

AUSTRALIAN CAPITAL TERRITORY

BUILDING ACT 1972

DISALLOWABLE INSTRUMENT FOR THE PURPOSES OF 24(1) AND 25

EXPLANATORY STATEMENT

NO. 128 of 1994

The *Building Act 1972* (the Act) regulates the erection, alteration and demolition of buildings. Section 24 of the Act allows the Minister to provide for the technical requirements of the ACT by having a Building Code prepared and published and for this purpose to adopt the provisions of the Building Code of Australia (BCA) as prepared and published by the Australian Uniform Building Regulations Co-ordinating Council, an association of State and Territory building control authorities, with the modifications specified in the instrument adopting it and to have prepared an ACT Appendix of local modifications to the BCA. Section 25 of the Act requires the Minister to publish notice of the preparation of the Building Code and any amendments to it in the Gazette and a daily newspaper published and circulating in the Territory.

The present instrument deals with the preparation and publication of a Building Code that adopts the 1990 edition of the BCA with its sixth amendment and an ACT Appendix separately published in the Gazette and made up of the ACT Appendix contained in the BCA with its sixth amendment, together with an additional requirements that thermal insulation materials have a minimum resistance to fire which was adopted along with the fifth amendment to the ACT Appendix as published by AUBRCC. The existing requirements for smoke alarms in buildings that usually provide sleeping accommodation are extended from boarding houses, guest houses, townhouses and the corridors of large blocks of flats to detached houses and sole-occupancy units in all blocks of flats. The definition of an acceptable smoke alarm system is modified. These changes appear in ACT E1.7(a)(i), (a)(ii) and (b)(ii) published in the ACT Appendix.

The adoption of the Building Code takes effect on the date of the gazettal of a notice of preparation under section 24 of the Act. The Building Code controls the building process by determining what technical standards apply to the approval of building plans. Because building plans may be lodged with the Building Controller several days before the date on which they are approved, the operation of the newly adopted Code has been limited to building plans lodged from the date of adoption.

This notice is to be published in the Canberra Times as the public notice required under section 25 of the Act.