



Australian Capital Territory

# Building Regulations

**SL1972-8**

made under the

**Building Act 1972**

**Republication No 1 (RI)**

**Effective: 4 October 1991 – 8 December 1992**

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## **About this republication**

### **The republished law**

This is a republication of the *Building Regulations* effective from 4 October 1991 to 8 December 1992.

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## AUSTRALIAN CAPITAL TERRITORY

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### BUILDING REGULATIONS

*Reprinted as at 30 September 1991*

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##### Citation

1. These Regulations may be cited as the Building Regulations.<sup>1</sup>

##### Interpretation

2. (1) In these Regulations, unless the contrary intention appears—  
“cost”, in relation to building work, means—
  - (a) where a contract has been entered into for the carrying out of building work, the cost of the work as fixed by the contract; or
  - (b) where there is no contract, or the contract does not fix the cost of the work, the cost of the work as determined in accordance with regulation 14,

and includes the cost of any engineering service proposed to be constructed, installed or carried out on or in relation to the land on which the building work is to be carried out but does not include the cost of that land;

“engineering service”, in relation to land on which building work is to be carried out, includes any electrical service, the construction or installation of a driveway, kerb, guttering or storm-water drainage, or the carrying out of regrading or contouring, on or in relation to that land;

“the Act” means the *Building Act 1972*.

### Refund of fees

12. (1) The holder of a building permit, other than a permit for demolition work, who surrenders the permit to the Building Controller before the building work referred to in the permit has commenced is entitled to a refund of the fee paid for the grant of the permit less the sum of \$24.

(2) The holder of a building permit, other than a permit for demolition work, who surrenders the permit to the Building Controller after the building work referred to in the permit has commenced but before the work has been completed is entitled to a refund of the fee paid for the grant of the permit, being a refund calculated in accordance with the formula—

$$\frac{F \times C}{TC} - 24,$$

where—

F is the permit fee paid;

C is the cost of the building work remaining to be completed; and

TC is the total cost of the building work.

(3) Where a person who has made an application for approval of plans under Part III of the Act withdraws the application before being given that approval, he or she is entitled to a refund of the fee paid for the approval of the plans less \$24.

### Cost of building work

14. The cost of building work, in a case where the cost is not fixed by contract, is such amount as the Building Controller and the applicant agree to be the cost of the building work or, in default of agreement, such amount as is determined by the Review Committee on application made to it by the applicant or the Building Controller.

**Specialist building work**

**15. (1)** For the purposes of the definition of “specialist building work” in section 5 of the Act, the following building work is prescribed:

- (a) the installation of a swimming pool;
- (b) the erection of a prefabricated building;
- (c) the installation of a mechanical ventilation system in a building, the modification of the structure of a mechanical ventilation system installed in a building or the removal from a building of a mechanical ventilation system that has been installed in it;
- (d) building work that involves the handling of asbestos or the disturbance of loose asbestos;
- (e) the demolition of a building;
- (f) the erection of an outbuilding.

**(2)** For the purposes of paragraph (1) (d), the handling of asbestos does not include the handling of asbestos cement sheeting that—

- (a) forms part of a residential building within the meaning of Part VA of the Act; and
- (b) is in a stable condition.

**Furnishing copies of documents**

**18.**

**(5)** Copies of plans submitted in accordance with the Act shall not be furnished except in accordance with the instructions of—

- (a) the lessee or the owner of the parcel of land on which the building to which the plans relate is erected; or
  - (b) where the plans relate to a unit within the meaning of the *Unit Titles Act 1970*—the proprietor of the unit.
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## NOTE

1. The Building Regulations (in force under the *Building Act 1972*) as shown in this reprint comprise Regulations 1972 No. 8 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

## Table of Regulations

Year and number	Date of making	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1972 No. 8	24 Aug 1972	24 Aug 1972	1 Sept 1972	—
1974 No. 5	28 Mar 1974	29 Mar 1974	29 Mar 1974	—
1975 No. 3	25 Feb 1975	27 Feb 1975	27 Feb 1975	—
1978 No. 2	30 Jan 1978	1 Feb 1978	1 Feb 1978	—
1979 No. 18	29 Sept 1979	5 Oct 1979	5 Oct 1979	—
26	26 Nov 1979	29 Nov 1979	29 Nov 1979	—
1981 No. 22	9 Oct 1981	21 Oct 1981	21 Oct 1981	—
1982 No. 34	4 Aug 1982	18 Aug 1982	18 Aug 1982	—
1983 No. 7	23 Aug 1983	24 Aug 1983	24 Aug 1983	—
1984 No. 26	4 Dec 1984	12 Dec 1984	12 Dec 1984	—
1987 No. 11	8 Sept 1987	16 Sept 1987	16 Sept 1987	—
1988 No. 25	8 Dec 1988	9 Dec 1988	9 Dec 1988	—
1990 No. 12	20 Aug 1990	5 Sept 1990	5 Sept 1990	—
1991 No. 23	26 Sept 1991	4 Oct 1991	4 Oct 1991	—

## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
R. 2.....	am. 1978 No. 2; 1979 No. 18; 1981 No. 22; 1983 No. 7; 1991 No. 23
R. 3.....	am. 1978 No. 2 rep. 1979 No. 26
R. 4.....	rs. 1978 No. 2 rep. 1983 No. 7
R. 5.....	am. 1979 No. 26 rep. 1983 No. 7
R. 6.....	am. 1974 No. 5 rs. 1975 No. 3 am. 1978 No. 2; 1979 No. 18; 1981 No. 22 rep. 1983 No. 7
R. 6A.....	ad. 1979 No. 18 rep. 1983 No. 7
Rr. 7, 8 .....	am. 1978 No. 2; 1979 No. 18 rep. 1983 No. 7

## NOTE—continued

## Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
R. 9 .....	am. 1974 No. 5 rs. 1975 No. 3 am. 1978 No. 2 rs. 1979 No. 18 am. 1981 No. 22; 1982 No. 34 rep. 1983 No. 7
R. 10 .....	rep. 1975 No. 3
R. 11 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7
R. 12 .....	am. 1975 No. 3; 1978 No. 2 1983 No. 7; 1987 No. 11
R. 13 .....	am. 1978 No. 2 rep. 1983 No. 7
R. 15 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7 ad. 1984 No. 26 am. 1988 No. 25; 1990 No. 12
R. 16 .....	am. 1975 No. 3; 1978 No. 2 rep. 1983 No. 7
R. 17 .....	am. 1975 No. 3; 1978 No. 2; 1981 No. 22 rep. 1983 No. 7
R. 18 .....	am. 1974 No. 5; 1975 No. 3; 1979 No. 18 rs. 1981 No. 22 am. 1983 No. 7
Rr. 19, 20 .....	rep. 1991 No. 23
R. 21 .....	am. 1979 No. 18 rep. 1991 No. 23
R. 22 .....	rep. 1991 No. 23
Heading to The Schedule ..	rep. 1975 No. 3
Heading to Schedules .....	ad. 1975 No. 3
Heading to Schedule 1 .....	ad. 1975 No. 3
Schedule 1 .....	am. 1979 No. 18; 1984 No. 26 rep. 1991 No. 23
Schedule 2 .....	ad. 1975 No. 3 rs. 1981 No. 22 rep. 1983 No. 7

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