



Australian Capital Territory

# **Building Regulations 1972      No 8**

made under the

**Building Act 1972**

## **Republication No 8 (RI)**

Republication date: 27 April 2002  
(Reissued: 3 October 2002)

Last amendment made by SL 2002 No 9  
(Retrospective amendment made by Act 2002 No 30)

Amendments incorporated to 27 April 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Building Regulations 1972*, made under the *Building Act 1972* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 April 2002. It also includes any amendment, repeal or expiry affecting the republished law to 27 April 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
27 April 2002



Australian Capital Territory

# Building Regulations 1972

made under the

**Building Act 1972**

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# Building Regulations 1972

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## 1 Name of regulations

These regulations are the *Building Regulations 1972*.

## 2 Dictionary

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation, the building code or the Australian standards.

For example, the signpost definition '*registered construction practitioner*—see the *Construction Practitioners Registration Act 1998*, section 3.' means that the expression 'registered construction practitioner' is defined in that section and the definition applies to these regulations.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

## 2A Notes

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes

## 3 Specialist building work

- (1) For the Act, section 5, definition of *specialist building work* 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 subregulation (1) (d), the handling of asbestos does not include the handling of stable asbestos cement sheeting that forms part of a residential building.

#### **4 Prescribed buildings**

- (1) For the Act, section 6AA, each of the following buildings is a prescribed building:
- (a) a fence or wall that—
    - (i) does not exceed 1.8m in height; and
    - (ii) does not form an integral part of an enclosure for a swimming pool;
  - (b) a retaining wall the top of which does not exceed 1.2m above the lower ground level;
  - (c) a carport or, subject to subregulation (2), a pergola—
    - (i) the plan area of which does not exceed 25m<sup>2</sup>; and
    - (ii) the height of which does not exceed 3m; and
    - (iii) the distance between any 2 adjacent supports of which does not exceed 4m; and

- (iv) where it is attached to an approved building—that does not project above the line of any adjacent guttering on that building;
  - (d) a shed, gazebo, greenhouse or similar structure the roof area of which does not exceed 10 m<sup>2</sup>;
  - (e) an external timber deck the height of the floor level of which does not exceed 1m above ground level;
  - (f) an antenna or aerial not exceeding 5m in height;
  - (g) a swimming pool the capacity of which does not exceed 10 m<sup>3</sup> and designed to be assembled and installed above ground level;
  - (h) an internal alteration to an approved building the effect of which does not alter the classification of the building;
  - (j) an outdoor ornamental pond the depth of which does not exceed 300mm;
  - (k) a barbeque, letterbox, or other structure, having a plan area not exceeding 2m<sup>2</sup> and which is not more than 1.8m high;
  - (m) a water tank—
    - (i) having a capacity not exceeding 17kL; and
    - (ii) the top of which is not more than 2.4m above ground level; and
    - (iii) that is not connected to the water supply of the Electricity and Water Authority.
- (2) Subregulation (1) (c) (i) applies to a roofed pergola.
- (3) Subregulation (1) does not apply if—
- (a) the building work in respect of the prescribed building affects—
    - (i) the structural sufficiency, soundness or stability of part of any approved building; or



- (ii) a fire-rated wall, ceiling or floor;
  - (iii) any ventilation or air-handling system, fire protection system or other mechanical service; or
  - (iv) any fire-escape, emergency lift, stairway, exit or passageway to an exit; or
- (b) the building proposed to be built adversely affects the provision of natural light or ventilation to any approved building.

## **5 Applications for owner-builder licences**

For the Act, section 23A (2) (d), the following information is prescribed:

- (a) the full name of the applicant;
- (b) an address to which correspondence to the applicant may be sent;
- (c) a telephone number at which the applicant may be contacted;
- (d) if the applicant has either—
  - (i) been granted an endorsement in a building permit under the Act, section 39 (1) as in effect immediately before the commencement of this subparagraph; or
  - (ii) held an owner-builder licence;

during the 5 years immediately before the application—the details of that permit or licence, including the location and nature of the work permitted under the permit or licence.

## **6 Qualifications for certifiers**

- (1) For the Act, section 30 (1), a registered construction practitioner who is registered in the category of a principal building surveyor in accordance with the *Construction Practitioners Registration*

*Regulations 1998* is qualified to be appointed as a certifier in relation to any building work.

- (2) For the Act, section 30 (1), a registered construction practitioner who is registered in the category of a building surveyor in accordance with the *Construction Practitioners Registration Regulations 1998* is qualified to be appointed as a certifier in relation to a building—
- (a) consisting of not more than 3 storeys; and
  - (b) with a floor area not exceeding 2 000m<sup>2</sup>.

## **7 Applications—copies of plans**

For the Act, section 33A (3) (c), the prescribed number of copies of the plans is 3.

## **8 Applications—general requirements**

For the Act, section 33A (3) (d), the following are prescribed requirements in relation to all applications:

- (a) an application shall contain an estimate of the cost of the building work calculated in accordance with a method determined by the building controller;
- (b) where building work is proposed to be carried out at or near a street or place that is open to or used by the public—an application shall contain particulars of the precautions proposed to be taken to protect the safety of persons using that street or place during the period in which the building work is to be carried out;
- (c) an application shall contain a waste management plan unless the application is in relation to building work that solely involves—
  - (i) the erection of a building; or
  - (ii) the alteration of a class 1, class 2 or class 10a building;

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- (d) an application shall specify the area of the parcel of land.

## **9 Applications—erection or alteration of buildings**

- (1) For the Act, section 33A (3) (d), the following are prescribed requirements in relation to an application in relation to building work that involves the erection or alteration of a building:
  - (a) the application shall specify the class of the building, as provided by the building code, according to the intended use of the building as proposed to be erected or altered, as the case requires;
  - (b) the application shall specify, in accordance with the classification provided by the building code, the type of construction of the building as proposed to be erected or altered, as the case requires;
  - (c) where an application relates to the erection or alteration of a class 1 or class 10a building, the application shall set out, in accordance with the classification provided by the building code, the site classification of the parcel of land;
  - (d) where an application relates to the alteration of a building—the application shall specify—
    - (i) the class and type of construction of the existing building classified as provided by the building code according to occupancy; and
    - (ii) the materials used in the existing building;
  - (e) the application shall specify the number of storeys of the building as proposed to be erected or altered;
  - (f) the application shall specify the number of new dwellings (if any) created by the building work;
  - (g) the application shall specify the floor area of the proposed building or proposed new part of the building, as the case requires;

- (h) the application shall specify the materials to be used in the frame, floor, walls and roof of the proposed building or proposed new part of the building, as the case requires;
  - (j) where it is proposed that an alternative solution be used to comply with a performance requirement of the building code—the application shall specify—
    - (i) the performance requirement; and
    - (ii) the alternative solution; and
    - (iii) each assessment method used to show that the alternative solution complies with the performance requirement;
  - (k) where the building code does not specify a standard of work in relation to any part of the proposed building work and it is intended to carry out that part of the proposed building work in accordance with a standard of work specified in another document—the application shall specify—
    - (i) the nature of the proposed building work; and
    - (ii) the title of the document; and
    - (iii) each assessment method used to show that the proposed building work complies with the standard of work specified in the document.
- (2) In this regulation:

*assessment method*—see the building code.

*performance requirement*—see the building code.

## **10 Applications—removal or demolition of buildings**

For the Act, section 33A (3) (d), the following are prescribed requirements in relation to an application in relation to building work that involves the removal or demolition of a building:

- (a) the application shall contain details of the methods to be employed in the execution of the building work including a

work plan specified or set out in Australian Standard 2601 as in effect on the day on which this paragraph commences;

- (b) the application shall specify the number of dwellings demolished, if any.

## **11 Applications—asbestos removal requirements**

- (1) For the Act, section 33A (3) (d), where an application in relation to building work involves the removal of stable asbestos cement sheeting from a residential building, the application shall contain a statement describing the method proposed to be used to remove the sheeting from the building.
- (2) For the Act, section 33A (3) (d), the following are prescribed requirements in relation to an application in relation to building work that involves the removal of asbestos, other than stable asbestos cement sheeting, from a residential building:
  - (a) the application shall contain a statement describing—
    - (i) the method proposed to be used to remove the asbestos; and
    - (ii) the approximate quantity and type of asbestos to be removed; and
    - (iii) the equipment to be used to remove the asbestos, including any personal protective equipment;
  - (b) the application shall include a program for monitoring airborne asbestos, prepared in accordance with the building code.

## **12 Plans—general requirements**

- (1) For the Act, section 34 (1) (c), the following are prescribed requirements in relation to plans to accompany all applications:
  - (a) the plans, other than existing plans, shall be drawn in accordance with Australian Standard 1100 as in effect on the day on which this paragraph commences;

- (b) the plans shall show any area marked on a certificate of title or deposited plan as an easement;
- (c) the plans shall show any point of connection of a pipe on the parcel of land to—
  - (i) the sewerage system; and
  - (ii) the water main; and
  - (iii) the stormwater system;and, if a point of connection is proposed to be altered during the building work, the plans shall show the proposed alteration;
- (d) the plans shall show the proposed surface stormwater drainage on the parcel of land as at the completion of the proposed building work;
- (e) the plans shall include a site plan on a scale of not less than 1:200 showing the block, section, boundaries and dimensions of the parcel of land.

(2) In this regulation:

*easement*—see the Act, section 42S.

*stormwater system*—the *Environment Protection Act 1997*.

*the sewerage system*—see Australian Standard 3500 as in effect on 1 March 1999.

*water main*—see Australian Standard 3500 as in effect on 1 March 1999.

### **13 Plans—erection or alteration of buildings**

- (1) For the Act, section 34 (1) (c), the following are prescribed requirements in relation to plans to accompany an application in relation to building work that involves the erection or alteration of a building:

- (a) any section shown on the plans shall be on a scale of not less than 1:100;
- (b) any detail shown on the plans shall be on a scale of not less than 1:50;
- (c) the plans shall specify the dimensions of all parts, including the footings, of the proposed building or proposed new part of the building, as the case requires;
- (d) unless the application relates solely to the erection of a new building, the plans shall—
  - (i) include the most recent existing plans, including any amendments made to the plans during the building work to which the plans relate; and
  - (ii) show the existing building and the proposed alterations on the same plan in such a way that the existing building and the proposed new part of the building are clearly distinguishable;
- (e) the plans shall show floor plans, sections and elevations (including existing and finished ground levels) to scale and structural details of the proposed building or proposed new part of the building, as the case requires;
- (f) where any part of the building that is proposed to be erected or altered is designed to be used as a class 5, class 6, class 7, class 8 or class 9 building—the plans shall specify the maximum live load for that part;
- (g) the plans shall specify the construction and materials to be used in the proposed building or in the proposed new part of the building, as the case requires;
- (h) the plans shall show the location of any stormwater downpipe on the proposed building or on the proposed new part of the building, as the case requires.

- (2) In this regulation:

*detail*—see Australian Standard HB 50 as in effect on the day on which this regulation commences.

*section*—see Australian Standard HB 50 as in effect on the day on which this regulation commences.

#### **14 Plans—asbestos removal requirements**

- (1) Where an application is for the approval of building work that involves the removal of stable asbestos cement sheeting, it is a requirement for the Act, section 34 (1) (c), that the accompanying plans show the location of that sheeting.
- (2) For the Act, section 34 (1) (c), the following are prescribed requirements in relation to the plans to accompany an application in relation to building work that involves the removal of asbestos, other than stable asbestos cement sheeting, from a residential building:
- (a) the plans shall show the location of any asbestos that is to be removed during the building work;
  - (b) the plans shall show the boundary of the area in which the persons removing the asbestos will be working;
  - (c) the plans shall show any place on the parcel of land where asbestos that has been removed from the building is to be stored;
  - (d) the plans shall show the location of any decontamination facility, air filter and air supply equipment proposed to be used during the building work on the parcel of land.
- (3) In this regulation:

*air filter* —see the building code.

*air supply equipment*—see the building code.

*decontamination facility*—see the building code.



**15 Consultation and consent**

- (1) The requirements for the Act, section 34 (1) (d), are that the following consultations take place or consents or approvals be obtained:
- (a) any consent or approval required under a Territory law in relation to the proposed building work;
  - (b) where the building work is, or forms part of, a development requiring approval under the Land Act, part 6.2—approval of the development;
  - (c) where the approval referred to in paragraph (b) contains conditions precedent to the commencement of building work—compliance with those conditions;
  - (d) where the parcel of land is in a designated area—approval under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 12;
  - (e) where the building work involves the erection or alteration of a lift—a permit under the *Scaffolding and Lifts Regulations 1950*, regulation 17;
  - (f) consultation with ACTEW Corporation Limited in relation to—
    - (i) the demolition of any building to which electricity, water or sewerage services are supplied or to which an electricity or water meter is connected; and
    - (ii) any encroachment of the proposed building or proposed new part of the building, as the case requires, onto an easement; and
    - (iii) the disposal of any non-domestic waste into the sewerage system;
  - (g) consultation with the fire commissioner and the chief fire control officer in relation to—

- (i) any use of an alternative solution in relation to a provision of the building code which deals with fire protection; and
    - (ii) any proposed building or proposed new part of a building, as the case requires, with a floor area exceeding 500m<sup>2</sup> that is not a class 1 or class 10 building;
  - (h) consultation with the chief executive in relation to—
    - (i) where the building work may involve the removal of asbestos—the relevant procedures; and
    - (ii) procedures to be used in the demolition of any building of class 2, class 3, class 4, class 5, class 6, class 7, class 8 or class 9; and
    - (iii) any waste management plan provided in the application;
  - (i) where it is proposed that the new building or new part of the building is to be used for the sale or supply of liquor—consultation with the registrar of liquor licences in relation to occupancy loading and kitchen, bar and toilet facilities;
  - (j) consultation with the chief health officer in relation to the application of any health law to the proposed new building or new part of the building, as the case requires;
  - (k) consultation with the environment management authority—
    - (i) where it is proposed that the new building or new part of the building, as the case requires, is to be used to conduct a class A or class B activity; or
    - (ii) where an accredited code of practice is applicable to an activity intended to be carried out in the new building or new part of the building, as the case requires.
- (2) It is sufficient compliance with the obligation to consult under subregulation (1) (f), (g), (h), (i), (j) or (k) if—

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- (a) notification of the details of an application for a building approval is given to the person with whom consultation is to take place; and
  - (b) 10 working days have elapsed since it has been given.

(3) In this regulation:

**accredited code of practice** means a code accredited under the *Environment Protection Act 1997*, section 31 (1).

**chief inspector**—see the *Scaffolding and Lifts Act 1912*, dictionary.

**class A activity** means an activity listed in the *Environment Protection Act 1997*, schedule 1 clause 2.

**class B activity** means an activity listed in the *Environment Protection Act 1997*, schedule 1 clause 3.

**designated area**—see in the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth).

**environment management authority** means the Environment Management Authority under the *Environment Protection Act 1997*.

**health law** means a Territory law that has as 1 of its objects or purposes the protection of public health.

**working days** means a day other than a Saturday or Sunday or another day that is a public holiday in the ACT.

## 16 Stages of building work

- (1) For the Act, section 38A (1), the prescribed stages of building work are—
  - (a) completion of—
    - (i) excavation; and
    - (ii) placement of formwork; and
    - (iii) placement of steel reinforcing;

for the footings but before any concrete for the footings is poured; and

- (b) completion of the structural framework and, in the case of a class 1 or class 10 building, before the placement of any internal lining; and
- (c) completion of placement of formwork, and placement of steel reinforcing, for—
  - (i) in the case of a class 1 or class 10 building—any reinforced concrete member; and
  - (ii) in any other case—any reinforced concrete member specified by the certifier in the relevant building approval;

but before any concrete for the member is poured; and

- (d) completion of the building work approved in the relevant building approval.

- (2) In this regulation:

*class 10*, in relation to a building—see the building code.

## **17 Consent or approval on completion of building work**

For the Act, section 40 (1) (f), the following consents or approvals are prescribed:

- (a) where an approval for building work given under the Land Act is subject to a condition—the approval of the person who gave that condition to the manner in which the condition has been satisfied;
- (b) approval of the installation of any fire appliance in the new building or new part of the building, as the case requires, under the *Fire Brigade Regulations 1958*, regulation 3 (4);
- (c) approval under the *Scaffolding and Lifts Regulations 1950*, regulation 21.

**18 Cost of work**

For the Act, section 58B (c), the prescribed amount is \$5 000.

**19 Expiration of warranty**

For the Act, section 58C (3), the prescribed period is 5 years.

**20 Residential building work insurance**

- (1) For the Act, section 58E (1) (b), the prescribed amount is \$85 000.
- (2) For the Act, section 58E (1) (c) and (d), the prescribed period is 5 years.
- (3) For the Act, section 58E (1) (j), the prescribed period is 90 days.
- (4) For the Act, section 58E (2), the prescribed amount is \$500.
- (5) For the Act, section 58E (7) (f), the prescribed amount is \$10 000.

**20A Exempt buildings**

- (1) The following buildings are exempt from the operation of the Act:
  - (a) bridges;
  - (b) dams;
  - (c) retaining walls which are associated with bridges, dams or roads;
  - (d) temporary buildings, other than dwelling places, erected on the site of the construction of bridges, dams or roads if the buildings are to be removed on completion of the work;
  - (e) stiles;
  - (f) mesh fences less than 3m in height;
  - (g) prefabricated bus shelters;
  - (h) prefabricated playground equipment;
  - (i) signs associated with roads;

- (j) electricity network distribution equipment;
  - (k) reservoirs
  - (l) aqueducts;
  - (m) water and sewage treatment works;
  - (n) stormwater outfalls.
- (2) Poles and masts are exempt from the operation of the Act if they are the property of—
- (a) the Territory; or
  - (b) the Commonwealth; or
  - (c) a public authority of the Territory or the Commonwealth; or
  - (d) the provider of an electricity supply or telephone service.

## **21 Furnishing copies of documents**

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 2001*—the proprietor of the unit.

## **22 Exemptions for photovoltaic panels, solar water heaters and airconditioners**

- (1) The Act, parts 3 and 5A do not apply to building work for the installation, alteration or removal of—
- (a) an externally mounted photovoltaic panel or solar water heater for a class 1 or class 10a building, if the building work—
    - (i) does not involve any alteration that would affect the structural sufficiency or stability of the building; and

- (ii) complies with the building code; or
- (b) an externally mounted airconditioning unit for a class 1 or class 10a building, if—
  - (i) the building work does not involve any alteration that would affect the structural sufficiency or stability of the building; and
  - (ii) the building work complies with the building code; and
  - (iii) the unit is not the main source of ventilation—
    - (A) if the unit is installed for a particular room—for that room; or
    - (B) if the unit is installed for a building—for that building.

*Note* The building code includes standards for load bearing and waterproofing.

- (2) In this regulation:

*solar water heater*, for a building, means a solar water panel designed to be mounted externally, together with any hot-water tank that holds water heated by the panel.

## **23 Exemption for certain residential building work**

- (1) The Act, section 34 (1) (fa) does not apply to residential building work if, when the approval for the work is to be given under the Act, section 34, the builder is the lessee of the land where the work is to be carried out.

- (2) In this regulation:

*builder*—see the Act, section 58A.

*residential building work*—see the Act, section 58A.

## **24 Evidence of insurance for certain work**

- (1) A certifier who gives the building controller documents and papers under the Act, section 40 (1) for residential building work to which regulation 23 applies must give to the building controller with the documents and papers written evidence that—
  - (a) a residential building insurance policy has been issued for the work; or
  - (b) an approved insurer has issued a certificate that the insurer has insured the work under a residential building insurance policy.
- (2) In this regulation:

*approved insurer*—see the Act, section 34 (8).

*residential building work*—see the Act, section 58A.

## **25 Application and expiry—regs 23-25**

- (1) Regulation 23 applies to residential building work in relation to which an approval under the Act, section 34—
  - (a) was given after 2 February 2002 and before the commencement of this regulation; or
  - (b) is given after the commencement of this regulation.
- (2) Regulations 23 and 24 and this regulation expire 6 months after the day they commence.



## Dictionary

(see reg 2)

***alternative solution***—see the building code, clause A1.1.

***class 2, class 3, class 4, class 5, class 6, class 7, class 8 and class 9***, for a building—see the building code, clause A3.2.

***dwelling*** means a residence.

***existing plans***, in relation to plans for the alteration or demolition of a building, means approved plans in relation to the existing building on the parcel of land.

***registered construction practitioner***—see the *Construction Practitioners Registration Act 1998*, section 3.

***residential building***—see the Act, section 58A.

***site plan***—see Australian Standard HB 50-1994 as in effect on 1 December 2000.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

These regulations were originally called the *Building Regulations* and were originally made under a Commonwealth ordinance—the *Building Ordinance 1972* No 26 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Building Ordinance 1972* and the *Building Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

These regulations were renamed as the *Building Regulations 1972* by the *Statute Law Amendment Act 2001*, amdt 3.2.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1914* s 5, *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967* s 50, *Subordinate Laws Act 1989* s 6).

#### Legislation before becoming Territory enactment

##### **Building Regulations SL 1972 No 8**

notified 24 August 1972

commenced 1 September 1972

as amended by

##### **Amendments of the Building Regulations SL 1974 No 5**

notified 29 March 1974

commenced 29 March 1974

##### **Amendments of the Building Regulations SL 1975 No 3**

notified 27 February 1975

commenced 27 February 1975

##### **Amendments of Building Regulations SL 1978 No 2**

notified 1 February 1978

commenced 1 February 1978

##### **Amendments of Building Regulations SL 1979 No 18**

notified 5 October 1979

## Endnotes

3 Legislation history

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commenced 5 October 1979

**Regulations to revise the Regulations in force under Ordinances of the ACT SL 1979 No 26**

notified 29 November 1979

commenced 29 November 1979

**Amendments of Building Regulations SL 1981 No 22**

notified 21 October 1981

commenced 21 October 1981

**Building Regulations (Amendment) SL 1982 No 34**

notified 18 August 1982

commenced 18 August 1982

**Building Regulations (Amendment) SL 1983 No 7**

notified 24 August 1983

commenced 24 August 1983

**Building Regulations (Amendment) SL 1984 No 26**

notified 12 December 1984

commenced 12 December 1984

**Building Regulations (Amendment) SL 1987 No 11**

notified 16 September 1987

commenced 16 September 1987

**Building Regulations (Amendment) SL 1988 No 25**

notified 9 December 1988

commenced 9 December 1988

**Legislation after becoming Territory enactment**

**Building Regulations (Amendment) SL 1990 No 12**

notified 5 September 1990 (Gaz 1990 No 35)

commenced 5 September 1990

**Building Regulations (Amendment) SL 1991 No 23**

notified 4 October 1991 (Gaz 1991 No S107)

commenced 4 October 1991

**Building Regulations (Amendment) SL 1992 No 33**

notified 11 December 1992 (Gaz 1992 No S230)

commenced 9 December 1992 (reg 1 and see Gaz 1992 No S230)

**Building Regulations (Amendment) SL 1996 No 3**

notified 29 March 1996 (Gaz 1996 No S56)  
commenced 29 March 1996 (reg 1)

**Building Regulations (Amendment) SL 1997 No 29**

notified 27 October 1997 (Gaz 1997 No S323)  
commenced 27 October 1997 (reg 1)

**Building Regulations (Amendment) SL 1998 No 40**

notified 4 January 1999 (Gaz 1999 No S2)  
commenced 4 January 1999 (reg 1 and see Gaz 1999 No S1)

**Building Regulations Amendment SL 2000 No 54**

notified 21 December 2000 (Gaz 2000 No 51)  
commenced 21 December 2000 (reg 1)

**Utilities (Consequential Provisions) Act 2000 No 66 sch 2 pt 1**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
sch 2 commences 1 January 2001 (Gaz 2000 No S69 p 3)

**Statute Law Amendment Act 2001 No 11 sch 3**

notified 29 March 2001 (Gaz 2001 No 13)  
commenced 29 March 2001 (s 2)

**Unit Titles Consequential Amendments Act 2001 No 17 sch 3**

notified 5 April 2001 (Gaz 2001 No 14)  
s 1, s 2 commenced 5 April 2001 (IA s 10B)  
sch 3 commenced 5 October 2001 (s 2)

**Building Regulations Amendment SL 2001 No 21 (as am by Statute Law Amendment Act 2002 No 30 amdt 3.50)**

notified 12 July 2001 (Gaz 2001 No 28)  
commenced 12 July 2001 (reg 1 and see Act 2002 No 30 amdt 3.50)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 44 (as am by Act 2001 No 70 amdt 1.9)**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 44 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

## Endnotes

4 Amendment history

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### **Justice and Community Safety Legislation Amendment Act 2001 No 70 amdt 1.9**

notified LR 14 September 2001

s 1, s 2 commenced 14 September 2001 (LA s 75)

amdt 1.9 taken to have commenced 12 September 2001 (s 2 (2))

*Note* This Act only amends the Legislation (Consequential Amendments) Act 2001 No 44.

### **Building Regulations Amendment SL 2001 No 40**

notified LR 2 October 2001

commenced 2 October 2001 (reg 1)

### **Building Amendment Regulations 2002 SL No 9**

notified LR 26 April 2002

reg 1, reg 2 commenced 26 April 2002 (LA s 75)

remainder commenced 27 April 2002 (reg 2)

### **Statute Law Amendment Act 2002 No 30 amdt 3.50**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

amdt 3.50 taken to have commenced 12 July 2001 (s 2 (2))

*Note* This Act only amends the Building Regulations Amendment SL 2001 No 21.

## 4 Amendment history

### **Name of regulations**

reg 1 sub 2000 No 54 reg 3; Act 2001 No 11 amdt 3.2

### **Interpretation**

reg 2 am 1978 No 2; 1979 No 18; 1981 No 22; 1983 No 7; 1991 No 23 reg 2

sub 1998 No 40 reg 3; 2001 No 21 reg 3  
om Act 2001 No 44 amdt 1.469

### **Notes**

reg 2A ins 2001 No 21 reg 4

### **Specialist building work**

reg 3 (prev reg 15) am 1975 No 3; 1978 No 2  
om 1983 No 7  
ins 1984 No 26  
am 1988 No 25; 1990 No 12; 1998 No 40 reg 6  
renum and reloc 1998 No 40 reg 6

**Prescribed buildings**

reg 4 (prev reg 3) am 1978 No 2  
om 1979 No 26  
ins 1992 No 33 reg 2  
renum 1998 No 40 reg 8

**Applications for owner-builder licences**

reg 5 (prev reg 3A) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Qualifications for certifiers**

reg 6 (prev reg 3B) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Fee for extension of period of approval of plans**

reg 6A ins 1979 No 18  
om 1983 No 7

**Applications—copies of plans**

reg 7 orig reg 7 am 1978 No 2; 1979 No 18  
om 1983 No 7  
(prev reg 3C) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Applications—general requirements**

reg 8 orig reg 8 am 1978 No 2; 1979 No 18  
om 1983 No 7  
(prev reg 3D) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Applications—erection or alteration of buildings**

reg 9 orig reg 9 am 1974 No 5  
sub 1975 No 3  
am 1978 No 2  
sub 1979 No 18  
am 1981 No 22; 1982 No 34  
om 1983 No 7  
(prev reg 3E) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Applications—removal or demolition of buildings**

reg 10 orig reg 10 om 1975 No 3  
(prev reg 3F) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

**Applications—asbestos removal requirements**

reg 11 orig reg 11 am 1975 No 3; 1978 No 2  
om 1983 No 7  
(prev reg 3G) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

## Endnotes

### 4 Amendment history

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#### **Plans—general requirements**

reg 12 orig reg 12 am 1975 No 3; 1978 No 2; 1983 No 7; 1987 No 11  
om 1997 No 29 reg 2  
(prev reg 3H) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8  
am Act 2000 No 66 sch 2 pt 1

#### **Plans—erection or alteration of buildings**

reg 13 orig reg 13 am 1978 No 2  
om 1983 No 7  
(prev reg 3I) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

#### **Plans—asbestos removal requirements**

reg 14 orig reg 14 om 1998 No 40 reg 5  
(prev reg 3J) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

#### **Consultation and consent**

reg 15 (prev reg 3K) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8  
am Act 2001 No 11 amdts 3.3-3.5  
def *chief fire control officer* om R5 LA

#### **Stages of building work**

reg 16 orig reg 16 am 1975 No 3; 1978 No 2  
om 1983 No 7  
(prev reg 3L) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8

#### **Consent or approval on completion of building work**

reg 17 orig reg 17 am 1975 No 3; 1978 No 2; 1981 No 22  
om 1983 No 7  
(prev reg 3M) ins 1998 No 40 reg 4  
renum 1998 No 40 reg 8  
am Act 2001 No 11 amdt 3.6

#### **Cost of work**

reg 18 (prev reg 4) sub 1978 No 2  
om 1983 No 7  
ins 1996 No 3 reg 3  
renum 1998 No 40 reg 8

#### **Expiration of warranty**

reg 19 orig reg 19 om 1991 No 23 reg 3  
(prev reg 5 ) am 1979 No 26  
om 1983 No 7  
ins 1996 No 3 reg 3  
renum 1998 No 40 reg 8

#### **Residential building work insurance**

reg 20 orig reg 20 om 1991 No 23 reg 3



(prev reg 6 ) am 1974 No 5  
sub 1975 No 3  
am 1978 No 2; 1979 No 18; 1981 No 22  
om 1983 No 7  
ins 1996 No 3 reg 3  
renum 1998 No 40 reg 8

**Exempt buildings**

reg 20A ins 2001 No 21 reg 5

**Furnishing copies of documents**

reg 21 orig reg 21 am 1979 No 18  
om 1991 No 23 reg 3  
(prev reg 18 ) am 1974 No 5; 1975 No 3; 1979 No 18  
sub 1981 No 22  
am 1983 No 7; 1998 No 40 reg 7  
renum 1998 No 40 reg 8  
am Act 2001 No 17 amdt 3.1

**Exemptions for photovoltaic panels, solar water heaters and airconditioners**

reg 22 om 1991 No 23 reg 3  
ins 2000 No 54 reg 4

**Exemption for certain residential building work**

reg 23 ins 2001 No 40 reg 3  
exp 2 February 2002 (reg 25 (1))  
ins 2002 No 9 reg 4  
exp 27 October 2002 (reg 25 (2))

**Evidence of insurance for certain work**

reg 24 ins 2001 No 40 reg 3  
exp 2 February 2002 (reg 25 (1))  
ins 2002 No 24 reg 4  
exp 27 October 2002 (reg 25 (2))

**Application and expiry—regs 23-25**

reg 25 ins 2001 No 40 reg 3  
exp 2 February 2002 (see reg 25 (1))  
ins 2002 No 9 reg 4  
exp 27 October 2002 (reg 25 (2))

**Schedule 1**

sch 1 hdg (prev sch hdg) sub 1975 No 3  
sch 1 am 1979 No 18; 1984 No 26  
om 1991 No 23 reg 4

**Schedule 2**

sch 2 ins 1975 No 3  
sub 1981 No 22  
om 1983 No 7

## Endnotes

5 Earlier republications

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### Dictionary

dict ins 2001 No 21 reg 6

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1991 No 23	30 September 1991
2	SL 1992 No 33	30 April 1993
3	SL 1996 No 3	31 March 1996
4	SL 1998 No 40	31 July 1999
5	Act 2001 No 44	12 September 2001
6	SL 2001 No 40	5 February 2002
7*	SL 2001 No 40	5 February 2002
8	SL 2002 No 9	27 April 2002

## 6 Renumbered provisions

as made by SL 1998 No 40 reg 8

previous number	provision heading	renumbered or inserted as
reg 3	Prescribed buildings	reg 4
reg 3A	Applications for owner-builder licences	reg 5
reg 3B	Qualifications for certifiers	reg 6
reg 3C	Applications—copies of plans	reg 7
reg 3D	Applications—general requirements	reg 8
reg 3E	Applications—erection or alteration of buildings	reg 9
reg 3F	Applications—removal or demolition of buildings	reg 10

<b>previous number</b>	<b>provision heading</b>	<b>renumbered or inserted as</b>
reg 3G	Applications—asbestos removal requirements	reg 11
reg 3H	Plans—general requirements	reg 12
reg 3I	Plans—erection or alteration of buildings	reg 13
reg 3J	Plans—asbestos removal requirements	reg 14
reg 3K	Consultation and consent	reg 15
reg 3L	Stages of building work	reg 16
reg 3M	Consent or approval on completion of building work	reg 17
reg 4	Cost of work	reg 18
reg 5	Expiration of warranty	reg 19
reg 6	Residential building work insurance	reg 20
reg 18	Furnishing copies of documents	reg 21

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