

Building (ACT Appendix to the Building Code—2008 and 2009 editions) Determination 2009

Disallowable instrument DI2009— 26

made under the

Building Act 2004, s 136 (2) (Building Code)

1 Name of instrument

This instrument is the *Building (ACT Appendix to the Building Code—2008 and 2009 editions) Determination 2009*.

2 Commencement

- (1) Apart from section 4 (2) this instrument commences the day after it is notified.
- (2) Section 4 (2) commences on 1 May 2009.

3 Instrument revoked

I revoke all previous ACT appendices to the 2008 and 2009 edition of the building code.

*Note— See the Act, s 136 (1) for the definition of **building code**.*

4 Making of ACT appendices

The Australian Capital Territory Appendices to the building code are—

- (1) for the 2008 edition of the building code—the Australian Capital Territory Appendix to the building code as published in the 2008 edition of the code, volumes 1 and 2, (the **2008 published appendices**) as varied by section 5.; and
- (2) for the 2009 edition of the building code—the Australian Capital Territory Appendix to the building code as published in the 2009 edition of the code, volumes 1 and 2, (the **2009 published appendices**) as varied by section 5.

Note—s 4 (2) has delayed commencement, see s 2.

5 Variations to published appendices

The 2008 published appendices and the 2009 published appendices are varied as follows—

- (1) Vol 1, part A1 (interpretation), new addition provision for new clauses A1.3 (d) and (f)

Before the heading—“ACT Specification A1.3 Documents adopted by reference” insert

After clause A1.3 (c) add clauses A1.3 (d) and (e) as follows:

- (d) A reference to “AS 3959” or “AS 3959—1999” is to be taken as a reference to the latest edition of AS 3959 as in force from time to time.
- (e) A provision contrary to (d) is void.
- (f) Where an instrument or other document applies the BCA’s provisions in respect of a fire-resistant construction matter that is mentioned in AS 3959—1999, but a later version of AS 3959 is in force, but does not have corresponding provisions, the local jurisdiction may declare in writing how compliance with the later version must be taken as compliance with the 1999 version.

- (2) Vol 2, clause ACT 1 (*****)

substitute

ACT 1 References to “AS 3959” and certain other bushfire-resistant construction provisions

ACT 1.1 A reference to “AS 3959” or “AS 3959—1999” is to be taken as a reference to the latest edition of AS 3959 as in force from time to time.

ACT 1.2 A provision contrary to ACT 1.1 is void.

ACT 1.3 Part 3.7.4 (Bushfire areas), section B (Acceptable construction practice), does not apply in the ACT.

ACT 1.4 Where an instrument or other document applies the BCA’s provisions in respect of a fire-resistant construction matter that is mentioned in AS 3959—1999, but a later version of AS 3959 is in force, but does not have corresponding provisions, the local jurisdiction may declare in writing how compliance with the later version must be taken as compliance with the 1999 version.

6 Disapplication of notification requirement

The Legislation Act, section 47 (5) does not apply to this instrument.

7 Access to referenced documents

A copy of the Australian Capital Territory Appendix to the Building Code of Australia is available for inspection by members of the public between 9am and 4.30pm on business days at the ACT Planning and Land Authority shopfront, Dame Patty Menzies House, 16 Challis Street, Dickson. Australian Standards are available from <http://infostore.saiglobal.com/store/>.

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