

1992

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

INSTRUMENT UNDER SECTION 24(2) OF THE BUILDING ACT

EXPLANATORY STATEMENT

Determination No. 12 of 1992

Circulated by the Authority
of
Terry Connolly
Minister for Urban Services

TABLING OF THE INSTRUMENT UNDER SECTION 24(2) OF THE BUILDING ACT

The Building (Amendment) Act (No 2) 1991 provides for the formal adoption of the national Building Code of Australia (BCA) as the standard for building work in the ACT. The Act also provides for the Minister to prepare such modifications to the BCA as are necessary for the effective application of the BCA in the ACT.

The BCA was prepared by the Australian Uniform Building Regulations Co-ordinating Council (AUBRCC), an association of State and Territory building control authorities.

The provisions of Section 24(2) of the Act enable the formal adoption of the BCA and the preparation and publication of the ACT Appendix by the Minister. The adoption of the Building Code (the BCA as modified by the schedule to the instrument) takes effect on the date of the gazettal of a notice of preparation under section 25 of the Act.

The instrument adopting the Building Code adopts all of the provisions of the BCA, as modified by Schedule 2 to the instrument.

The instrument adopting the Building Code is a disallowable instrument so as to give effect to the situation whereby the setting of building standards is a matter for government.

The Assembly will recall that the Building Code of Australia was formerly tabled on 19 November 1991 following the signing of an instrument on 26 September 1991 under Section 24(2) of the *Building Act 1972* and Special Gazette No. 105 published on 1 October 1991.

The Standing Committee for the Scrutiny of Bills and Subordinate Legislation raised questions in its reports 20 & 21 on the clarity and extent of the former instrument. The papers now before the Assembly address these concerns. It is proposed that the former instrument, although legally valid, be revoked and be replaced by a better instrument for the purposes of law.