



**AUSTRALIAN CAPITAL TERRITORY**

**BUILDING ACT 1972 EXEMPTION**

**NO. 26 OF 1996**

**EXPLANATORY STATEMENT**

**(DISALLOWABLE INSTRUMENT  
FOR THE PURPOSE OF 27(1))**

This Instrument, made under subsection 27(1) of the *ACT Building Act 1972*, exempts **WORKS AND COMMERCIAL SERVICES**, being a government agency, from the application of the provision of the Building Code specified in respect to the building works known as the new ACT Magistrates Court, Level 3 - Custodial Mezzanine and Level 5 - Mechanical Mezzanine and Level 5 - Secondary Plant Room.

It is a requirement of the *Building Act 1972* (the Act) that all work undertaken on a building project is in accordance with the Building Code of Australia (BCA). Subsection 27(1) of the Act provides that the Minister may exempt a government agency from the application of all or any of the provisions of the Building Code.

The Emergency Services Bureau, Construction and Maintenance Management Service, Trevor Howse and Associates, building regulations consultants who are experts in interpreting the Building Code of Australia, the ACT Attorney Generals' Department, and the ACT Building Controller agree to the exemptions

The first exemption is to Clause D1.4 of the BCA with regard to exit travel distances on Level 3 - Custodial Mezzanine. This Level will be solely used for the holding of prisoners awaiting appearance in Courts located on Level 2, with the need for security dictating that the occupants will be under constant supervision. In view of the availability of alternative exits on Level 2; the low anticipated population numbers on Level 3; the provision of supervision to those present on Level 3; the distance to the stairway exceeding the requirements by only three metres; and the presence of an early warning fire detection system it is agreed that the objectives of the BCA will be met without the safety of the occupants being unduly compromised.

The second exemption is to Clause D1.3 of the BCA with regard to the number of exits required on Level 5 - Mechanical Mezzanine and Level 5 - Secondary Plant Room. In view of the occupant egress facilities available, and recognising that Level 5 is wholly utilised as a plant room, thus having a low number of occupants at any time, and the provision of an automatic fire sprinkler system and a smoke activated early warning fire detection system, it is agreed that the proposal provides a standard of occupant safety adequate to satisfy the intent and objectives of the BCA