeding section) has elapsed.

(3) The penalty for an offence against the last preceding sub-section is a fine not exceeding Fifty dollars for each day on which the failure to comply continues.

50. (1) Where an objection to a notice is lodged under section 47 of this Ordinance, time does not run, for the purpose of calculating a period of time specified in the notice, during the period that commences on the day on which the objection was lodged and ends—

Time not to run pending objection or appeal

- (a) on the day on which the Review Committee makes its order on the objection; or
- (b) if the person has appealed to the Supreme Court against the order—the day on which the Supreme Court makes its order on the appeal.

(2) Where—

- (a) the Review Committee, in an order given under section 47 of this Ordinance, gives a direction to be complied with by a person within a period specified in the direction; and
  - (b) an appeal is lodged to the Supreme Court against the order,
- time does not run, for the purpose of calculating that period of time, until the day on which the Supreme Court makes its order on the appeal.

51. (1) Where there is a contravention or a failure to comply with the requirements of a notice under this Part, each person on whom the notice or a copy of the notice has been served is guilty of an offence punishable upon conviction by a fine not exceeding Four hundred dollars.

Offences

(2) Where an offence against the last preceding sub-section has been committed by a person by reason of his failure to comply with the requirements of a notice served under section 44 or 46 of this Ordinance within a period specified in the notice, the person commits an additional offence on each day on which the failure to comply continues, notwithstanding that the specified period has elapsed.

(3) The penalty for an offence against the last preceding sub-section is a fine not exceeding Fifty dollars for each day on which the failure to comply continues.

## PART V—OCCUPANCY OF BUILDINGS

52. (1) Subject to section 54 of this Ordinance, this Part applies only to and in relation to buildings erected or altered after the commencement of this Ordinance.

Application

(2) The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the Territory (including this Ordinance) relating to the building or portion of the building.

Certificates  
of occupancy  
and use

53. (1) In this section, “the prescribed requirements” in relation to building work, means the approved plans and specifications for the building work, the conditions to which the building permit for the building work is subject and any directions given under section 46 of this Ordinance in relation to the building work.

(2) Where building work involving the erection or alteration of a building has been completed in accordance with the prescribed requirements for the building work, the Building Controller shall, on an application by the owner of the parcel of land on which the building work was carried out, issue a certificate that the building work has been completed in accordance with those requirements and that the building as erected or as altered is fit for occupation and use.

(3) Where building work involving the erection or alteration of a building as completed is not in accordance with the prescribed requirements for the building work, the Building Controller may, on an application made by the owner of the parcel of land on which the building work has been carried out, issue, subject to the next two succeeding sub-sections, a certificate that the building as erected or as altered, is fit for occupation and use.

(4) The Building Controller shall not issue a certificate under the last preceding sub-section unless—

- (a) the external design and siting of the building as erected or as altered is in conformity with the proposals with respect to external design and siting approved under the *Buildings (Design and Siting) Ordinance 1964-1972*; and
- (b) the building as erected or as altered—
  - (i) is substantially in accordance with the prescribed requirements; and
  - (ii) is structurally sufficient, sound and stable for the purposes for which it is to be occupied and used.

(5) In the case where the appropriate acceptable requirements and standards for a matter as set out in the Building Manual or if the Building Controller has approved under this Ordinance other requirements and standards in relation to that matter, those requirements and standards have not been complied with, the Building Controller may, before issuing a certificate under sub-section (3) of this section, require the applicant, by notice in writing, to carry out such work as is necessary to secure compliance with the appropriate acceptable requirements and standards as set out in the Building Manual for that matter or the other approved requirements and standards, as the case requires, and the Building Controller may refuse to issue the certificate until the work specified in the notice has been carried out.

(6) Where part of a building has been erected in accordance with the prescribed requirements in so far as they relate to that part of the



building, the Building Controller may, on an application made by the owner of a parcel of land on which the building is being erected, issue to the owner of the parcel of land a certificate that that part of the building is fit for occupation and use.

(7) Where—

(a) a certificate has been issued under the last preceding sub-section in relation to a portion of a building; and

(b) the Building Controller, on completion of the whole of the building work, issues a certificate for the whole of the building, the Building Controller shall cancel the certificate that relates to the portion of the building.

(8) Where a certificate is issued under this section in respect of the whole or a portion of a building, the Building Controller shall—

(a) where the building consists of two or more storeys—specify in the certificate the number of storeys in the building or portion of the building; and

(b) where the building or portion of the building is a building or portion of a building referred to in sub-paragraph (vii) of paragraph (a) of sub-section (3) of section 32 of this Ordinance—specify in the certificate the type of construction in accordance with the classification provided by the Building Manual, the maximum live load on the several floors of the building or that portion of it as provided by the building permit for its erection or alteration, and the number of persons for whom exit space is provided from each such floor.

(9) For the purposes of this section—

(a) a certificate under the hand of a surveyor licensed under the *Surveyors Ordinance 1967-1970* that the siting of a building as erected or altered is in conformity with the siting of the building as shown on the approved plans and specifications for the building work is evidence of that fact;

(b) a certificate signed by the engineer appointed under the Canberra Sewerage and Water Supply Regulations, or by a person appointed by the engineer, that the plumbing, sewerage and drainage work carried out in the building work is in conformity with such of the prescribed requirements for the building work as relate to plumbing, sewerage and drainage work is evidence of that fact; and

(c) a certificate signed by an engineer authorized for the purpose by the Australian Capital Territory Electricity Authority certifying that the electricity wiring work, as defined by the *Electricity Ordinance 1971-1972*, carried out in the building work is in conformity with such of the prescribed requirements for the building work as relate to that electricity wiring work is evidence of that fact.

(10) Where building work involving the demolition of a building has been completed in accordance with the prescribed requirements for that building work, the Building Controller shall, on an application made for the purpose, issue a certificate to that effect.

(11) Where building work involving the erection of a structure upon or attached to land or a building has been completed in accordance with the prescribed requirements for that building work, the Building Controller shall, on an application made for the purpose, issue a certificate to that effect.

Occupation  
and use of  
buildings

**54.** (1) A person shall not occupy or use, or permit another person to occupy or use a building or portion of a building unless—

- (a) the Building Controller has issued a certificate under the last preceding section that that building or that portion of the building is fit for occupation and use; or
- (b) in the case of a building erected or altered before the commencing date or of a building to which the repealed laws continue to apply, a certificate in accordance with regulation 69A of the Canberra Building Regulations as in force at the relevant time was or is issued in respect of the building or portion of a building.

(2) Where the Building Controller has issued a certificate under the last preceding section that the building or a portion of a building is fit for occupation and use, a person shall not use or permit another person to use any other portion of the building except for a purpose incidental to the use of the first-mentioned part until a certificate has been issued under that section that that other portion is fit for occupation and use.

Penalty: Four hundred dollars.

Vacation of  
premises  
after offence  
of using  
premises  
without  
certificate

**55.** (1) Where, after conviction for an offence against section 54 of this Ordinance, a person continues to use or continues to permit another person to use a building or a portion of a building in contravention of that section, the Building Controller may, by notice in writing to the occupier or to the person permitting the occupation, or to both, require the building to be vacated within a period specified in the notice.

(2) A person who fails to comply with a requirement of a notice given under this section is guilty of an offence punishable upon conviction by a fine not exceeding Four hundred dollars.

(3) Where an offence against this section has been committed by a person by reason of his failure to comply with the requirement to vacate and stop using a building or a portion of a building within the period specified in the notice, the person commits an additional offence on each day on which the failure to comply continues, notwithstanding that the specified period has elapsed.

(4) The penalty for an offence under the last preceding sub-section is a fine not exceeding Fifty dollars for each day on which the failure to comply continues.

56. (1) A copy of each certificate issued under this Part shall be kept in the office of the Building Controller, and a person may inspect a certificate at that office during the hours during which the office is open for business. Copies of certificates of occupancy

(2) Where the Building Controller issues a certificate under sub-section (2) or (6) of section 53 of this Ordinance in respect of a building or portion of a building and a copy of a certificate of occupancy in respect of that building or portion of a building is already being kept in his office, the Building Controller shall replace the earlier certificate with a copy of the later certificate of occupancy.

57. (1) Where a certificate issued on the completion of a building or of the alteration of a building shows the maximum live loads for the several floors of the building, the owner of the building shall affix, in a conspicuous place on the walls of each storey of the building, in an approved manner, metal plates of approved size and form showing the maximum live load for which the floor on that storey has been designed. Safe live load plates

(2) The owner of the building shall maintain the plates affixed under the last preceding sub-section.

(3) A person shall not occupy a building in respect of which plates are required to be affixed under this section until they have been so affixed.

(4) Where a later certificate issued in respect of an altered building shows a maximum live load for a floor of the building that is different from that shown in the earlier certificate in respect of that floor before the alteration, the owner shall substitute other plates showing the maximum permissible safe live load shown in the later certificate.

Penalty: Two hundred dollars.

58. The owner and occupier of a building in respect of a floor of which a certificate shows a maximum live load shall each ensure that the maximum live load shown in the certificate of occupancy is not exceeded on that floor. Exceeding safe live load

Penalty: Four hundred dollars.

#### PART VI—MISCELLANEOUS

59. (1) A notice or other document under this Ordinance addressed to one person may be served— Service of notices, &c.

(a) by delivering the notice to the person personally;

- (b) by sending the notice by posting (under pre-paid postage) the notice as a letter addressed to the person at his last known place of residence or business; or
- (c) by affixing the notice in a prominent position on the building or, in the case of an alteration to a building, on the portion of the building being altered, to which the notice relates.

(2) Where a notice under this Ordinance is addressed jointly to two or more persons, a number of copies of the notice equal to the number of persons to whom the notice is addressed shall be signed by the person giving the notice, and one of those copies shall be served, in any of the manners specified in the last preceding sub-section, on each of those persons.

Representation  
before  
committees

**60.** A person who has appealed to the Review Committee or has lodged an application or objection with that Committee may be represented by a barrister and solicitor who may examine and cross-examine witnesses and address the committee on behalf of the person on whose behalf he appears.

Fees and  
expenses of  
witnesses

**61.** (1) A person who attends for the purpose of giving evidence before the Review Committee is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule in the Public Works Committee Regulations as in force from time to time under the *Public Works Committee Act 1969-1972* as the Committee determines.

(2) Fees and allowances payable to a person in accordance with the last preceding sub-section are payable—

- (a) if the person attended the Review Committee, whether on summons or not, by reason of a request by a person who is not either a member of the Committee or an officer of the Department of the Interior—by the person on whose request the first-mentioned person attended; or
- (b) in any other case—by the Commonwealth.

Recovery of  
costs of work  
carried out  
by inspector  
Amended by  
No. 38, 1974, s. 8

**62.** The costs incurred in the carrying out of the requirements of a notice under Part IV or a direction in an order of the Review Committee or Supreme Court under this Ordinance, or in the carrying out of the requirements of a notice under section 8 of the *Building Ordinance 1964-1970*, by a building inspector or his assistants under section 9 of this Ordinance is recoverable as a debt due to the Commonwealth from the person who was, by the notice or order, required to carry them out.

Evidence

**63.** (1) In any proceedings before a court or the Review Committee, a document purporting to be a copy of a notice under this Ordinance and certified as a true copy by the Building Controller or of a person authorized in writing by him shall be received in evidence and shall be deemed without further proof to be a true copy of the notice.

(2) In any proceedings before a court or the Review Committee, a notice certified as a true copy under this section shall be deemed, unless the contrary is proved, to have been given by the person purporting to give it and to have been given on the date specified in the certified copy of the notice.

(3) In any proceedings before a court or the Review Committee, a document purporting to be a certificate given by the Building Controller and certifying that a specified person was or was not the holder of a building permit for specified building work or a building licence included in a specified class of licences on a specified date or during a specified period is evidence that on the specified date or during the specified period that person was, or was not, as the case may be, the holder of such a building permit, or building licence, as the case may be.

(3A) In any proceedings before a court or the Review Committee, a document purporting to be a certificate given by the Building Controller and certifying that no person on a specified date or during a specified period was the holder of a building permit for specified building work is evidence that on the specified date or during the specified period no person was the holder of such a building permit.

Inserted by  
No. 38, 1974, s. 9

(4) In any proceedings before a court or the Review Committee a certificate signed by the Building Controller certifying that a document annexed to the certificate is a true copy of plans and specifications approved by the Building Controller under this Ordinance is evidence of the plans and specifications as so approved.

(5) In any proceedings before a court or the Review Committee, unless the contrary is proved—

- (a) a certificate purporting to have been given under this section shall be deemed to have been given by the person purporting to give it without proof of the signature of the person by whom it purports to have been given; and
- (b) where such a certificate purports to have been given by a person authorized in writing by the Secretary to the Department of the Interior, that person shall be deemed to have been so authorized.

64. (1) There shall be paid to the Building Controller such fees in respect of applications and other matters under this Ordinance as are specified in, or calculated in accordance with, the regulations.

(2) Where a fee is payable in respect of the doing of an act by the Building Controller, the Building Controller shall not do that act until the fee has been paid.

(3) Where a fee is payable in respect of an application or the lodging of a document, the application or the document shall be deemed not to have been made or lodged until the fee has been paid.

(4) The regulations may make provision for or in relation to the refund, in such circumstances as are prescribed, of fees paid under this Ordinance.

Power to grant licences, &c., before the commencing date

**65.** Notwithstanding section 2 of this Ordinance—

- (a) an application may be made for the grant of a builder's licence;
- (b) an application for a builder's licence may be granted or refused by the Building Controller;
- (c) an appeal may be made under section 17 of this Ordinance to the Review Committee against a decision of the Building Controller refusing to grant to a person a builder's licence or a builder's licence included in a specified class of builder's licences and an appeal may be made under section 19 of this Ordinance to the Supreme Court against a decision of the Review Committee confirming a decision of the Building Controller,

as if this Ordinance had come into operation on the date on which notification of the making of this Ordinance is published in the *Gazette*.

Holders of licences under the Canberra Building Regulations deemed to be licensed for limited periods

**66.** Where—

- (a) a person who was, on the day immediately before the day on which notification of the making of this Ordinance is published in the *Gazette*, the holder of a Builder's Licence or a Builder's Special Licence in force under the Canberra Building Regulations has, before the commencing date, made application for a builder's licence in pursuance of the last preceding section;
- (b) the application has not been determined before the commencing date; and
- (c) that person has, in the period of one year before the date referred to in paragraph (a) of this section, been the person to whom a building permit has been issued under the Canberra Building Regulations authorizing the carrying out of building work of the kind that the holder of a builder's licence of the kind specified in his application is by this Ordinance authorized to carry out,

that person shall be deemed to be, for the purposes of this Ordinance, the holder of a builder's licence of the kind specified in his application during the period commencing on the commencing date or, if the application is made within the period of fourteen days after the commencing date, on the date of the application and ending—

- (d) if the Building Controller approves the grant of a builder's licence of the kind specified in the application—on the day immediately before the licence is granted;
- (e) if the Building Controller refuses to grant to the person a builder's licence of the kind specified in the application and the person does not, within the period of twenty-one days referred to in sub-section (3) of section 17 of this Ordinance, lodge an

- appeal to the Review Committee as provided by that sub-section—on the expiration of that period of twenty-one days;
- (f) if the Building Controller refuses to grant to the person a builder's licence of the kind applied for and the person lodges within the period of twenty-one days referred to in sub-section (3) of section 17 of this Ordinance an appeal to the Review Committee as provided by that sub-section—on the date on which the Review Committee upholds the appeal or if the Review Committee confirms the decision of the Building Controller, on the expiration of the period of twenty-one days after the date of the decision of the Review Committee or, if an appeal against that decision is made within that period to the Supreme Court, on the date on which the appeal to the Supreme Court is determined.

67. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for the carrying out or giving effect to this Ordinance. Regulations

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THE SCHEDULE

Section 36

INSPECTION STAGES

1. Excavations for footings before any reinforcements or mass concrete is placed.
2. Reinforcements before any concrete is placed.
3. Damp-proofing, tanking and flashing before covering or building in.
4. Structural steelwork before building in, covering, encasing, plastering, lining or coating.
5. Stormwater drainage before backfilling.
6. Floor framing before floors are laid or ceilings are lined.
7. Supports for suspended and false ceilings before those ceilings are fixed or lined.
8. Roof framing before ceilings are lined or roof-covering is fixed.
9. Timber-framed walls before sheeting or lining.
10. Fire-protective encasing, plastering, lining or coating before covering or building in.
11. Connexions between pre-cast concrete building units and between those units and the structural frame of the building before covering or building in.
12. Duct systems before covering or building in.

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NOTE

1. The *Building Ordinance 1972 (a)* as shown in this reprint comprises Ordinance No. 26, 1972 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Building Ordinance 1972</i>	No. 26, 1972	4 Aug 1972	1 Sept 1972 ( <i>see Gazette 1972, No. 79, p. 14</i> )

*Building Ordinance 1972*

## NOTE—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Building Ordinance 1974</i>	No. 7, 1974	28 Mar 1974	28 Mar 1974
<i>Building Ordinance (No. 2) 1974</i>	No. 38, 1974	3 Oct 1974	3 Oct 1974
<i>Building (Amendment) Ordinance 1976</i>	No. 45, 1976	13 Sept 1976	13 Sept 1976
<i>Ordinances Revision (Remuneration) Ordinance 1976</i>	No. 61, 1976	16 Nov 1976	16 Nov 1976
<i>Ordinances Revision Ordinance 1978</i>	No. 46, 1978	28 Dec 1978	28 Dec 1978

(a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.