

Australian Capital Territory

Explanatory Statement

Building (Recognised Standard) Declaration 2006

Notifiable Instrument NI2006–317

Made under the

Building Act 2004, section 139A (Recognised standards)

The Building Code of Australia (the Building Code) is the nationally recognised standard, adopted by all jurisdictions, which dictates the standards with which building work must comply. The Building Code is published by the Australian Building Codes Board (the Board). In order to give builders, building designers and building certifiers certainty that a building product or component complies with the Building Code, the Board developed the ‘CodeMark’ Scheme. Australian jurisdictions have agreed to adopt provisions in law which require products certified by the CodeMark scheme, where employed in the design of a building, to be accepted by a building certifier.

The *Building Act 2004* (the Act) makes provisions governing the conduct of building work. Division 3.3 of the Act specifically deals with the issuing of building approvals. Section 28 of the Act stipulates that a certifier must issue a building approval if satisfied on reasonable grounds that the plans meet the approval requirements under section 29. It is a requirement of section 29 that a building for which an approval is issued will, when erected or altered, comply with the Act. It is a requirement of section 42 of the Act that building work be carried out in accordance with the Building Code.

Amendments to the Act, resulting from the from the *Construction Occupations Amendment Act 2006* create a new section 29 (3)(b) and section 139A. Section 29(3)(b) provides that a building product, construction method, design, component or system connected with a building is taken to comply with the building code if the product, method, design, component, or system complies with a recognised standard. Section 139A allows the Minister to declare a document to be a recognised standard for the purposes of the Act.

CODEMARK

The CodeMark scheme was developed by the Australian Building Codes Board (ABCB), in consultation with the New Zealand Department of Building and Housing, State & Territory governments, industry groups and prospective certification bodies. The scheme is a third-party scheme for the certification of building products and systems.

The CodeMark scheme will provide a nationally accepted process for products to be assessed for compliance with requirements of the Building Code of Australia. The scheme will provide confidence and certainty to building designers and building certifiers through the issue of a Certificate of Conformity. Due to legislative provisions in the various States and Territories, obtaining a Certificate of Conformity will guarantee acceptance of building products and components by building certifiers across Australian jurisdictions.

The CodeMark Scheme permits the use of the Certificate Number and CodeMark certification mark on a product or system listed in the respective Certificate of Conformity, providing reliable evidence confirming a manufacturer's compliance with the requirements of the BCA.

Accreditation of certification bodies and certification of building products and systems under the CodeMark Scheme will be subject to the CodeMark Scheme Rules as adopted by the Australian Building Codes Board.

Provisions in the declaration

The declaration is made under section 139A (1) of the Building Act 2004.

Clause 1 provides that a product, construction method, design, component, or system connected with a building, as referred to in section 29(3)(b) of the Act complies with the recognised standard if it is certified in accordance with the 'CodeMark Scheme Rules' as published by the Australian Building Codes Board.

Clause 2 provides that the instrument commences the day after notification.