

Australian Capital Territory

Building (General) Regulation 2008

SL2008-3

made under the

Building Act 2004

Republication No 52

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and SL2025-11)

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About this republication

The republished law

This is a republication of the *Building (General) Regulation 2008*, made under the *Building Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 October 2026. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 October 2026.

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):

- 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 includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

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 the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).



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Part 1 Preliminary

1 Name of regulation

This regulation is the *Building (General) Regulation 2008*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (***signpost definitions***) to other terms defined elsewhere in this regulation.

For example, the signpost definition '***AS 1742***, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.' means that the term 'AS 1742' is defined in that section for schedule 1.

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, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

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

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4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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Part 2 Important concepts

5 Meaning of *building work*—Act, s 6 (2)

For the Act:

building work includes building work that involves handling asbestos or disturbing friable asbestos.

Examples—handling asbestos or disturbing friable asbestos

1 removal of asbestos

2 cutting a hole in a sheet of asbestos

6 Exempt buildings and building work generally—Act, s 152 (2)

(1) A building or building work mentioned in schedule 1, part 1.2 is exempt from the application of the Act subject to any condition mentioned in column 3 for the building or building work.

(2) Also, a building mentioned in schedule 1, part 1.2, items 2 to 15 is not exempt if the building is erected at affected residential premises.

(3) A building or building work mentioned in schedule 1, part 1.3 is exempt from the application of the parts of the Act stated in column 3 subject to any condition mentioned in column 4 for the building or building work.

(4) Also, a building or building work mentioned in schedule 1, part 1.3 (other than a building mentioned in item 26) is not exempt if building work at the building may affect—

(a) the structural integrity of any part of a building for which a certificate under the Act, part 5 (Building occupancy) has been issued; or

(b) a fire-rated wall, ceiling or floor; or

(c) a ventilation or air-handling system, fire protection system or other mechanical service; or

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(d) a fire-escape, emergency lift, stairway, exit or passageway to an exit; or

(e) the natural light or ventilation available to a building for which a certificate under the Act, part 5 (Building occupancy) has been issued; or

(f) the building in a way that reduces its compliance with the building code to a level that is less than the minimum requirements of the code.

Example—par (f)

A house built in 1996 complies with the building code as in force in 1996 (the ***1996 building code***). Although the house was not required to be energy-efficient under the 1996 building code, the house has an energy efficiency rating of 3 stars under the building code as currently in force. If building work on the house alters the house in a way that causes its energy efficiency rating to drop below 3 stars, the building work is not exempt under sch 1, pt 1.3 (other than a building mentioned in item 26).

(5) Subsection (4) does not apply to building work mentioned in schedule 1, part 1.3, item 25, if—

(a) the building work complies with the minimum requirements of the building code; and

(b) the building work does not reduce the thickness of the material from which the sample material is removed by more than 1mm; and

(c) no dimension of the sample material is more than 10mm.

(6) Also, a building or building work mentioned in schedule 1, part 1.3 is not exempt if—

(a) the building is being substantially altered; and

(b) the building work is required to ensure the building alteration complies with the Act and the building code as required by the Act, section 29 (1) (a).

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(7) Also, a building or building work mentioned in schedule 1, part 1.3, items 14 to 16, 23 and 24 is not exempt if the building is erected or the work is undertaken at affected residential premises.

(8) In this section:

substantial alteration—see section 23.

7 Minister may exempt buildings—Act, s 152 (2)

(1) The Minister may exempt a building from the application of the Act, conditionally or otherwise, for a stated period of not longer than 1 year.

Example—conditions

1 restricting the number of people allowed in a building

2 requiring work on the building to be done by a licensed builder

3 requiring fire and rescue service to be present outside the building when it is used for a stated event

(2) An exemption is a disallowable instrument.

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Part 2A Exemption assessments

7A Number of copies of plans—Act, s 14 (2)

The number of copies prescribed is—

(a) 1 in electronic form; and

(b) if the building surveyor asks for paper copies—3 copies.

7B Additional details and material for exemption assessment application—Act, s 14 (3)

(1) The following details are prescribed:

(a) in relation to the parcel—

(i) the block and section number and division; and

(ii) the street name and number; and

(iii) if relevant—the unit number or shop number;

(b) in relation to the applicant—

(i) if the applicant is an entity—the full name of the entity; and

(ii) if the applicant is a company—the company name and the Australian Company Number (ACN); and

(iii) the postal address; and

(iv) if the applicant has an email address—the email address; and

(v) the contact telephone number; and

(vi) if the applicant has a fax number—the fax number;

(c) a brief description of the building work;

(d) whether the building work has been carried out and, if so, the commencement and completion dates of the building work.

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(2) If building work the subject of an application for an exemption assessment relates to a development proposal to which the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.18 applies, the application must be accompanied by a written notice that the section has been complied with within 2 years before the day the application is made.

Example—written notice

a copy of any form prepared for the *Planning (Exempt Development) Regulation 2023*, sch 1, s 1.18 and a statement about how and when it was given

7C Plan information and requirements—Act, s 14 (4)

(1) The information set out in section 12 (2) (a), (d), (f) and (h) is prescribed.

(2) The requirements set out in section 16 (2) and section 17 (2) are prescribed.

7D Exemption assessment B notices—Act, s 14B (2) (b) (iii)

The following are prescribed:

(a) any information that was used by the building surveyor in assessing whether the building work is exempt or not;

(b) the building surveyor's full name and licence number;

(c) if the building surveyor is a corporation—the building surveyor's ACN;

(d) the building surveyor's postal address, email address (if any), contact telephone number and fax number (if any);

(e) the building surveyor's signature or, if the building surveyor is not an individual, the signature of the building surveyor's nominee under the *Construction Occupations (Licensing) Regulation 2004*, section 15 (2);

(f) the date of the notice.

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7E Exemption assessment B notice—attached documents—Act, s 14B (3) (a) and (b)

(1) A copy of the plans used by the building surveyor in an exemption assessment of the building work is prescribed.

(2) If the building surveyor assesses that the building work, or part of the building work, is exempt—

(a) the exemption must be marked on, or attached to, or partly marked on or partly attached to, each page of the plans used by the surveyor in the assessment; and

(b) the building surveyor must initial, date and mark the building surveyor's licence number on each page of the plans.

(3) However, if, because of the size of the plans, it is impractical to mark the exemption on each page of the plans, the building surveyor may, instead of marking the exemption under subsection (2) (a), mark each page of the plans with—

(a) the building surveyor's initials and licence number and the date; and

(b) an indication that the details of the exemption are in the exemption assessment B notice.

(4) The pages of any document attached to an exemption assessment B notice must be numbered consecutively through each document, starting with the number 1 and each page must state the total number of pages comprising the attached documents.

Example

An exemption assessment B notice has 3 attached documents that total 25 pages. Each page of the attachments, starting from the first page, is numbered as 'page 1 of 25', 'page 2 of 25' and so on, until the last page of the final attachment which is numbered 'page 25 of 25'.

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Part 3 Building work

Division 3.1 Government certifiers

8 Criteria for appointment of government certifier—Act, s 20 (4)

The criteria for the appointment of a government certifier for building work are—

(a) a building approval for the work is in force; and

(b) a licensed builder has started the work; and

(c) the owner of the land where the work is being carried out cannot, after making reasonable efforts, appoint a certifier for the work.

Division 3.2 Building approvals

9 Definitions—div 3.2

In this division:

proposed building work means building work proposed to be carried out under an application for building approval.

9A Site work notice—Act, s 25AA

The following information is prescribed:

(a) in relation to the parcel of land on which the site work is carried out—

(i) the block and section number and division; and

(ii) the street name and number;

(b) a reference to any provision of the *Planning (Exempt Development) Regulation 2023* or *Planning (General) Regulation 2023* relied on by the certifier to assess the site work as exempt development;

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(c) the certifier's name, licence number and signature;

(d) the date the notice is signed by the certifier.

10 Number of copies of plans—Act, s 26 (2) (a)

The number of copies prescribed is—

(a) 1 in electronic form; and

(b) if the certifier asks for a paper copy—1 copy.

11 General requirements for application for building approvals—Act, s 26 (3)

(1) The following requirements are prescribed for an application for building approval:

(a) the application must contain an estimate of the cost of the proposed building work worked out in accordance with a method determined by the construction occupations registrar;

(b) if the building work is proposed to be carried out at or near a street or place that is open to or used by the public—the application must contain details of the precautions proposed to be taken to protect the safety of people using the street or place while the building work is carried out;

(c) the application must state the area of the parcel of land;

(d) if a performance requirement of the building code is to be complied with by use of a performance solution under the code, the application must state—

(i) the performance requirement; and

(ii) the performance solution; and

(iii) each assessment method used to show that the alternative solution complies with the performance requirement.

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(2) A determination under subsection (1) (a) is a notifiable instrument.

(3) In this section:

performance requirement—see the building code.

12 Building erection and alteration—Act, s 26 (3)

(1) This section applies to an application for building approval involving the erection or alteration of a building.

(2) The following information must be included in either the application or the plans accompanying the application:

(a) the class of the building according to the intended use of the building as proposed to be erected or altered;

(b) what fire-resisting construction type (under the building code) the building as proposed to be erected or altered will be, if applicable to the building;

Note Fire-resisting construction type may not be applicable if a performance solution under the building code is used.

(c) for an application relating to the erection of a class 1 building—the site classification of the parcel of land;

(d) for an application relating to the alteration of a class 1 building if the alteration will increase the building load carried by foundation material beyond the building load carried by the foundation before the alteration—the site classification of the parcel of land;

(e) for an application relating to the alteration of a building—

(i) the class and type of fire-resisting construction of the existing building classified under the building code; and

(ii) the materials used in the existing building;

Note Fire-resisting construction type may not be applicable if a performance solution under the building code is used.

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(f) the number of storeys of the building as proposed to be erected or altered;

(g) the number of new dwellings (if any) created by the proposed building work;

(h) the floor area of the proposed building or proposed new part of the building;

(i) the materials to be used in the frame, floor, walls and roof of the proposed building or proposed new part of the building;

(j) if the building code does not state 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 stated in another document—

(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 stated in the document.

(3) In this section:

assessment method—see the building code.

site classification—see the building code.

13 Removal or demolition of buildings—Act, s 26 (3)

(1) This section applies to an application for building approval involving the removal or demolition of a building.

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(2) The following information must be included in either the application or the plans accompanying the application:

(a) details of the methods to be used in carrying out the proposed building work, including a work plan stated or set out in AS 2601 (*Demolition of structures*), as in force from time to time;

Note AS 2601 may be purchased at www.standards.org.au.

(b) the number of dwellings (if any) to be demolished.

(3) In this section:

removal, of a building—

(a) means the removal of the building from a place for re-erection, with or without further alteration, at another place; and

(b) includes the demolition of part of the building removed or proposed to be removed.

14 Bonded asbestos removal—Act, s 26 (3)

(1) This section applies to an application for building approval involving the removal of bonded asbestos from a residential building.

(2) The application must include an asbestos removal control plan for the removal.

15 Friable asbestos removal—Act, s 26 (3)

(1) This section applies to an application for building approval involving the removal of friable asbestos from a residential building.

(2) The application must include an asbestos removal control plan for the removal.

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15A Asbestos contamination report—Act, s 26 (3)

(1) This section applies to an application for building approval in relation to affected residential premises.

(2) The application must include a copy of the current asbestos contamination report for the premises.

(3) In this section:

current asbestos contamination report—see the *Dangerous Substances Act 2004*, section 47J (2).

16 General requirements for plans—Act, s 27 (1) (a)

(1) This section applies to plans accompanying an application for building approval.

(2) The plans must—

(a) be drawn in accordance with AS 1100, unless the plans were drawn before the standard commenced; and

(b) show any area covered by the plans that is marked as an easement in the land titles register or on a deposited plan; and

(c) if the building work will require the connection of, or alteration of the connection of, a pipe to the sewerage system—show any point of connection of the pipe to the sewerage system; and

(d) if the building work will require the connection of, or alteration of the connection of, a pipe to a water main—show any point of connection of the pipe to the water main; and

(e) if the building work will require the connection of, or alteration of the connection of, a pipe to a stormwater drain—show any point of connection of the pipe to the stormwater system; and

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(f) if the building work will, when finished, alter the surface stormwater drainage on the parcel of land where the work is to be done—show the proposed surface stormwater drainage on the parcel at the completion of the work; and

(g) for the parcel of land where the work is to be done—include a site plan on a scale of not less than 1:200 showing—

(i) the block and section number of the land (or for land under a land sublease, the sublease plan number); and

(ii) the boundaries and dimensions of the land; and

(h) if a performance requirement of the building code is to be complied with by use of a performance solution under the building code—identify the performance solution and include a statement that it is a performance solution under the building code.

(3) In this section:

building work means building work to which the plans relate.

performance requirement—see the building code.

17 Requirements for plans for alteration and erection of buildings—Act, s 27 (1) (a)

(1) This section applies to plans that relate to the erection or alteration of a building.

(2) The plans must contain sufficient information about the proposed finished dimensions, arrangement, locations and inherent characteristic of materials making up every element of the proposed building work to allow—

(a) a certifier to work out if a building erected or altered in accordance with the plan would contravene the Act; and

(b) a competent builder to carry out the building work in accordance with the plans and the Act; and

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(c) a certifier to work out if the building work, if carried out, complies with the plan and the Act; and

(d) a certifier to work out if the building work is exempt from all or part of the Act.

Examples—building work that complies with Act

1 Plans accompanying an application for building approval relate to the erection of a house with a sheet metal roof. One of the conditions of the development approval for the house is that the roofing must not be white or off-white. The plans must show the proposed colour of the roof sheeting in sufficient detail to enable the certifier to decide if the colour complies with the development approval and the builder to erect a roof in a colour that complies with the development approval. Stating the name of a colour, for example, light grey, may not be sufficiently descriptive unless the plans are accompanied by a relevant colour chart, or manufacturer's product colour, or a reference to a standard colour in AS 2700 (*Colour standards for general purposes*).

2 A statement in plans accompanying an application for building approval to the effect that fire collars must be provided where pipes penetrate fire-rated walls may not be sufficient detail about fire collars if the statement does not include either the technical details of the collars or the name of the manufacturer and model designation of the collars.

3 A statement in the plans about the dimensions of bolts may not be sufficient detail if the statement does not include details about the technical characteristics of the bolts, for example, tensile strength and how tensile strength is tested for and measured, by reference to an applicable standard like AS/NZS 1252 (*High strength steel bolts with associated nuts and washers for structural engineering*).

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the building code (see Legislation Act, s 104).

Note 2 Australian standards may be purchased at www.standards.org.au.

(3) The information in the plans under subsection (2) must—

(a) be consistent with AS 1100; and

(b) be apparent from reading the drawing, so that someone using the plans need not take measurements from the drawing.

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(4) Plans are taken to satisfy subsection (2) to the extent that they contain the following information:

(a) the extent, overall dimensions and main construction material of a wall, partition, floor or roof if—

(i) AS 1684 or AS 3623 applies to the framing for the wall, partition, floor or roof; or

(ii) the framing is of the same scale and kind of arrangement as the framing to which those standards apply;

(b) the location, overall dimensions and description or name of the proprietary product that is sufficient to identify a truss product type for mass-produced proprietary trusses if—

(i) the manufacturer publishes a written span table that states the spanning capability of the truss; and

(ii) the table applies directly to a truss and its span stated in the plan;

(c) for masonry work to which AS 3700 applies—the overall extent and dimensions of the masonry work and structural details of reinforcement (if any);

(d) for concrete work to which AS 2870 (which is about slabs and footings) applies—the overall extent and dimensions of the concrete work and structural details of reinforcement (if any).

Example—par (a) (ii)

AS 1684 applies to houses only. However, under par (a) (ii), it can be used for a fitout that has the same proportions as a house or for part of a building with the same loads and requirements as a house.

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(5) However, subsection (4) does not apply in relation to a matter mentioned in the subsection if the plans provide for an addition to, or variation from, the matter.

Example

A plan includes information on the extent, dimensions and main construction material for a building whose walls, floors and roof comply with AS 3623. However, the plans also show a service utility pipe that penetrates a fire-rated wall. Subsection (4) does not apply to the additional information required when a fire-rated wall is penetrated. The details required under s (2) for any fire collar would need to be included in the plan.

(6) The plans may contain other information.

(7) For this section, information is also taken to be contained in plans if the information is in something attached to the plans.

(8) In this section:

AS 1684 means AS 1684 (*Residential timber-framed construction—design criteria*), as in force from time to time.

AS 2870 means AS 2870 (*Residential slabs and footings—construction*), as in force from time to time.

AS 3623 means AS 3623 (*Domestic metal framing*), as in force from time to time.

AS 3700 means AS 3700 (*Masonry structures*), as in force from time to time.

18 Requirements for plans for asbestos removal—Act, s 27 (1) (a)

(1) Plans that accompany an application for building approval for building work involving the removal of bonded asbestos must show the location of the bonded asbestos sheeting.

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(2) Plans that accompany an application for building approval for building work involving the removal of asbestos (other than bonded asbestos) from a residential building must include the following information:

(a) the location of the asbestos proposed to be removed;

(b) the boundary of the area where people removing the asbestos will be working;

(c) if asbestos removed from the building is to be stored on the parcel of land where the building is—where the asbestos is to be stored;

(d) if a decontamination facility, air filter or air supply equipment, is proposed to be used during the building work—where the facility, filter or equipment is located.

18A Building approval applications—asbestos warning notices—Act, s 152 (3) (b)

(1) This section applies to an application—

(a) for building approval under the Act, section 26 (Building approval applications); and

(b) for approval of amended plans under the Act, section 31 (Application for approval of amended plans).

(2) Before issuing an approval under the Act, section 28 (Issue of building approvals) or section 32 (Amendment of approved plans), the certifier must decide whether loose-fill asbestos insulation was installed in—

(a) a building—

(i) on which the building work the subject of the application for building approval is to be done; or

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(ii) to which the plans the subject of the application for approval of amended plans relates; or

(b) a connected building.

(3) For subsection (2), the certifier must decide that loose-fill asbestos insulation—

(a) was installed in the building or connected building if—

(i) the building or connected building is in a prescribed area; and

(ii) either—

(A) the construction occupations registrar has issued a statement that the registrar holds records indicating that loose-fill asbestos insulation was installed in the building or connected building; or

(B) the certifier has information indicating that loose-fill asbestos insulation was installed in the building or connected building; or

(b) was not installed in the building or connected building if—

(i) either—

(A) the building and connected building are not in a prescribed area; or

(B) the building or connected building is in a prescribed area, but the registrar has issued a statement that the registrar does not hold any records indicating that loose-fill asbestos insulation was installed in the building or connected building; and

(ii) the certifier does not have any information indicating that loose-fill asbestos insulation was installed in the building or connected building.

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(4) The certifier is taken to have information indicating that loose-fill asbestos insulation was installed in a building or connected building if—

(a) the building or connected building is included on the affected residential premises register; and

(b) the affected residential premises register is publicly available.

(5) If the certifier decides that loose-fill asbestos insulation was installed in the building or connected building, the certifier must before issuing an approval mark each page of the approved plans with an asbestos warning notice.

(6) If the certifier decides that loose-fill asbestos insulation was not installed in the building or connected building, the certifier must not mark the approved plans with an asbestos warning notice.

(7) The constructions occupations registrar may, in writing, declare an area to be a prescribed area if satisfied that loose-fill asbestos insulation was installed in a building in the area.

(8) A declaration is a notifiable instrument.

(9) In this section:

affected residential premises register—see the *Dangerous Substances Act 2004*, section 47P.

connected building means a building attached to a building mentioned in subsection (2) (a), in a way that loose-fill asbestos fibres could transfer between the buildings.

19 Some building approval applications to be referred—Act, s 27 (1) (b)

(1) This section applies if the owner of land has applied to a certifier for building approval for building work to be carried out on the land.

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(2) The application must be referred to an entity mentioned in an item in schedule 2 if the building work involves something prescribed in schedule 2 in relation to the entity.

(3) A referral under subsection (2) must be accompanied by a copy of the plans relating to the proposed building work.

20 Building approval applications—requirement to give advice—Act, s 30A (3)

(1) This section applies if a building approval application, including an amended application, is referred to an entity for advice.

Note An application may be required to be referred to an entity under s 19.

(2) The entity must give advice in relation to the building approval application not later than 15 working days after the day the application is given to the entity.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The advice—

(a) must be in writing; and

(b) must relate to the entity's area of authority; and

(c) must state whether the entity supports or opposes the application; and

(d) if the entity supports the application—may include conditions to which the support is subject; and

(e) if the entity opposes the application—must state the reasons for opposing the application.

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(4) If the advice includes a condition, the condition must not require the building work to be carried out in a way that is inconsistent with, or more burdensome than, the Act.

Examples—requirement inconsistent with, or more burdensome than, Act

1 If the building code includes a requirement about the safety of buildings in relation to fire and associated heat and smoke, including fires inside buildings, or bushfires outside buildings, an entity authorised to give advice in relation to fire safety must not recommend or require a building to be constructed in a way that is inconsistent with, or imposes more onerous requirements than, the code.

2 If the building code includes a requirement about the structural sufficiency of a building's footings, an entity to which a building approval is referred must not recommend or require the building to be constructed in a way that is inconsistent with, or impose more burdensome requirements than, the code. However, the advice may include a condition requiring the footing to provide piers on either side of a buried sewer main to prevent the loads of the building being applied to the main. This is because the building code does not require the footing to not load the main; the piers are to protect the main and are not for the structural sufficiency of the building.

(5) For this section, advice relates to an entity's area of authority if the entity has authority under a legislative provision for the area.

Example—entity having authority

Under the *Utilities Act 2000*, an entity licensed to provide a utility service is required to comply with relevant industry codes relating to the protection of customers, consumers and the utility network. The entity may give advice on building work in relation to that requirement.

21 Approvals and consent required in relation to proposed building work—Act, s 152 (3) (c)

(1) This section applies if the owner of land has applied to a certifier for building approval for building work to be carried out on the land.

(2) The certifier must be satisfied on reasonable grounds that the following approvals or consents have been obtained in relation to the proposed building work:

(a) any consent or approval required under a territory law in relation to the work;

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(b) if the work is, or forms part of, a development requiring development approval—development approval;

(c) if the land is in a designated area—approval under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 12;

(d) if the work involves the erection or alteration of a lift—a permit under the *Scaffolding and Lifts Regulation 1950*, section 17.

(3) If a development approval mentioned in subsection (2) (b) contains a condition that must be complied with before the proposed building work may start, the certifier must be satisfied on reasonable grounds that the condition has been complied with.

(4) In this section:

designated area—see the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 4.

22 Consultation required in relation to proposed building work—Act, s 152 (3) (c)

(1) This section applies if the owner of land has applied to a certifier for building approval for building work to be carried out on the land.

(2) The certifier must be satisfied on reasonable grounds that the following consultations have been undertaken in relation to the proposed building work:

(a) if applicable, consultation with the relevant directors-general in relation to—

(i) procedures to be used in the demolition of any class 2, class 3, class 4, class 5, class 6, class 7, class 8 or class 9 building; and

(ii) any waste management plan provided in the application; and

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(iii) any asbestos removal control plan provided in the application;

(b) if it is proposed that the new building, or new part of the building, is to be used as licensed premises—consultation with the commissioner for fair trading in relation to—

(i) occupancy loading for public areas at the premises; and

(ii) kitchen facilities at the premises; and

(iii) liquor serving counters at the premises; and

(iv) toilet facilities and toilet rooms at the premises;

(c) if it is proposed that the new building, or new part of the building, is to be used as permitted premises—consultation with the commissioner for fair trading in relation to occupancy loading for public areas at the premises;

(d) 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;

(e) consultation with the environment protection authority if—

(i) the new building or new part of the building is to be used to conduct a class A or class B activity; or

(ii) an accredited code of practice applies to an activity to be carried out in the new building or new part of the building.

(3) The certifier has reasonable grounds to be satisfied that consultations mentioned in subsection (2) in relation to proposed building work have been undertaken if the certifier is satisfied on reasonable grounds that sufficient consultation in relation to the work has taken place as part of a development application under the *Planning Act 2023*.

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(4) If subsection (3) applies to consultation with an entity in relation to proposed building work, the certifier must not require additional consultation with the entity.

(5) The certifier may be satisfied on reasonable grounds that an entity has been consulted under subsection (2) in relation to an application for building approval if—

(a) a copy of the application is given to the entity required to be consulted; and

(b) 10 working days have elapsed after the day the copy was given.

(6) In this section:

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

class A activity means an activity listed in the *Environment Protection Act 1997*, schedule 1, table 1.2.

class B activity means an activity listed in the *Environment Protection Act 1997*, schedule 1, table 1.3.

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

licensed premises—see the *Liquor Act 2010*, dictionary.

liquor serving counter, at premises—see the *Liquor Regulation 2010*, dictionary.

occupancy loading, for a public area at licensed premises or permitted premises—see the *Liquor Act 2010*, dictionary.

permitted premises—see the *Liquor Act 2010*, dictionary.

relevant directors-general means the following:

(a) the director-general of the administrative unit responsible for municipal services;

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(b) the director-general of the administrative unit responsible for the *Dangerous Substances Act 2004*;

(c) the director-general of the administrative unit responsible for the *Work Health and Safety Act 2011*.

toilet facility—see the *Liquor Regulation 2010*, schedule 1, section 1.1.

toilet room—see the *Liquor Regulation 2010*, schedule 1, section 1.1.

23 Substantial alteration—Act, s 29 (2) (a)

(1) An alteration of a building is a substantial alteration if, during the 3 years immediately before the day the application for building approval for the alteration is made—

(a) for a class 1 building—the total floor area of the proposed alteration, not including any internal alteration, is more than 50% of the floor area of the original building; and

(b) for a class 2, 3, 4, 5, 6, 7, 8 or 9 building—the total floor area of the proposed alteration, including any other alteration, is more than 50% of the floor area of the original building.

(2) However, neither refitting a building nor replacing the internal elements of the building is an alteration of the building unless the layout and function of the internal spaces of the building are changed.

(3) In this section:

floor area, of a building, means the area of floor measured from the outer walls of the building, and includes the area on each storey of the building if there is more than 1 storey.

Examples—effect of s 23

1 The floor area of a house is extended by 51%. The whole house must comply with the Act and the building code, not just the extension (see s (1) (a)), other than the parts of the building code that do not apply to the unaltered part of the house because of s 24.

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2 A 40m^2 sunroom is added to a building, adding only 10% floor area to the building. The sunroom must comply with the Act and the building code, but the rest of the building need not comply if no other floor area has been altered in the previous 3 years (see s (1) (a)).

3 A variety store and retail book shop (a class 6 building) are separated by a common wall in a shopping mall. The wall is removed to create a single larger room.

If the room were to be used mainly for class 6 retailing, the only alteration is of an internal element, and the only alteration to the floor area is the addition of the floor area that was occupied by the wall.

However, the room is converted for use as a carwash (making the building a class 8 building). Because of the change in function, the total floor area of the 2 shops and the floor area that was occupied by the wall have been altered for this section. The altered floor area is the floor area of the carwash. In the previous 3 years, other floor area alterations have taken place in the mall. These add up to 49.5% of the mall's total floor area on all levels. The floor area alteration to create the carwash area takes the total to 50.1%. The whole mall must comply with the Act and the building code, not just the carwash.

4 A warehouse has no internal walls. A wall is built to divide the warehouse into 2 spaces. This does not amount to a substantial alteration if both of the divided spaces continue to function as warehouse space.

However, if 1 of the divided spaces is to be used as a retail sales room, for this section the floor area of the space has been altered. If the floor area of the sales room and the area occupied by the wall is more than 50% of the total floor area of the warehouse, the change amounts to a substantial alteration and all of the warehouse must comply with the Act and building code.

5 A building contains a nightclub where a fire sprinkler system was installed 1 year ago. Plans now propose to upgrade the air-conditioning system and floor coverings throughout the building. As the work does not alter the floor area or function of the building it would not amount to a substantial alteration.

24 Unaltered parts need not comply with building code if alternative requirements met—Act, s 29 (2) (b)

(1) An unaltered part of a substantially altered class 1, class 10a or class 10b building (an ***unaltered part***) need not comply with the building code as a whole if the unaltered part complies with the alternative requirements determined under subsection (2).

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(2) The Minister may determine alternative requirements for an unaltered part.

(3) An alternative requirement may—

(a) require an unaltered part to comply with—

(i) a stated provision of the building code; or

(ii) any other requirement; and

(b) relate to anything in relation to an unaltered part, including—

(i) glazing; or

(ii) smoke alarms; or

(iii) stairs; or

(iv) barriers and handrails; or

(v) an unaltered part in a bushfire-prone area; or

(vi) regulated swimming pool access; or

(vii) energy efficiency; or

(viii) livable housing design.

(4) A determination under subsection (2) is a disallowable instrument.

29A Building approvals not to be issued—Act, s 30 (2)

(1) A building approval must not be issued for building work involving an affected building at affected residential premises unless the building work is any of the following:

(a) building work related to the demolition of the affected building including asbestos removal related to the demolition;

(b) building work essential for health, safety or reasonable living conditions at affected residential premises.

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(2) The Minister may make guidelines about building work mentioned in subsection (1) (b).

(3) A guideline is a notifiable instrument.

30 Significantly different from plan amendment—Act, s 32 (4)

A building (the ***new building***) built to amended plans is significantly different from a building (the ***old building***) built to the unamended plans if—

(a) the floor area, roof area or volume of the new building has changed by more than 1% from the old building; or

(b) the new building is not the same class of building as the old building; or

(c) if the old building had parts that are not of the same class of building—

(i) the position of the parts in the new building has changed; or

(ii) the floor area, roof area or volume of the parts in the new building has changed by more than 1% from the old building; or

(d) any dimension of the perimeter of the new building, including the perimeter of the building's footprint or an elevation, has changed by more than 1% from the old building; or

(e) the number of storeys or buildings in the new building is different from the number in the old building.

Example—change of dimension

The height of the building increases from 3m to 3.5m. The change of the dimension is more than 1%.

Note The Act, s 42 requires building work to be carried out in accordance with approved plans.

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Division 3.2A Building work signs

30A Requirements for sign for certain building work—Act, s 37A (4) and s 37B (2) (a)

The following requirements are prescribed:

(a) the sign must be at least 600mm x 900mm;

(b) the sign must contain the following heading in bold typeface at least 50mm high:

‘Notice about building work’;

(c) the sign must include the following information:

(i) the name and licence number of the licensed builder;

(ii) a contact telephone number for the licensed builder;

(iii) if the licensed builder is a corporation—the licensed builder’s Australian Company Number (ACN) (if any);

(iv) the name and licence number of the certifier for the building work;

(v) a contact telephone number for the certifier;

(vi) if the certifier is a corporation—the certifier’s Australian Company Number (ACN) (if any);

(vii) if a person is required to hold a property developer licence because of the Act, section 27 (1) (ca) in relation to the building work—

(A) the name and licence number of the licensee; and

(B) a contact telephone number for the property developer licensee; and

(C) for a corporation—the property developer licensee ACN or ABN;

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(viii) the street address for each block of land in the parcel of land;

(ix) the block and section number and division for the parcel of land;

(x) a description of the nature and scope of the building work to be, or being, carried out;

(xi) if development approval is required for the building work—the development approval number;

(xii) if a development approval is not required for the building work—that the work is exempt from requiring approval;

(xiii) if the requirement for development approval is not determined—that the requirement for development approval is not determined;

(xiv) for building work carried out in stages—the stage of the work to be, or being, carried out and a description of the nature and scope of the stage of the work;

(d) the sign must be made of durable material that will remain intact for the period of construction;

(e) the sign must be placed prominently so that it can be seen and read easily by a person from each frontage of the parcel of land on which the sign must be displayed.

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30B Prescribed development—Act, s 37B (1) (a)

The following development is prescribed:

(a) a designated development mentioned in the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.42 for a garage that has a floor area that is more than the floor area mentioned in this regulation, schedule 1, section 1.1, definition of ***large building***, paragraph (b) (iii) (B);

Note The floor area mentioned in this regulation is a floor area of not more than 36m^2 excluding areas underneath external walls.

(b) a development mentioned in the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.130 or 1.131;

(c) a development mentioned in the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.132 if the development is not required to be carried out urgently to address a risk of death or injury to a person, serious harm to the environment or significant damage to property.

30C Period for displaying sign—Act, s 37B (2) (b)

At least 7 consecutive days in the 2 months before an application for a commencement notice is lodged in relation to the building work is prescribed.

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Division 3.3 Carrying out building work

31 Considerations for proper and skilful work—material and work standards—Act, s 42 (2)

In deciding whether building work has been carried out in a proper and skilful way, the following considerations must be taken into account:

(a) whether the work uses a product or system in accordance with any accessible instructions, directions, guidelines or suggestions of the maker or seller of the product or system;

Examples—instructions that are not accessible

1 instructions not in English

2 an information leaflet printed 10 years ago that is now unavailable

(b) whether the work is in accordance with any relevant rules or guidelines published by Standards Australia;

(c) whether, as part of the work, a product or system is being, or has been, used in a way that a reasonable person would expect is contrary to the intended use of the product or system;

(d) whether, as part of the work, a product or system is being, or has been, used in a way that the maker has given written notice will void the maker's warranty;

Example—use

Installing roof sheeting so it is level at any point is not carrying out building work in a proper way if the manufacturer's published literature indicates that the sheeting's warranty is voided if the sheeting is installed at a fall of less than 1°off level.

(e) whether a reasonable person doing the work would know or suspect on reasonable grounds that the use of a product or system in a particular way would cause more instability, or affect the durability or soundness of the product or system or of the building work than if the product or system were used appropriately;

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(f) how reasonable it is in all the circumstances for the user of a product or system to rely on the maker's statement that the product or system complies with a stated standard;

(g) whether the building work contravenes the Act or another territory law.

32 Considerations for proper and skilful work—construction tolerances—Act, s 42 (2)

(1) In deciding whether building work has been carried out in a proper and skilful way, consideration must be taken of whether the work has been carried out—

(a) to meet or exceed the standards stated in the approved plans; or

(b) if the approved plans do not vary reasonable minimum industry standards—to meet or exceed reasonable minimum industry standards.

(2) In this section:

reasonable minimum industry standards—a matter covered by the tolerances guide meets ***reasonable minimum industry standards*** if the matter is not a defect under the guide.

tolerances guide—see schedule 3, section 3.1.

Examples

1 The approved plans for a building show a proposed floor bowing upward (***precambered***). The amount of precamber would be a defect under the provisions of the tolerances guide dealing with how flat or level a floor must be. If the completed floor complies with the approved plans, the precamber does not mean that the construction of floor was not done skilfully.

2 Specifications forming part of the approved plans for a prestigious building show that construction tolerances are stricter than the corresponding tolerances in the tolerances guide. The building work may not be considered proper and skilful if the work does not does not meet the standards stated in the plans, even though the work is not defective under the tolerances guide.

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33 Stages of building work—Act, s 43 (1) (a)

Note The Act, s 43 requires certain things to be done before building work proceeds beyond a prescribed stage.

The stages of building work are—

(a) completion of excavation, placement of formwork and placement of steel reinforcing for the footings before any concrete for the footings is poured; and

(b) for a class 1, class 10a or class 10b building—

(i) completion of the structural framework before the placement of any internal lining; and

(ii) completion of placement of formwork, and placement of steel reinforcing, for any reinforced concrete member before any concrete for the member is poured; and

(c) for a building other than a class 1, class 10a or class 10b building—

(i) completion of any structural framework stated by the certifier in the relevant building approval, before the placement of any internal lining; and

(ii) completion of the placement of formwork and steel reinforcing for any reinforced concrete member stated by the certifier in the relevant building approval, before any concrete for the member is poured; and

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

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33A Stage inspections for dwellings and buildings containing dwellings—Act, s 44 (7) (a) and (b) (ii)

(1) This section applies in relation to building work for a dwelling or a building containing a dwelling.

(2) A certifier must give a copy of any of the following certificates or notices to the construction occupations registrar as soon as practicable (but in any case within 2 working days) after issuing the certificate or giving the notice:

(a) a certificate for the building work issued under the Act, section 44 (2) (b) or (5);

(b) a notice given to a building licensee in relation to the building work under the Act, section 44 (2) (a) or (6).

34 Offence—building work above damp-proof course level

(1) A building licensee in charge of building work commits an offence if the licensee—

(a) does building work above damp-proof course level; and

(b) the building work is not within a prescribed exception; and

(c) fails to ensure that the certifier has received—

(i) a plan signed by a registered surveyor stating the position of the building in relation to the boundaries of the parcel of land where the building is to be erected and stating the level that the floor, or floors, of the building will have in relation to a level stated in the approved plans; or

(ii) for building work on an original building on original land—the original survey plan.

Maximum penalty: 50 penalty units.

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(2) A building licensee in charge of building work commits an offence if the licensee—

(a) does building work above damp-proof course level; and

(b) the building work is not within a prescribed exception; and

(c) fails to ensure that the certifier is satisfied that the position of the building, and the level of the floor, or floors, are in accordance with—

(i) the approved plans; and

(ii) any condition of the following:

(A) an advice mentioned in the Act, section 27 (1) (b) (i);

(B) an approval or consent mentioned in the Act, section 27 (1) (b) (iii).

Maximum penalty: 50 penalty units.

(3) An offence against this section is a strict liability offence.

(4) In this section:

damp-proof course means a continuous layer of impervious material placed in a masonry wall or pier, or between a wall or pier and a floor, to prevent the upward or downward migration of water.

original building means an existing class 1, class 10a or class 10b building.

original land means any building resulting from the work that is to be located completely on the same parcel of land as the original building.

original survey plan means a plan signed by a registered surveyor if—

(a) the arrangement of the boundaries of the original land, and location and levels of the original building, have not changed since the original survey plan was made; and

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(b) no building on which the work is to be carried out is, or building resulting from the work is to be, situated closer than 100mm away from the boundary of the parcel of land.

Division 3.4 Completion of building work

35 Approvals on completion of building work—Act, s 48 (3) (g)

On completion of building work, the following approvals are to be obtained:

(a) if development approval for building work is subject to a condition that relates only to building work—approval of the chief planner to the way 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 by the emergency services commissioner;

(c) approval under the *Scaffolding and Lifts Regulation 1950*, section 21.

Examples—par (a)

1 Development approval is given for a multi-unit townhouse development (including plans for landscaping and a driveway). The approval is subject to the following conditions:

(a) stated shrubs, additional to those shown in the plans accompanying the application for development approval, are to be planted;

(b) the driveway is to be relocated to another stated place;

(c) the road adjacent to the development is to be widened to create on-street parking, in the way stated in the condition;

(d) the plans are to be redrawn to show the townhouses with hipped roofs instead of gable-end roofs.

The conditions mentioned in pars (a), (b) and (c) relate to landscaping or site work. The condition in mentioned in par (d) relates only to the plans.

Because none of the conditions relate only to the building work, this section does not apply to the development approval.

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2 The ACAT, on reviewing the decision to grant the development approval mentioned in example 1, remakes the decision to grant the development approval subject to the condition that the roofs of the townhouses are constructed as hipped roofs instead of gable-end roofs.

This section applies to the development approval as revised by the ACAT because the condition to which the approval is subject relates only to the building work.

35A Certificates of occupancy—fitness for occupation and use—Act, s 69 (4) (a)

For the Act, section 69 (4) (a) the following are prescribed:

(a) for plumbing, sewerage and drainage work carried out in, or in relation to, building work—

(i) for work that must be inspected under the *Water and Sewerage Act 2000*—that the work has been inspected and passed in accordance with that Act; or

(ii) for all other work—a certificate under the *Water and Sewerage Act 2000* that the plumbing, sewerage and drainage work complies with that Act; and

(b) for electrical wiring work carried out in, or in relation to, building work—

(i) for work that must be inspected under the *Electricity Safety Act 1971*—that the work has been inspected and passed in accordance with that Act; or

(ii) for all other work—a certificate under the *Electricity Safety Act 1971* that the electrical wiring work complies with that Act; and

(c) for gas fitting work carried out in, or in relation to, building work—

(i) for work that must be inspected under the *Gas Safety Act 2000*—that the work has been inspected and passed in accordance with that Act; or

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(ii) for all other work—a certificate under the *Gas Safety Act 2000* that the gas fitting work complies with that Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

35B Certificates of occupancy—requirements if deferral arrangement applies—Act, s 69 (4) (b)

(1) If a deferral arrangement applies in relation to land where the building work was carried out, the following must be paid to the commissioner for revenue before a certificate of occupancy is issued:

(a) an amount of lease variation charge, and any accrued interest, under the deferral arrangement;

(b) any interest or penalty tax under the *Taxation Administration Act 1999* that relates to the amounts mentioned in paragraph (a).

(2) In this section:

deferral arrangement, for a lease variation charge—see the *Planning Act 2023*, section 343 (1) (c).

lease variation charge, for a variation of a nominal rent lease—see the *Planning Act 2023*, dictionary.

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Division 3.5 Fundamentally noncompliant building work

36 Fundamentally noncompliant building work—Act, s 50 (4)

(1) An element of building work mentioned in an item in schedule 3, column 2 is fundamentally noncompliant in the circumstances mentioned in column 3 for the item.

(2) An element of building work on, or in relation to, a class 10a or class 10b building is fundamentally noncompliant if—

(a) 1 or more elements not shown in the approved plans are added to the building; and

(b) the building as altered by the work is a different type of building to the building shown in the plans.

Example—fundamentally noncompliant class 10a or class 10b building

Plans show a carport without walls. During the construction of the carport walls are added. This alters the building type from a carport to a garage, and means that the building is fundamentally noncompliant.

Division 3.6 Demolition orders

36A General requirements for plans—Act, s 63A

(1) This section applies to plans accompanying an application for a demolition order to demolish a building.

(2) The plans must—

(a) be drawn in accordance with AS 1100, unless the plans were drawn before the standard commenced; and

Note The standard may be purchased at www.standards.org.au.

(b) show any area covered by the plans that is marked as an easement in the land titles register or on a deposited plan; and

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(c) if the demolition will require the disconnection of a pipe to the sewerage system—show any point of disconnection of the pipe to the sewerage system; and

(d) if the demolition will require the disconnection of a pipe to a water main—show any point of disconnection of the pipe to the water main; and

(e) if the demolition will require the disconnection of a pipe to a stormwater drain—show any point of disconnection of the pipe to the stormwater system; and

(f) if the demolition will, when finished, alter the surface stormwater drainage on the parcel of land where the work is to be done—show the proposed surface stormwater drainage on the parcel at the completion of the work; and

(g) for the parcel of land where the demolition is to be done—include a site plan on a scale of not less than 1:200 showing—

(i) the block and section number of the land (or for land under a land sublease, the sublease plan number); and

(ii) the boundaries and dimensions of the land.

36B Applications for demolition orders to be referred—Act, s 63A (4)

(1) This section applies if the custodian of the land on which a building is located intends to apply to the construction occupations registrar for a demolition order for demolition of the building.

(2) Before making the application, the custodian must refer the application to an entity mentioned in an item in schedule 2A if the demolition involves something prescribed in schedule 2A in relation to the entity.

(3) A referral under subsection (2) must be accompanied by a copy of the documents mentioned in the Act, section 63A (4) (a) to (e).

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36C Applications for demolition orders—requirement to give advice—Act, s 63B

(1) This section applies if an application for a demolition order is referred to an entity for advice.

Note An application may be required to be referred to an entity under s 36B.

(2) The entity must give advice in relation to the application not later than 15 working days after the day the application is given to the entity.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(3) The advice—

(a) must be in writing; and

(b) must relate to the entity's area of authority; and

(c) must state whether the entity supports or opposes the application; and

(d) if the entity supports the application—may include conditions to which the support is subject; and

(e) if the entity opposes the application—must state the reasons for opposing the application.

(4) If the advice includes a condition, the condition must not require the demolition to be carried out in a way that is inconsistent with, or more burdensome than, the Act.

(5) For this section, advice relates to an entity's area of authority if the entity has authority under a legislative provision for the area.

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Part 3A Regulated swimming pools

36D Safety standards—Act, s 83A, def *safety standards*

(1) The following are prescribed:

(a) for a pool built before 1 May 2023—the following taken together:

(i) the building code as in force on 1 May 2023;

(ii) AS 1926.1 (2012) (Swimming pool safety, Part 1: Safety barriers for swimming pools);

(iii) AS 1926.2 (2007) (Swimming pool safety, Part 2: Location of safety barriers for swimming pools); and

Note AS 1926.1 (2012) and AS 1926.2 (2007) may be purchased at www.standards.org.au.

(b) for a pool built or substantially altered on or after 1 May 2023—the building code.

(2) In this section:

substantially altered, in relation to a swimming pool, means at least 50% of the pool, or the safety barrier for the pool, is modified, demolished or replaced.

36E Standing exemptions—circumstances—Act, s 83C

(1) A circumstance mentioned in table 36E, column 3 is prescribed for a regulated swimming pool mentioned in column 2.

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Table 36E Standing exemptions

column 1 item	column 2 regulated swimming pool	column 3 circumstances in which pool is exempt from safety standard
1	a regulated swimming pool	demountable pool in place for not more than 3 consecutive days
2	a regulated swimming pool	spa (wherever located) covered and secured by a lockable child-resistant structure (such as a door, lid, grille or mesh) that— (a) is of substantial construction and having no opening through which it is possible to pass a testing apparatus, and (b) is securely fastened by a device that is itself of substantial construction and has no opening through which it is possible to pass a testing apparatus
3	a regulated swimming pool built before 1 May 2023	spa (located on apartment balcony) if the balcony is accessible only through self-closing and self latching doors or windows

(2) In this section:

spa—see the Act, section 83B (2).

testing apparatus means a cylindrical test object that has—

(a) a diameter of 105 millimetres, plus or minus 1 millimetre; and

(b) at least 1 solid flat-faced end.

36F Exemption by Minister—circumstances—Act, s 83D (2)

(1) A circumstance mentioned in table 36F, column 3 is prescribed for a regulated swimming pool mentioned in column 2.

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Table 36F Exemptions by Minister

column 1 item	column 2 regulated swimming pool	column 3 circumstances in which pool may be exempt from safety standard
1	a regulated swimming pool built before 1 May 2013	(a) compliance with the safety standard is impracticable because of— (i) the physical nature of the premises on which the pool is located; or (ii) the design or construction of either the pool or other buildings on the premises on which the pool is located; and (b) either— (i) a barrier comparable to a safety barrier that complies with the safety standards is installed for the pool (a ***comparable barrier***); or (ii) evidence is provided to the Minister as to why installation of a comparable barrier cannot be done
2	a regulated swimming pool built before 1 May 2013	compliance with the safety standard would be reasonably likely to require approval under the *Urban Forest Act 2023* to remove a protected tree
3	a regulated swimming pool built before 1 May 2013	compliance with the safety standard would be reasonably likely to involve conduct that would have a significant adverse effect on the heritage significance of a place or object registered under the *Heritage Act 2004*

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column 1 item	column 2 regulated swimming pool	column 3 circumstances in which pool may be exempt from safety standard
4	a regulated swimming pool built before 1 May 2023	(a) the occupier of premises on which the pool is located is a person with disability; and (b) safety barrier compliance with safety standards would substantially impede the occupier's access to the pool; and (c) the owner of the premises agrees to adopt alternative safety measures (if available)
5	a regulated swimming pool built before 1 May 2023	there are documented plans to demolish the pool within 24 months of the application for exemption

Note The Minister may make guidelines in relation to applications for exemptions and the granting of exemptions (see Act, s 83G).

(2) In this section:

disability—see the *Discrimination Act 1991*, section 5AA.

protected tree—see the *Urban Forest Act 2023*, section 8.

registered—see the *Heritage Act 2004*, section 11.

36G Prescribed requirements for safety barrier—Act, s 83N (2) (c)

(1) This section applies to a regulated swimming pool that is not subject to—

(a) a standing exemption; or

(b) a Ministerial exemption.

(2) A safety barrier for the regulated swimming pool is an effective and safe child-resistant barrier if the barrier complies with the requirements for the barrier as in force immediately before the commencement of this section.

(3) This section expires on 30 April 2028.

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36H Competency matters for person to exercise functions of authorised person—Act, s 83P (3)

(1) The matters the director-general must consider in relation to a person's competency in exercising the functions of an authorised person are—

(a) whether the person has demonstrated adequate knowledge and experience in relation to the functions of an authorised person; and

(b) whether the person is—

(i) an Australian citizen; or

(ii) a permanent resident; or

(iii) a temporary resident who holds a visa that allows the person to work carrying out the functions of an authorised person; and

(c) whether the person has been convicted or found guilty of an offence—

(i) that is an indictable offence under a law of the ACT or the Commonwealth; or

(ii) for an offence committed outside the ACT—that would be an indictable offence against a law of the ACT if committed in the ACT; and

Note A conviction does not include a spent conviction or an extinguished conviction (see *Spent Convictions Act 2000*, s 16 (c) (i) and s 19H (1) (c) (i)).

(d) whether the person has been the subject of any disciplinary action, however expressed, relating to a construction occupation that involved a finding of guilt; and

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(e) whether the person has previously exercised the functions of an authorised person under the Act or a relevant law and did not exercise the functions in accordance with—

(i) the terms of their appointment as an authorised person; or

(ii) the directions given to the person in relation to the exercise of their functions.

(2) In this section:

construction occupation—

(a) see the *Construction Occupations (Licensing) Act 2004*, section 7; and

(b) includes a construction occupation (however described) under a law of the Commonwealth or a State.

Note ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1)

permanent resident means—

(a) a person who holds a permanent visa for the *Migration Act 1958* (Cwlth), section 30; or

(b) a New Zealand citizen who holds a special category visa under the *Migration Act 1958* (Cwlth), section 32.

relevant law means a law of the Commonwealth or a State relating to swimming pool safety (however described).

Note ***State*** includes the Northern Territory (see Legislation Act, dict, pt 1)

36I Building surveyor taken to be appointed as authorised person—Act, s 83P (4)

An individual is taken to be appointed as an authorised person if the individual holds a licence in the construction occupation of building surveyor issued under the *Construction Occupations (Licensing) Act 2004*, part 3 (Construction practitioners licences).

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36J Director-general may end building surveyor's appointment as authorised person

(1) This section applies in relation to an individual taken to be appointed as an authorised person under section 36I.

(2) If the director-general is satisfied the individual is not capable of competently exercising the functions of an authorised person, the director-general may, by written notice, decide that the individual cease exercising the functions of an authorised person.

(3) The notice must—

(a) state the date the decision takes effect; and

(b) be given to the individual as soon as practicable.

(4) An individual subject to a decision made under subsection (2) must cease exercising the functions of an authorised person—

(a) by the stated date; or

(b) if the notice is given to the individual after the stated date—on the day the notice is given to the individual.

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Part 4 Residential building work—warranties, conditions, insurance etc

37 Building work to which pt 6 does not apply

The Act, part 6 (Residential building work—warranties, conditions, insurance etc) does not apply to residential building work if the cost of the work is less than $12 000.

37A People excluded—Act, s 84, def *property developer*, par (b) (iii)

A person is taken to be excluded if the person is excluded under the *Property Developers Act 2024*, section 46 (2).

38 End of statutory warranties—Act, s 88 (4)

(1) The period for the end of a warranty is—

(a) for residential building work in relation to a structural element of a building—6 years after the completion day for the work; or

(b) for residential building work in relation to a non-structural element of a building—2 years after the completion day for the work.

(2) In this section:

non-structural element, of a building, means a component of the building that is not a structural element.

structural element, of a building, means—

(a) a load-bearing component of the building (whether internal or external) that is essential to the stability of the building or part of it; or

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(b) a component (including weatherproofing) forming part of the external walls or roof of the building.

Examples—par (a)

a foundation, floor, wall, roof, column or beam

38A Required documents for residential building work contract—Act, s 89D

(1) A document determined by the Minister is prescribed.

(2) A determination is a notifiable instrument.

38B Prohibited conditions—Act, s 89E

(1) This section applies to a residential building work contract for—

(a) a new class 1 building; or

(b) an alteration to, or demolition of, an existing class 1 or class 2 building; or

(c) a class 10 building that provides structural support, or is a structurally integral adjunct, to a new class 1 building or an existing class 1 or class 2 building.

(2) However, this section does not apply to a residential building work contract entered into before the commencement of this section.

(3) A condition in a residential building work contract that allows a person, other than the owner of the land where the work is to be carried out under the contract, to do any of the following is prescribed as a prohibited condition:

(a) to appoint or revoke the appointment of an eligible entity as a certifier for the work;

(b) to act as the agent of the owner in dealing with a certifier appointed for the work.

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39 Minimum insurance for insurable residential building work—Act, s 90 (1) (b)

The amount for insurance cover is $200 000.

40 Period of insurance for insurable residential building work—Act, s 90 (1) (c) and (d)

The period is 5 years.

41 Period of claims for insurable residential building work—Act, s 90 (1) (i)

The period is 180 days.

42 Amount insurer not liable for—Act, s 91 (1)

The amount is $500.

43 If builder defaults and work less than deposit paid—Act, s 93 (3) (b)

The amount is $10 000.

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Part 5 Building code

43A Documents forming part of building code—Act, s 136 (1), def *building code*, par (b)

The following documents published by the Australian Building Codes Board from time to time are prescribed:

(a) each volume of the National Construction Code series that includes a notation that it forms part of the Building Code of Australia;

(b) the Housing Provisions Standard.

Note The National Construction Code and the Housing Provisions Standard do not need to be notified under the Legislation Act because s 47 (5) and (6) does not apply (see Act, s 136A and Legislation Act, s 47 (7)). The National Construction Code and the Housing Provisions Standard are accessible at www.ncc.abcb.gov.au.

44 Application of building code to bushfire-prone area—Act, s 136 (4)

(1) For the building code, an area of non-urban land is a bushfire-prone area.

(2) In this section:

non-urban land means—

(a) territory land in 1 of the following zones under the territory plan:

(i) broadacre zone;

(ii) rural zone;

(iii) hills, ridges and buffer zone;

(iv) river corridor zone;

(v) mountains and bushlands zone;

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(vi) transport and services zones TS1-TS2; or

(b) land other than land in an area identified under the national capital plan as—

(i) an urban area; or

(ii) the Central National Area.

44AA Energy efficiency provisions—Act, s 139C (3), def *energy efficiency provision*

(1) The following provisions are prescribed for a class 1 and associated class 10a building:

(a) the following provisions of the building code, volume 2:

(i) clause H6V2 (Verification using a reference building);

(ii) clause H6D1 (Deemed-to-Satisfy Provisions);

(iii) clause H6D2 (Application of Part H6);

(iv) clause S42C2 (Heating and cooling loads);

(v) clause S42C3 (Net equivalent energy usage);

(b) a provision of the ACT appendix that allows compliance with stated energy efficiency requirements to be assessed using software accredited under the Nationwide House Energy Rating Scheme.

(2) The following provisions of the building code, volume 1, are prescribed for a class 2 building or class 4 part of a building:

(a) clause J1V5 (Verification using a reference building for a class 2 sole-occupancy unit);

(b) clauses J3D3 to J3D15.

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(3) In this section:

ACT appendix means the Australian Capital Territory Appendix to the Building Code of Australia made under the Act, section 136 (3).

Note Requirements for certain energy efficiency certificates are prescribed by s 44AB and s 44AC. Other requirements for energy efficiency certificates may be in the building code (see, for example, the building code, vol 1 or vol 2, pt A5).

44AB Preparation of NatHERS energy efficiency certificates—Act, s 139C (2)

(1) This section applies to an energy efficiency certificate for any of the following energy efficiency provisions:

(a) the building code, volume 1, clause J3D3 (1) (a) and (2) (Reducing heating and cooling loads of a sole-occupancy unit of a class 2 building or a class 4 part of a building using house energy rating software);

(b) the building code, volume 1, clause J3D15 (Net equivalent energy usage for a sole-occupancy unit of a class 2 building or class 4 part of building – home energy rating software);

(c) the building code, volume 2, clause S42C2 (Heating and cooling loads);

(d) the building code, volume 2, clause S42C3 (Net equivalent energy usage);

(e) a provision of the ACT appendix that allows compliance with stated energy efficiency requirements to be assessed using software accredited under the Nationwide House Energy Rating Scheme.

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(2) The energy efficiency certificate must be prepared by a building assessor in accordance with any code of practice applicable to the building assessor under the *Construction Occupations (Licensing) Act 2004*, section 126A.

Note The certificate must also be a Nationwide House Energy Rating Scheme certificate issued in accordance with that scheme (see building code, vol 1 or vol 2, cl A5G9).

(3) In this section:

ACT appendix—see section 44AA (3).

building assessor—see the *Construction Occupations (Licensing) Act 2004*, section 8A.

44AC Preparation of whole-of-home calculator energy efficiency certificates—Act, s 139C (2)

(1) This section applies to an energy efficiency certificate for any of the following energy efficiency provisions:

(a) the building code, volume 2, clause H6D2 (2) (b) (Application of Part H6);

(b) the building code, volume 1, clause J3D14 (Net equivalent energy usage of a sole-occupancy unit of a class 2 building or a class 4 part of a building).

(2) The energy efficiency certificate must be produced using the whole-of-home calculator.

(3) In this section:

whole-of-home calculator means the NCC Whole of Home Calculator published by the Australian Building Codes Board on its website.

Note The whole-of-home calculator does not need to be notified under the Legislation Act because s 47 (5) does not apply (see Legislation Act, s 47 (7)). The calculator is accessible at www.abcb.gov.au.

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Part 5A Notification and review of decisions

44A Decision-makers—Act, s 142A, def *decision-maker*

An entity mentioned in schedule 4, column 3 for a reviewable decision is prescribed.

44B Reviewable decisions—Act, s 142A, def *reviewable decision*

A decision mentioned in schedule 4, column 2, under a provision mentioned in column 2 in relation to the decision is prescribed.

44C Right of review and notice—Act, s 142B and s 142C (a)

An entity (a ***relevant entity***) mentioned in schedule 4, column 4 is prescribed.

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Part 6 Miscellaneous

47 Exempt building code—Act, s 152

(1) The Minister may make an exempt building code for schedule 1.

(2) The exempt building code is a disallowable instrument.

49 Certifier issuing building approval etc without development approval—Act, s 152

(1) A certifier who is a person commits an offence if—

(a) the certifier issues a building approval, or approves amended plans, for the building of a single dwelling on a block; and

(b) the dwelling will be the first dwelling built on the block; and

(c) there is no development approval for the site work proposed in the approved plans; and

Note ***Approved plans*** includes amended plans (see Act, dict).

(d) the dwelling would not, if built in accordance with the approved plans, comply with—

(i) a relevant provision in any relevant district policy; and

(ii) if it is not displaced by a relevant provision in a relevant district policy—a relevant residential zones—single dwelling housing development control.

Maximum penalty: 10 penalty units.

(2) A certifier who is a person commits an offence if—

(a) the certifier issues a building approval, or approves amended plans, for the building of a single dwelling on a block; and

(b) the dwelling will be the first dwelling built on the block; and

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(c) there is no development approval for the site work proposed in the approved plans; and

Note ***Approved plans*** includes amended plans (see Act, dict).

(d) the approved plans are defective because they contain information that is false or inaccurate; and

(e) if the plans were not defective, the certifier would have contravened subsection (1).

Maximum penalty: 10 penalty units.

(3) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant proves that the defendant—

(a) took all reasonable steps to find out whether the site work, if carried out in accordance with the approved plans, required development approval; and

(b) was satisfied on reasonable grounds that the development did not require development approval.

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant—

(a) took all reasonable steps to find out if the approved plans contained false or inaccurate information; and

(b) was satisfied on reasonable grounds that the plans did not contain false or inaccurate information.

(5) To remove any doubt, if a building approval indicates that something is not to have work done in relation to it, or is not part of the building approval, the certifier does not commit an offence under this section in relation to the thing.

(6) An offence against this section is a strict liability offence.

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(7) In this section:

district policy—see the *Planning Act 2023*, dictionary.

dwelling—see the *Planning (Exempt Development) Regulation 2023*, section 6 (1).

residential zones—single dwelling housing development control—see the *Planning (Exempt Development) Regulation 2023*, section 14 (1) (a).

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Schedule 1 Exempt buildings and building works

(see s 6)

Part 1.1 Interpretation–sch 1

1.1 Definitions—sch 1

In this schedule:

AS 1742 means AS 1742 (Manual of uniform traffic control devices), as in force from time to time.

Note Australian standards may be purchased at www.standards.org.au.

AS 3533 means AS 3533 (Amusement rides and devices—Design and construction), as in force from time to time.

AS/NZS 3845 means AS/NZS 3845 (*Road safety barrier systems*), as in force from time to time.

demountable swimming pool—see the Act, section 83B (2).

enclosed outbuilding means a class 10a building that—

(a) has—

(i) a nominal height of not higher than 3m; and

(ii) if the structure has a roof covering (including a sail or sail-like element)—a roof covering with an area not larger than $25m^2$; and

(b) has 1 or more walls; and

(c) includes any of the following:

(i) a greenhouse;

(ii) a storeroom;

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(iii) a conservatory;

(iv) a cubbyhouse;

(v) a gazebo;

(vi) an outbuilding;

(vii) a shed;

(viii) a studio;

(ix) a stable;

(x) a workshop.

exempt building code means the code made by the Minister under section 47 (Exempt building code—Act, s 152).

heating appliance includes—

(a) any component associated with the appliance; and

(b) an open fireplace, chimney or flue.

large building means a garage, outbuilding or enclosed outbuilding, if—

(a) the structure is a class 10a building; and

(b) the structure has—

(i) a nominal height of not higher than 3m; and

(ii) if the structure has a roof covering (including a sail or sail-like element)—a roof covering with an area larger than $25m^2$; and

(iii) if the structure has a floor—

(A) a floor with a nominal height not higher than 1m; and

(B) a floor area of not more than $36m^2$ excluding areas underneath external walls; and

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(iv) framing that does not have an unsupported span, (including any cantilever) longer than 6m; and

(c) for any timber element of roof framing for the structure—the nominal cross-sectional dimensions—

(i) are not more than 100mm x 250mm; or

(ii) comply with the exempt building code; and

(d) for any steel element of roof framing for the structure—the cross-sectional thickness at any point is not more than 4mm; and

(e) no masonry, clay or concrete component of the structure (other than cement sheet product) has a nominal height of more than 1.8m.

nominal height means the height of a structure, building or object excluding any part of the structure, building or object that is in the ground.

outbuilding means any of the following:

(a) outdoor deck;

(b) carport;

(c) pergola;

(d) porch;

(e) verandah;

(f) shelter;

(g) gazebo;

(h) shade structure;

(i) hail protection structure.

safety barrier, for a regulated swimming pool—see the Act, section 83 (1).

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small open building means an outbuilding that has—

(a) no walls; and

(b) a nominal height of not more than 3m; and

(c) if the structure has a roof covering (including a sail or sail-like element)—a roof covering with an area not larger than $25m^2$; and

(d) if the structure has a floor—a floor with a nominal height not higher than 1m; and

(e) a frame that does not have unsupported span (including any cantilever) longer than 4m.

solar water heater means a solar water panel or other device designed to be mounted externally, together with any hot-water tank that holds the heated water.

temporary building means a building if—

(a) the building is not a class 1, 2, 3 or 4 building; and

(b) the building is erected on the site of building work for the erection or alteration of another building; and

(c) building approval has been obtained for the building work; and

(d) the building is to be removed when the building work is completed.

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Part 1.2 Exemption from application of Act

column 1 item	column 2 exempt building	column 3 condition on exemption
1	temporary building	
2	bridge that does not encompass or extend a building to which the Act applies	
3	dam	
4	retaining wall associated with bridge, dam or road	
5	stile	
6	mesh fence with nominal height of not more than 3m	
7	prefabricated bus shelter	
8	prefabricated playground equipment	
9	road sign or other traffic device or system under AS/NZS 3845 or AS 1742	
10	electricity network distribution equipment	
11	reservoir, other than— (a) part of an on-site stormwater detention system designed to detain stormwater from building or group of associated buildings before water enters reticulated stormwater drainage network; or (b) a water tank associated with building or group of associated buildings; or (c) a regulated swimming pool	
12	aqueduct	
13	water or sewage treatment works	
14	stormwater outfall	

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column 1 item	column 2 exempt building	column 3 condition on exemption
15	pole or mast owned by— (a) the Territory; or (b) the Commonwealth; or (c) a territory authority; or (d) a body established under a Commonwealth law; or (e) the provider of a utility service within the meaning of the *Utilities Act 2000*, section 6 (Electricity services) if the pole or mast is part of the electricity network (within the meaning of that Act) for the provision of the service; or (f) the owner of a telecommunications network or part of a telecommunications network that is used to supply a standard telephone service within the meaning of the *Telecommunications Act 1997* (Cwlth) if the pole or mast is or will be part of the network or part	

Example—item 2

A pedestrian footbridge provides a link over a road between shopping centres either side of the road. If the bridge only functions as a bridge, it does not encompass or extend the shopping centres. If walls and a roof enclose the bridge so as the centres become contiguous at the bridge rather than the bridge being an intervening link, the bridge extends the shopping centres.

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Part 1.3 Exemption from part of Act

column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
1	fence or wall with nominal height of up to 1.8m, other than a fence or wall forming integral part of required enclosure for regulated swimming pool	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
2	fence or wall with nominal height of up to 2m if any masonry or concrete components (other than cement sheet products) have a nominal height of not more than 1.8m, not including— (a) part of roofed building; or (b) retaining wall; or (c) integral part of required enclosure for regulated swimming pool	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
3	fence with nominal height of up to 3m if masonry or concrete components (other than cement sheet products) have nominal height of not more than 1.8m, other than a fence forming integral part of required enclosure for regulated swimming pool	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	fence must comply with— (a) if there is an exempt building code—that code; and (b) otherwise—the relevant deemed-to-satisfy provision of the building code

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
4	retaining wall up to 1.2m high when measured from any point at top of retaining wall to lowest adjacent ground level	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
5	retaining wall up to 1.5m high when measured from any point at top of retaining wall to lowest adjacent ground level	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	retaining wall must comply with— (a) if there is an exempt building code—that code; and (b) otherwise—the relevant deemed-to-satisfy provision of the building code

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
6	small open building	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
7	large building	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	large building must comply with— (a) if there is an exempt building code—that code; and (b) otherwise—the relevant deemed-to-satisfy provision of the building code

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
8	enclosed outbuilding	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
9	antenna or aerial assembly— (a) that is a class 10b building; and (b) the height of which measured from highest to lowest part of assembly is not more than 6m (excluding any part of assembly that is in ground or part of another building or used for purpose other than supporting assembly or aerial)	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
10	pool that can hold water no deeper than 300mm	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
11	initial assembly of demountable swimming pool, but not use of pool if no certificate for pool issued under Act, part 5	(a) s 42 (1) (e); and (b) s 42 (1) (f); and (c) ss 43, 44, 45 and 46; and (d) s 51, in relation to s 42 (1) (e) and s 42 (1) (f)	pool fencing and barriers required by Act to prevent access to water must be in place before the pool is able to hold water

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
12	assembling or taking apart reservoir of demountable swimming pool (excluding fencing or barriers required by Act to prevent access to water) *Note* See the example at the end of this table.	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	pool fencing and barriers required under Act to restrict access of young children to pool and immediate pool surrounds must be in place before the pool is able to hold water
13	demountable swimming pool	pt 3 (Building work)	demountable swimming pool erected for not more than 3 consecutive days

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
14	pool fencing and barriers required under Act to restrict access of young children to pool and immediate pool surrounds	pt 3 (Building work)	(a) fencing and barriers must comply with building code; and (b) fencing and barriers must be constructed in a proper and skilful way; and (c) fencing and barriers must be inspected and certified as compliant with the Act (other than pt 3) by certifier

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
15	internal alteration if— (a) certificate under Act, part 5 issued for building before alteration; and (b) work does not— (i) change classification of building; or (ii) affect exterior; or (iii) affect a heating appliance	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	internal alteration must not cause aspect of building that complies with building code to not comply

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
16	external alteration if— (a) certificate under Act, part 5 issued for building before alteration; and (b) work involves— (i) doorway or window opening in class 1, 2 or 10 building with horizontal opening span of not more than 2m; or (ii) altering an energy-consuming appliance or fitting; or (iii) skylight with an area of not more than 4m2	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	(a) external alteration must comply with— (i) if there is an exempt building code—that code; and (ii) otherwise—the relevant deemed-to-satisfy provision of the building code (b) external alteration must not cause aspect of building that complies with building code to not comply

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
17	external alteration if— (a) certificate under Act, part 5 issued for building before alteration; and (b) work involves flue, or duct, outlet with nominal horizontal dimensions not larger than 600mm	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	external alteration must comply with— (a) if there is an exempt building code—that code; and (b) otherwise—the relevant deemed-to-satisfy provision of the building code

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
18	stairs forming part of building or structure mentioned in this schedule	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
19	external pond that can hold water to a depth of not more than 1.2m	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	pond must not be used for swimming, wading or bathing

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
20	letterbox, barbecue, or similar structure, with plan area not larger than $2m^2$ if height measured from highest point on structure to ground is not more than 1.8m (excluding any part in ground)	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
21	water tank with capacity not more than 20kL if height measured from highest point on structure to ground is not more than 2.4m (excluding any part in ground)	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
22	amusement ride or device to which AS 3533 applies if erected for no more than 2 months	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	(a) design, construction and use must be consistent with AS 3533; and (b) the ride or device must be demolished or removed within 2 months after erected

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
23	class 6, class 7 or class 10a building or portable building or structure, including tent, marquee, stall or booth, if erected for no more than 2 months	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	(a) design, construction and use must be consistent with AS 3533; and (b) building or structure must be demolished or removed within 2 months after erected
24	photovoltaic panel, or solar water heater, installed on class 1 or class 10a building	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	
25	air-conditioning unit for class 1 or class 10a building, that is not main source of ventilation for room or building where installed	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
26	handling or removing material to sample for asbestos	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	(a) no dimension of the material is more than 100mm; and (b) handling, removing or sampling material must be in accordance with any code approved under the *Work Health and Safety Act 2011* relating to asbestos

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27	building in district of Symonston, section 97, block 8	(a) s 12 (Exempt buildings); and (b) s 76 (Occupation and use of buildings)	the construction occupations registrar— (1) has issued a written statement— (a) attaching a plan showing the location and footprint of the building; and (b) stating that the registrar is satisfied that the building— (i) is fit for occupation as a non-standard building if used only for a stated purpose; and (ii) is structurally sound and can withstand loadings likely to arise from its use as a non-standard building; and (iii) contains reasonable provision for the safety of people likely to be in the

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
			building if there is a fire, including— (A) adequate facilities for leaving the building; and (B) the prevention and suppression of fire; and (C) the prevention of the spread of fire; and (c) stating that the registrar may withdraw the statement; and (2) has not withdrawn the statement and notified the occupier in writing of the withdrawal

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column 1 item	column 2 exempt building or building work	column 3 provision of Act exempt from	column 4 condition on exemption
28	handling bonded asbestos or an equivalent sheet material that does not contain asbestos	(a) pt 3 (Building work), except s 42 (1) (a), s 42 (1) (b), s 42 (1) (c) and s 49; and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	if the work involves asbestos—the work complies with asbestos handling requirements of the *Work Health and Safety Act 2011*

Example—item 12

A certificate of occupancy is issued for a demountable swimming pool, including its required pool fencing. Doing any building work in relation to modifying the pool fence is not exempt from the application of the Act. However, the pool reservoir may be taken apart and packed away for winter, and assembled each summer, in accordance with this section, provided the re-erected pool reservoir and its fencing continue to comply with the pre-requisites to the certificate of occupancy being granted in respect of it. A substitute reservoir may also be erected to replace the original approved reservoir, if its arrangement and dimensions comply with this item.

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Schedule 2 Referral of building approval applications

(see s 19)

Part 2.1 Interpretation—sch 2

2.1 Definitions—sch 2

In this schedule:

easement—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

licensed utility service means a utility service licensed under the *Utilities Act 2000*.

proposed easement—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

regulated utility service—see the *Utilities (Technical Regulation) Act 2014*, section 9.

supplied—a service is taken to be ***supplied*** if service lines or pipes exist that connect a building to a service utility network, whether or not the service is in fact being provided to the building.

technical regulator—see the *Utilities (Technical Regulation) Act 2014*, section 77.

utility infrastructure access or protection space—see the *Planning (Exempt Development) Regulation 2023*, schedule 1, section 1.11 (4).

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Part 2.2 Referral of building approval applications to particular entities

column 1 item	column 2 building work involved	column 3 entity to which building approval application is referred
1	demolition of building to which water or sewerage services supplied or water meter connected	the utility that provides the water or sewerage service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
2	erection of building, or new part of building, if building or new part encroaches on easement, proposed easement or utility infrastructure access or protection space	a utility that provides a utility service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*, if the utility has a right under the easement, proposed easement or access or protection space
3	building work in relation to disposal of non-domestic waste into sewerage system	the utility that provides the sewerage service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
4	demolition of building to which electricity services supplied or electricity meter connected	the utility that provides the electricity service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
5	demolition of building to which gas services supplied or gas meter connected	the utility that provides the gas service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
6	use of performance solution for a provision of the building code that deals with fire protection	emergency services commissioner
7	erection of building, or new part of building, if building, or new part— (a) is not a class 1, class 10a or class 10b building; and (b) has floor area larger than 500m^2	emergency services commissioner

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column 1 item	column 2 building work involved	column 3 entity to which building approval application is referred
8	construction of a regulated utility service that is not a licensed utility service	technical regulator

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Schedule 2A Referral of demolition order applications to particular entities

(see s 36B)

column 1 item	column 2 building work involved	column 3 entity to which building approval application is referred
1	demolition of building to which water or sewerage services supplied or water meter connected	the utility that provides the water or sewerage service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
2	demolition of building to which electricity services supplied or electricity meter connected	the utility that provides the electricity service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*
3	demolition of building to which gas services supplied or gas meter connected	the utility that provides the gas service under the *Utilities Act 2000* or the *Utilities (Technical Regulation) Act 2014*

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Schedule 3 Fundamentally noncompliant building work

(see s 36)

Part 3.1 Interpretation—sch 3

3.1 Definitions—sch 3

(1) In this schedule:

defect tolerance, for an element of building work, means the amount stated in the tolerances guide for the element as the amount by which the element may deviate from a stated dimension in the approved plans for the building work, or a result from working out a dimension using a method stated in the tolerances guide, for the element.

tolerances guide means the Guide to Standards and Tolerances 2017, as in force from time to time.

Note The tolerances guide does not need to be notified under the Legislation Act because s 47 (5) does not apply (see Legislation Act, s 47 (7)). The tolerances guide is accessible at www.fairtrading.nsw.gov.au.

(2) For this schedule, approved plans that relate to building work show the dimension of an element of the building work if the dimension of the element can be—

(a) worked out geometrically from the drawings in the approved plans; or

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(b) deduced from diagrammatic information in the approved plans.

Examples—s (2)

1 Approved plans show a building's finished floor level and ceiling height with reference to a national height datum but do not include any other vertical dimensions that refer to a height datum. The plans also show a roof pitched from the ceiling level at a roof slope of 22.5º, rising to a single ridgeline at the uppermost part of the roof. It can be worked out, from the stated horizontal and vertical dimensions and slope, that the top of the ridge must be 5430mm above the finished floor level. Although the plans do not state the level of the top of the roof, the plans show what the level must be.

2 Approved plans show external doors and windows of a building to be approximately in the horizontal centre of the adjacent room wall. The plans do not show horizontal dimensions to locate the doors or windows. The plans are taken to show that the doors and windows must be located approximately in the horizontal centre of the relevant walls even though no dimensions are specified. A door or window wholly left or right of the horizontal centre of the room would not comply with the location shown on the plans.

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Part 3.2 Fundamentally noncompliant building work

column 1 item	column 2 element of building work	column 3 when building work is fundamentally noncompliant
1	horizontal set out of a building	the building's set out is more than 10 times the defect tolerance for horizontal set outs stated in the tolerances guide
2	a floor	(a) the level of the floor is more than 10 times the defect tolerance for floors stated in the tolerances guide; (b) the total floor area exceeds the total floor area shown on the approved plans that relate to the building work by more than 10%
3	external dimensions of a building	the external dimensions of the building are more than 10 times the defect tolerance for external dimensions stated in the tolerances guide
4	a room	(a) the set out or a dimension of the room is more than 10 times the defect tolerance for rooms stated in the tolerances guide; (b) the number of rooms is more than the number shown on the approved plans that relate to the building work
5	masonry work	a tolerance of a masonry component is more than 10 times the defect tolerance for the masonry component stated in the tolerances guide
6	height of a building	(a) the top of the building is more than 500mm higher than shown on the approved plans that relate to the building work; (b) the vertical distance from the ground to any point on the building is more than 500mm greater than shown on the approved plans that relate to the building work

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column 1 item	column 2 element of building work	column 3 when building work is fundamentally noncompliant
7	number of storeys of a building	the number of storeys is more than the number shown on the approved plans that related to the building work
8	number of buildings	the number of buildings, residences or units is more than the number shown on the approved plans that relate to the building work
9	useless space in a building *Note* See the example at the end of this table.	the approved plans that relate to the building work do not show a use for a space in the building and the space is constructed in a way that it could be reasonably used for human occupation
10	door or window	(a) the number of external doors or windows is more than the number shown on the approved plans that relate to the building work (b) a door or window is located in an external wall even though the approved plans that relate to the building work shows no part of a door or window to be located in the wall
11	an enclosure	(a) a wall or roof encloses or partly encloses a building or space shown on the approved plans for the building work not to be enclosed or partly enclosed with the wall or roof; (b) a wall or roof has an area of more than 2m²
12	regulated swimming pool	pool does not have the fencing or barrier required under the Act to restrict access of young children to pool and immediate pool surrounds

Examples—item 9

1 Approved plans show a space between a ceiling and the roof above the ceiling (the ***roof space***) but do not show a use for the roof space. The roof space is constructed in a way that it could reasonably be used as an attic bedroom.

2 Approved plans show a space between the ground and a floor above the ground (the ***subfloor area***) but do not show a use for the subfloor area. The subfloor area is constructed in a way that it could reasonably be used as a home theatre.

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Schedule 4 Reviewable decisions

(see pt 5A)

column 1 item	column 2 reviewable decision	column 3 decision-maker	column 4 relevant entity
1	decision under the Act, s 19D (2) (a) to refuse to approve a certifier's resignation	constructions occupations registrar	entity appointed as certifier
2	decision under the Act, s 20 (4) to refuse to appoint a government certifier for building work	constructions occupations registrar	applicant for the appointment of a government certifier
3	decision under the Act, s 36 (2) to refuse to extend or further extend a period	government certifier	applicant for extension
4	decision under the Act, s 53 to issue a stop notice in relation to building work being, or to be, carried out	constructions occupations registrar, building inspector or government certifier	entity carrying out building work
5	decision under the Act, s 58 (2) or (4) to issue a notice	constructions occupations registrar	entity required by notice to carry out stated building work
6	decision under the Act, s 62 (1) to issue a notice	constructions occupations registrar	entity required by notice to carry out stated building work
7	a decision under the Act, s 69 to refuse to issue a certificate of occupancy	constructions occupations registrar	applicant for the certificate
8	a decision under the Act, s 71 to refuse to issue a certificate for building work involving demolition	constructions occupations registrar	applicant for the certificate

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column 1 item	column 2 reviewable decision	column 3 decision-maker	column 4 relevant entity
9	a decision under the Act, s 72 to refuse to issue a certificate involving erection of a structure	constructions occupations registrar	applicant for the certificate
10	a decision under the Act, s 75 (1) to refuse to issue a certificate of regularisation	constructions occupations registrar	applicant for the certificate
11	a decision under the Act, s 77 (3) to refuse to give an approval	constructions occupations registrar	applicant for the approval
12	a decision under the Act, s 83D (2) to refuse to exempt regulated swimming pool from safety standards	Minister	applicant for exemption
13	a decision under the Act, s 83D (3) to exempt regulated swimming pool from safety standards subject to conditions	Minister	applicant for exemption
14	a decision under the Act, s 83E (4) to vary exemption of regulated swimming pool from safety standards	Minister	applicant for exemption
15	a decision under the Act, s 83F (1) (a), (b) or (c) to revoke exemption of regulated swimming pool from safety standards	Minister	applicant for exemption
16	a decision under the Act, s 86 (1) (b) (ii) to work out the cost of building work	constructions occupations registrar	the builder

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column 1 item	column 2 reviewable decision	column 3 decision-maker	column 4 relevant entity
17	a decision under the Act, s 90 (1) (j) to refuse to give an approval for the form of the insurance policy	constructions occupations registrar	the applicant for approval
18	a decision under s 20 to give advice that does not support proposed building work	the entity giving the advice	applicant for advice
19	a decision under s 20 to give advice that supports proposed building work, subject to compliance with stated conditions	the entity giving the advice	applicant for advice

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Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- AS (see s 164 (1))
- AS/NZS (see s 164 (2))
- chief planner
- commissioner for fair trading
- construction occupations registrar
- director-general (see s 163)
- emergency services commissioner
- entity
- land titles register
- may (see s 146)
- national capital plan
- person (see s 160)
- territory plan
- under.

Note 3 Terms used in this regulation have the same meaning that they have in the *Building Act 2004* (see Legislation Act, s 148). For example, the following terms are defined in the *Building Act 2004*, dict:

- alteration
- asbestos
- asbestos removal control plan
- building approval
- building code (see s 136 (1))
- building work
- certificate of regularisation (see s 75 (1))
- certifier
- class
- completion day

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- development approval
- dwelling
- easement
- exempt building (see s 12)
- friable asbestos
- land
- land sublease
- owner
- owner-builder
- parcel (of land)
- regulated swimming pool (see s 83B)
- residential building work
- residential building work contract
- structure (see s 8)
- waste management plan.

affected building—see the *Dangerous Substances Act 2004*, section 47I.

affected residential premises—see the *Dangerous Substances Act 2004*, section 47I.

AS 1100 means AS 1100 (which is about technical drawing) as in force from time to time, and includes AS/NZS 1100.501.

Note Australian standards may be purchased at www.standards.org.au.

AS 1742, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

AS 3533, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

AS/NZS 3845, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

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bonded asbestos means asbestos in a form where the asbestos fibres are held within another material (for example, cement) but does not include friable asbestos.

defect tolerance, for schedule 3 (Fundamentally noncompliant building work)—see schedule 3, section 3.1.

demountable swimming pool, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

deposited plan—see the *Districts Act 2002*, section 7.

easement, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

enclosed outbuilding, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

exempt building code, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

heating appliance, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

large building, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

licensed utility service, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

nominal height, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

outbuilding, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

proposed building work, for division 3.2 (Building approvals)—see section 9.

proposed easement, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

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regulated utility service, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

small open building, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

solar water heater, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

stormwater system means a system of pipes, gutters, drains, floodways and channels designed to collect or carry stormwater in or through an urban area, other than for a single parcel of land.

supplied, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

technical regulator, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

temporary building, for schedule 1 (Exempt buildings and building works)—see schedule 1, section 1.1.

tolerances guide, for schedule 3 (Fundamentally noncompliant building work)—see schedule 3, section 3.1.

utility infrastructure access or protection space, for schedule 2 (Referral of building approval applications)—see schedule 2, section 2.1.

utility service—see the *Utilities Act 2000*, dictionary.

water main means a conduit or pipeline—

(a) owned, controlled or maintained by a utility service; and

(b) designed to carry drinking water supplied by the service.

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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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

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3 Legislation history

Building (General) Regulation 2008 SL2008-3
notified LR 3 March 2008
s 1, s 2 commenced 3 March 2008 (LA s 75 (1))
remainder commenced 31 March 2008 (s 2 and see Building Legislation Amendment Act 2007 A2007-26, s 2, Planning and Development Act 2007 A2007-24, s 2 and CN2008-1)

as amended by

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.8
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.8 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.10
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.10 commenced 22 September 2009 (s 2)

Building Legislation Amendment Regulation 2010 (No 1) SL2010-15 pt 2
notified LR 3 May 2010
s 1, s 2 commenced 3 May 2010 (LA s 75 (1))
pt 2 commenced 4 May 2010 (s 2)

Building Legislation Amendment Regulation 2010 (No 2) SL2010-21 pt 2
notified LR 31 May 2010
s 1, s 2 commenced 31 May 2010 (LA s 75 (1))
pt 2 commenced 1 June 2010 (s 2)

Liquor (Consequential Amendments) Act 2010 A2010-43 sch 1 pt 1.3
notified LR 8 November 2010
s 1, s 2 commenced 8 November 2010 (LA s 75 (1))
sch 1 pt 1.3 commenced 1 December 2010 (s 2 (4) and see Liquor Act 2010 A2010-35, s 2 (3) (as am by A2010-43 amdt 1.19) and CN2010-14)

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Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.6

notified LR 22 February 2011
s 1, s 2 commenced 22 February 2011 (LA s 75 (1))
sch 3 pt 3.6 commenced 1 March 2011 (s 2)

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.19

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.19 commenced 1 July 2011 (s 2 (1))

Constructions Occupations Legislation (Exemption Assessment) Amendment Regulation 2011 (No 1) SL2011-21 pt 2

notified LR 7 July 2011
s 1, s 2 commenced 7 July 2011 (LA s 75 (1))
pt 2 commenced 8 July 2011 (s 2 and see Construction Occupations Legislation (Exemption Assessment) Amendment Act 2010 A2010-24, s 2)

Planning and Building Legislation Amendment Act 2011 (No 2) A2011-54 pt 3

notified LR 13 December 2011
s 1, s 2 commenced 13 December 2011 (LA s 75 (1))
pt 3 commenced 1 July 2012 (s 2 and CN2012-11)

Planning, Building and Environment Legislation Amendment Act 2012 A2012-23 pt 3

notified LR 28 May 2012
s 1, s 2 commenced 28 May 2012 (LA s 75 (1))
pt 3 commenced 29 May 2012 (s 2)

Building (General) Amendment Regulation 2012 (No 1) SL2012-26

notified LR 28 June 2012
s 1, s 2 commenced 28 June 2012 (LA s 75 (1))
remainder commenced 1 July 2012 (s 2 and see Planning and Building Legislation Amendment Act 2011 (No 2) A2011-54, s 2 and CN2012-11)

Building (General) Amendment Regulation 2012 (No 2) SL2012-33

notified LR 12 July 2012
s 1, s 2 commenced 12 July 2012 (LA s 75 (1))
remainder commenced 13 July 2012 (s 2)

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Building (General) Amendment Regulation 2013 (No 1) SL2013-6
notified LR 25 March 2013
s 1, s 2 commenced 25 March 2013 (LA s 75 (1))
remainder commenced 26 March 2013 (s 2)

Planning, Building and Environment Legislation Amendment Act 2013 A2013-15 pt 3
notified LR 21 May 2013
s 1, s 2 commenced 21 May 2013 (LA s 75 (1))
pt 3 commenced 22 May 2013 (s 2)

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.5
notified LR 24 May 2013
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))
sch 3 pt 3.5 commenced 14 June 2013 (s 2)

Construction and Energy Efficiency Legislation Amendment Act 2013 A2013-31 pt 5
notified LR 26 August 2013
s 1, s 2 commenced 26 August 2013 (LA s 75 (1))
s 26 commenced 27 August 2013 (s 2 (3))
pt 5 remainder commenced 1 September 2013 (s 2 (1))

Planning, Building and Environment Legislation Amendment Act 2014 A2014-23 pt 3
notified LR 26 May 2014
s 1, s 2 commenced 26 May 2014 (LA s 75 (1))
pt 3 commenced 27 May 2014 (s 2)

Planning, Building and Environment Legislation Amendment Act 2014 (No 2) A2014-45 pt 3
notified LR 5 November 2014
s 1, s 2 commenced 5 November 2014 (LA s 75 (1))
pt 3 commenced 6 November 2014 (s 2)

Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Act 2014 A2014-53 pt 3
notified LR 3 December 2014
s 1, s 2 commenced 3 December 2014 (LA s 75 (1))
pt 3 commenced 1 January 2015 (s 2)

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Utilities (Technical Regulation) Act 2014 A2014-60 sch 2 pt 2.1
notified LR 8 December 2014
s 1, s 2 commenced 8 December 2014 (LA s 75 (1))
sch 2 pt 2.1 commenced 1 March 2015 (s 2 and CN2015-1)

Building (General) Legislation Amendment Regulation 2015 (No 1) SL2015-14 pt 2
notified LR 4 May 2015
s 1, s 2 commenced 4 May 2015 (LA s 75 (1))
s 9, s 10 commenced 5 May 2015 (s 2 (2) (a))
pt 2 remainder commenced 5 May 2015 (s 2 (1))

Building (General) Amendment Regulation 2015 (No 1) SL2015-17
notified LR 14 May 2015
s 1, s 2 commenced 14 May 2015 (LA s 75 (1))
s 5 commenced 1 February 2016 (s 2 (2) and see Dangerous Substances (General) Amendment Regulation 2015 (No 2) SL2015-13 s 2)
remainder commenced 15 May 2015 (s 2 (1) and see Dangerous Substances (General) Amendment Regulation 2015 (No 1) SL2015-10 s 2)

Planning, Building and Environment Legislation Amendment Act 2015 A2015-12 pt 3
notified LR 20 May 2015
s 1, s 2 commenced 20 May 2015 (LA s 75 (1))
pt 3 commenced 21 May 2015 (s 2)

Planning and Development (University of Canberra and Other Leases) Legislation Amendment Act 2015 A2015-19 pt 3
notified LR 11 June 2015
s 1, s 2 commenced 11 June 2015 (LA s 75 (1))
pt 3 commenced 1 July 2015 (s 2 and CN2015-9)

Building (Loose-fill Asbestos Eradication) Legislation Amendment Act 2015 A2015-42 pt 4
notified LR 5 November 2015
s 1, s 2 commenced 5 November 2015 (LA s 75 (1))
pt 4 commenced 1 February 2016 (s 2 (2) and see Dangerous Substances (General) Amendment Regulation 2015 (No 2) SL2015-13 s 2)

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Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.4
notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
sch 3 pt 3.4 commenced 9 December 2015 (s 2)

Planning, Building and Environment Legislation Amendment Act 2016 A2016-2 pt 2
notified LR 23 February 2016
s 1, s 2 commenced 23 February 2016 (LA s 75 (1))
pt 2 commenced 24 February 2016 (s 2)

Emergencies Amendment Act 2016 A2016-33 sch 1 pt 1.1
notified LR 20 June 2016
s 1, s 2 commenced 20 June 2016 (LA s 75 (1))
sch 1 pt 1.1 commenced 21 June 2016 (s 2)

Building and Construction Legislation Amendment Act 2016 A2016-44 pt 3
notified LR 19 August 2016
s 1, s 2 commenced 19 August 2016 (LA s 75 (1))
s 44 commenced 19 August 2017 (s 2 (3))
pt 3 remainder commenced 20 August 2016 (s 2 (1))

Planning and Development (Lease Variation Charge Deferred Payment Scheme) Amendment Act 2018 A2018-16 sch 1 pt 1.2
notified LR 16 May 2018
s 1, s 2 commenced 16 May 2018 (LA s 75 (1))
sch 1 pt 1.2 commenced 17 May 2018 (s 2)

Building (General) Amendment Regulation 2019 (No 1) SL2019-17
notified LR 28 June 2019
s 1, s 2 commenced 28 June 2019 (LA s 75 (1))
remainder commenced 1 October 2019 (s 2)

Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020 A2020-16 sch 1 pt 1.4
notified LR 13 May 2020
s 1, s 2 commenced 13 May 2020 (LA s 75 (1))
sch 1 pt 1.4 commenced 1 June 2020 (s 2 and see Electronic Conveyancing National Law (ACT) Act 2020 A2020-15 s 2)

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Loose-fill Asbestos Legislation Amendment Act 2020 A2020-20 pt 2

notified LR 27 May 2020

s 1, s 2 commenced 27 May 2020 (LA s 75 (1))

pt 2 commenced 1 July 2020 (s 2)

Building and Construction Legislation Amendment Act 2020 A2020-25 pt 3

notified LR 24 June 2020

s 1, s 2 commenced 24 June 2020 (LA s 75 (1))

pt 3 commenced 25 June 2020 (s 2 (1))

Building (General) Amendment Regulation 2020 (No 1) SL2020-26

notified LR 30 June 2020

s 1, s 2 commenced 30 June 2020 (LA s 75 (1))

remainder commenced 1 April 2021 (s 2)

Building and Construction Legislation Amendment Regulation 2023 (No 1) SL2023-7 pt 2 (as am by SL2023-23)

notified LR 28 April 2023

s 1, s 2 commenced 28 April 2023 (LA s 75 (1))

s 7 never commenced (as am by SL2023-23 s 6)

pt 2 remainder commenced 1 May 2023 (s 2 (1) (as am by SL2023-23 s 4, s 5))

Building and Construction Legislation Amendment Regulation 2023 (No 2) SL2023-23

notified LR 29 September 2023

s 1, s 2 commenced 29 September 2023 (LA s 75 (1))

remainder commenced 30 September 2023 (s 2)

Note This regulation only amends the Building and Construction Legislation Amendment Regulation 2023 (No 1) SL2023-7

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.4

notified LR 29 September 2023

s 1, s 2 commenced 29 September 2023 (LA s 75 (1))

sch 1 pt 1.4 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

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Building (Swimming Pool Safety) Legislation Amendment Act 2023 A2023-46 pt 3
notified LR 15 November 2023
s 1, s 2 commenced 15 November 2023 (LA s 75 (1))
pt 3 commenced 1 May 2024 (s 2 (1))

Building and Construction Legislation Amendment Act 2023 A2023-55 pt 5
notified LR 11 December 2023
s 1, s 2 commenced 11 December 2023 (LA s 75 (1))
pt 5 commenced 12 December 2023 (s 2 (4))

Building (General) Amendment Regulation 2023 (No 1) SL2023-42
notified LR 21 December 2023
s 1, s 2 commenced 21 December 2023 (LA s 75 (1))
remainder commenced 15 January 2024 (s 2 and see Building and Construction Legislation Amendment Act 2023 A2023-55, s 2 (3))

Building (General) Amendment Regulation 2024 (No 1) SL2024-6
notified LR 30 April 2024
s 1, s 2 commenced 30 April 2024 (LA s 75 (1))
remainder commenced 1 May 2024 (s 2 and see Building (Swimming Pool Safety) Legislation Amendment Act 2023 A2023-46, s 2 (1))

Property Developers Act 2024 A2024-36 sch 2 pt 2.2
notified LR 10 July 2024
s 1, s 2 commenced 10 July 2024 (LA s 75 (1))
sch 2 pt 2.2 commenced 1 October 2026 (s 2 (2) (a) and CN2026-6)

Building (General) Amendment Regulation 2024 (No 2) SL2024-25
notified LR 9 September 2024
s 1, s 2 commenced 9 September 2024 (LA s 75 (1))
s 7, s 8 commenced 1 January 2025 (s 2 (1))
remainder commenced 1 July 2025 (s 2 (2))

Building and Construction Legislation Amendment Act 2025 A2025-5 pt 3
notified LR 31 March 2025
s 1, s 2 commenced 31 March 2025 (LA s 75 (1))
pt 3 commenced 1 April 2025 (s 2)

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Building and Construction Legislation Amendment Regulation 2025 (No 1) SL2025-11 pt 2

notified LR 30 June 2025

s 1, s 2 commenced 30 June 2025 (LA s 75 (1))

s 4, s 6 commenced 1 July 2025 (s 2 (2) and see Building (General) Amendment Regulation 2024 (No 2) SL2024-25, s 2 (2))

pt 2 remainder commenced 1 October 2026 (s 2 (3) and see Property Developers Act 2024 A2024-36, s 2 (2) and CN2026-6)

Statute Law Amendment Act 2025 A2025-29 sch 4 pt 4.20

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 4 pt 4.20 commenced 6 December 2025 (s 2 (5))

Building and Construction Legislation Amendment Act 2026 A2026-2 pt 3

notified LR 16 February 2026

s 1, s 2 commenced 16 February 2026 (LA s 75 (1))

pt 3 commenced 23 February 2026 (s 2 (1))

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4 Amendment history

Commencement
s 2 om LA s 89 (4)

Dictionary
s 3 am A2014-53 s 9; SL2015-14 s 5

Offences against regulation—application of Criminal Code etc
s 4A ins A2013-19 amdt 3.24

Exempt buildings and building work generally—Act, s 152 (2)
s 6 hdg sub A2015-12 s 22
s 6 am SL2010-15 s 4, s 5; ss renum R5 LA; SL2013-6 s 4, s 5; A2013-19 amdt 3.25; SL2015-14 s 6, s 7; ss renum R24 LA; A2015-12 s 23, s 24; ss renum R26 LA; A2020-20 s 4, s 5; ss renum R39 LA

Minister may exempt buildings—Act, s 152 (2)
s 7 am A2011-3 amdt 3.80; A2015-50 amdt 3.11; A2016-33 amdt 1.1; A2025-29 amdt 4.20

Exemption assessments
pt 2A hdg ins SL2011-21 s 4

Number of copies of plans—Act, s 14 (2)
s 7A ins SL2011-21 s 4

Additional details and material for exemption assessment application—Act, s 14 (3)
s 7B hdg sub A2012-23 s 6
s 7B ins SL2011-21 s 4
am A2012-23 s 7; A2023-36 amdt 1.31, amdt 1.32

Plan information and requirements—Act, s 14 (4)
s 7C ins SL2011-21 s 4

Exemption assessment B notices—Act, s 14B (2) (b) (iii)
s 7D ins SL2011-21 s 4
am A2013-19 amdt 3.26

Exemption assessment B notice—attached documents—Act, s 14B (3) (a) and (b)
s 7E ins SL2011-21 s 4

Site work notice—Act, s 25AA
s 9A ins A2014-45 s 10; A2023-36 amdt 1.33

Number of copies of plans—Act, s 26 (2) (a)
s 10 sub A2012-23 s 8

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General requirements for application for building approvals—Act, s 26 (3)

s 11 am A2013-31 s 21, s 22; A2020-25 s 12, s 13; A2025-29 amdt 4.20

Building erection and alteration—Act, s 26 (3)

s 12 am A2013-31 s 23; A2020-25 s 14

Offences against regulation—application of Criminal Code etc

s 13 am A2013-19 amdt 3.27, amdt 3.28

Bonded asbestos removal—Act, s 26 (3)

s 14 am A2014-53 s 10

Friable asbestos removal—Act, s 26 (3)

s 15 sub A2014-53 s 11

Asbestos contamination report—Act, s 26 (3)

s 15A ins SL2015-17 s 4
sub SL2015-17 s 5; A2020-20 s 6

General requirements for plans—Act, s 27 (1) (a)

s 16 am A2013-31 s 24, s 25; A2015-19 s 7; A2020-16 amdt 1.9; A2020-25 s 15, s 16; A2023-55 s 33

Requirements for plans for alteration and erection of buildings—Act, s 27 (1) (a)

s 17 am SL2011-21 s 5; A2013-19 amdts 3.29-3.31

Requirements for plans for asbestos removal—Act, s 27 (1) (a)

s 18 am A2015-12 s 25

Building approval applications—asbestos warning notices—Act, s 152 (3) (b)

s 18A ins SL2015-14 s 8
am SL2015-14 s 9, s 10; ss renum R24 LA; A2020-20 s 7; A2025-29 amdt 4.20

Carrying out building work

div 3.3 hdg **orig div 3.3 hdg**
om SL2010-15 s 6
pres div 3.3 hdg
(prev div 3.4 hdg) renum as div 3.3 hdg SL2010-15 s 19

Consultation required in relation to proposed building work—Act, s 152 (3) (c)

s 22 am A2009-20 amdt 3.24; A2010-43 amdt 1.4, amdt 1.5; pars renum R7 LA; A2011-22 amdt 1.67; A2015-12 s 26, s 27; A2023-36 amdt 1.34

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Unaltered parts need not comply with building code if alternative requirements met—Act, s 29 (2) (b)

s 24 am SL2010-15 ss 7-15; pars renum R5 LA; SL2012-33 s 7
sub SL2023-7 s 4
am A2023-46 s 12

Unaltered parts need not comply with building code—alternative glazing requirements—Act, s 29 (2) (b)

s 25 om SL2023-7 s 4

Unaltered parts need not comply with building code—alternative stair requirements—Act, s 29 (2) (b)

s 26 om SL2023-7 s 4

Unaltered parts need not comply with building code—balustrade compliance requirements—Act, s 29 (2) (b)

s 27 om SL2023-7 s 4

Unaltered parts need not comply with building code—alternative energy efficiency requirements—Act, s 29 (2) (b)

s 28 am SL2010-15 s 16
om SL2023-7 s 4

Unaltered parts need not comply with building code—alternative energy efficiency requirements for external glazing—Act, s 29 (2) (b)

s 29 am SL2010-15 s 17, s 18; SL2012-33 s 4
om SL2023-7 s 4

Building approvals not to be issued—Act, s 30 (2)

s 29A ins A2020-20 s 8
am A2025-29 amdt 4.20

Building work signs

div 3.2A hdg ins A2011-54 s 7

Requirements for sign for certain building work—Act, s 37A (4) and s 37B (2) (a)

s 30A ins A2011-54 s 7
am SL2012-26 ss 4-7; pars renum R13 LA; A2024-36 amdt 2.23; pars renum R52 LA

Prescribed development—Act, s 37B (1) (a)

s 30B ins A2011-54 s 7
am SL2012-26 s 8; A2023-36 amdts 1.35-1.37

Period for displaying sign—Act, s 37B (2) (b)

s 30C ins A2011-54 s 7

Stages of building work—Act, s 43 (1) (a)

s 33 am SL2012-33 s 7; A2016-44 s 39

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Public servant to attend stage inspections—Act, s 44 (1A)

s 33AA ins SL2024-25 s 4
om SL2025-11 s 4

Stage inspections for dwellings and buildings containing dwellings—Act, s 44 (7) (a) and (b) (ii)

s 33A ins SL2020-26 s 4
sub SL2023-7 s 5

Offence—building work above damp-proof course level

s 34 am SL2012-33 s 7
sub A2016-44 s 40

Completion of building work

div 3.4 hdg **orig div 3.4 hdg**
renum as div 3.3 hdg
pres div 3.4 hdg
(prev div 3.5 hdg) renum as div 3.4 hdg SL2010-15 s 19

Approvals on completion of building work—Act, s 48 (3) (g)

s 35 am A2008-36 amdt 1.66; A2015-50 amdt 3.12; A2016-33 amdt 1.2; A2023-36 amdt 1.38

Certificates of occupancy—fitness for occupation and use—Act, s 69 (4) (a)

s 35A hdg am A2018-16 amdt 1.2
s 35A ins A2016-44 s 41
am A2018-16 amdt 1.2

Certificates of occupancy—consideration of reports—Act, s 69 (4) (a)

s 35AA ins SL2024-25 s 5
om SL2025-11 s 4

Certificates of occupancy—requirements if deferral arrangement applies—Act, s 69 (4) (b)

s 35B hdg sub SL2024-25 s 6
s 35B ins A2018-16 amdt 1.3
am A2023-36 amdt 1.39, amdt 1.40

Fundamentally noncompliant building work

div 3.5 hdg **orig div 3.5 hdg**
renum as div 3.4 hdg
pres div 3.5 hdg
ins SL2010-15 s 20

Fundamentally noncompliant building work—Act, s 50 (4)

s 36 am SL2012-33 s 5

Demolition orders

div 3.6 hdg ins A2015-42 s 16

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General requirements for plans—Act, s 63A
s 36A ins A2015-42 s 16; A2020-16 amdt 1.10
am A2023-55 s 34

Applications for demolition orders to be referred—Act, s 63A (4)
s 36B ins A2015-42 s 16

Applications for demolition orders—requirement to give advice—Act, s 63B
s 36C ins A2015-42 s 16

Regulated swimming pools
pt 3A hdg ins A2023-46 s 13

Safety standards—Act, s 83A, def *safety standards*
s 36D ins A2023-46 s 13

Standing exemptions—circumstances—Act, s 83C
s 36E ins A2023-46 s 13
am A2026-2 s 36

Exemption by Minister—circumstances—Act, s 83D (2)
s 36F ins A2023-46 s 13
am SL2024-6 s 4, s 5

Prescribed requirements for safety barrier—Act, s 83N (2) (c)
s 36G ins SL2024-6 s 6
exp 30 April 2028 (s 36G (3))

Competency matters for person to exercise functions of authorised person—Act, s 83P (3)
s 36H ins SL2024-6 s 6

Building surveyor taken to be appointed as authorised person—Act, s 83P (4)
s 36I ins SL2024-6 s 6

Director-general may end building surveyor's appointment as authorised person
s 36J ins SL2024-6 s 6

Residential building work—warranties, conditions, insurance etc
pt 4 hdg sub A2016-44 s 42; A2024-36 amdt 2.24

Building work to which pt 6 does not apply
s 37 hdg sub A2015-12 s 28
s 37 am A2016-44 s 43; A2024-36 amdt 2.25

People excluded—Act, s 84, def *property developer*, par (b) (iii)
s 37A ins A2024-36 amdt 2.26
sub SL2025-11 s 5

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Required documents for residential building work contract—Act, s 89D

s 38A ins SL2019-17 s 4
am A2025-29 amdt 4.20

Prohibited conditions—Act, s 89E

s 38B ins SL2019-17 s 4

Minimum insurance for insurable residential building work—Act, s 90 (1) (b)

s 39 hdg sub A2016-44 s 44
s 39 am SL2024-25 s 7

Period of insurance for insurable residential building work—Act, s 90 (1) (c) and (d)

s 40 hdg sub A2016-44 s 44

Period of claims for insurable residential building work—Act, s 90 (1) (i)

s 41 hdg sub A2016-44 s 44
s 41 am SL2024-25 s 8

Documents forming part of building code—Act, s 136 (1), def *building code*, par (b)

s 43A ins A2012-23 s 9
sub SL2023-7 s 6

Application of building code to bushfire-prone area—Act, s 136 (4)

s 44 am A2023-36 amdt 1.41

Energy efficiency provisions—Act, s 139C (3), def *energy efficiency provision*

s 44AA ins SL2012-33 s 6
sub SL2023-42 s 4

Preparation of NatHERS energy efficiency certificates—Act, s 139C (2)

s 44AB ins SL2023-42 s 4

Preparation of whole-of-home calculator energy efficiency certificates—Act, s 139C (2)

s 44AC ins SL2023-42 s 4
am A2025-5 s 11; ss renum R48 LA

Notification and review of decisions

pt 5A hdg ins A2008-36 amdt 1.67

Decision-makers—Act, s 142A, def *decision-maker*

s 44A ins A2008-36 amdt 1.67

Reviewable decisions—Act, s 142A, def *reviewable decision*

s 44B ins A2008-36 amdt 1.67

Right of review and notice—Act, s 142B and s 142C (a)

s 44C ins A2008-36 amdt 1.67

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Non-application of Legislation Act, s 47 (5)
s 45 am A2015-12 s 29
om A2025-5 s 12

Review by AAT—Act, s 146 (5)
s 46 om A2008-36 amdt 1.68

Exempt building code—Act, s 152
s 47 am A2011-3 amdt 3.81; A2025-29 amdt 4.20

Occupations and qualifications—handling small amounts of bonded asbestos—Act, s 152
s 48 om SL2015-14 s 11

Certifier issuing building approval etc without development approval—Act, s 152
s 49 am A2023-36 amdts 1.42-1.44; ss renum R43 LA

Transitional
pt 20 hdg exp 31 March 2010 (s 106)

Definitions—pt 20
s 100 exp 31 March 2010 (s 106)
def ***commencement day*** exp 31 March 2010 (s 106)
def ***new scheme*** exp 31 March 2010 (s 106)
def ***old scheme*** exp 31 March 2010 (s 106)

Transitional—application for building approval under old scheme
s 101 exp 31 March 2010 (s 106)

Transitional—information not included but required for building approval
s 102 exp 31 March 2010 (s 106)

Transitional—floor area if building application before commencement day
s 103 exp 31 March 2010 (s 106)

Transitional—floor area if building application on or after commencement day and before 1/1/2009
s 104 exp 31 March 2010 (s 106)

Legislation repealed
s 105 om LA s 89 (3)

Expiry—pt 20
s 106 exp 31 March 2010 (s 106)

Transitional—Building Legislation Amendment Regulation 2010 (No 1)
pt 21 hdg ins SL2010-15 s 21
exp 1 May 2011 (s 111)

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Building code 2010 edition—delayed application of energy efficiency provisions—Act, s 136 (4)

s 110 ins SL2010-15 s 21
am SL2010-21 s 4; pars renum R6 LA
exp 1 May 2011 (s 111)

Expiry—pt 21

s 111 ins SL2010-15 s 111
exp 1 May 2011 (s 111)

Transitional—Building (General) Legislation Amendment Regulation 2015 (No 1)

pt 22 hdg ins SL2015-14 s 12
exp 5 May 2016 (s 114)

Meaning of *commencement day*—pt 22

s 112 ins SL2015-14 s 12
exp 5 May 2016 (s 114)

Building approval applications made before commencement day—asbestos warning notices

s 113 ins SL2015-14 s 12
exp 5 May 2016 (s 114)

Expiry—pt 22

s 114 ins SL2015-14 s 12
exp 5 May 2016 (s 114)

Exempt buildings and building works

sch 1 am SL2010-15 ss 22-24; SL2013-6 s 6; A2013-15 s 7; A2013-19 amdts 3.32-3.34; A2013-31 s 26; am A2014-23 ss 6-11; SL2015-14 s 13; items renum R24 LA; A2015-12 ss 30-32; items renum R26 LA; A2016-2 s 4; A2016-44 s 45, s 46; A2023-46 ss 14-20; items renum R46 LA; SL2024-6 s 7, s 8; A2024-36 amdt 2.27

Definitions—sch 2

sch 2 s 2.1 def ***ActewAGL Distribution*** om SL2015-14 s 14
def ***easement*** sub A2023-36 amdt 1.45
def ***licensed utility service*** ins A2014-60 amdt 2.1
def ***proposed easement*** sub A2023-36 amdt 1.45
def ***regulated utility service*** ins A2014-60 amdt 2.1
def ***technical regulator*** ins A2014-60 amdt 2.1
def ***utility infrastructure access or protection space*** sub A2023-36 amdt 1.45

Referral of building approval applications to particular entities

sch 2 pt 2.2 am SL2012-33 s 7; A2014-60 amdt 2.2; SL2015-14 s 15; A2015-50 amdt 3.13; A2016-33 amdt 1.3; A2020-25 s 17

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Referral of demolition order applications to particular entities
sch 2A ins A2015-42 s 17

Fundamentally noncompliant building work
sch 3 am SL2024-6 ss 9-11; A2025-5 s 13

Reviewable decisions
sch 4 hdg sub A2008-36 amdt 1.69
sch 4 am A2023-46 s 21; items renum R46 LA

Dictionary
dict am A2008-36 amdt 1.70; A2009-20 amdt 3.25; A2011-3 amdt 3.82; A2011-22 amdt 1.68, amdt 1.69;A2013-19 amdt 3.35; A2014-53 s 12; A2015-19 s 8; A2016-33 amdt 1.4; SL2019-17 s 5; A2020-16 amdt 1.11; A2023-36 amdt 1.46; A2023-46 s 22; SL2024-25 s 9; SL2025-11 s 6
def ***ActewAGL Distribution*** om SL2015-14 s 16
def ***affected building*** ins A2020-20 s 9
def ***affected residential premises*** ins A2020-20 s 9
def ***AS 1100*** sub A2013-19 amdt 3.36
def ***AS 3533*** ins A2013-19 amdt 3.37
def ***asbestos*** om A2014-53 s 13
def ***asbestos removal code*** om A2015-12 s 33
def ***bonded asbestos*** ins A2011-3 amdt 3.83
def ***demountable pool*** om A2023-46 s 23
def ***demountable swimming pool*** ins A2023-46 s 24
def ***deposited plan*** ins A2020-16 amdt 1.12
def ***licensed utility service*** ins A2014-60 amdt 2.3
def ***regulated utility service*** ins A2014-60 amdt 2.3
def ***stormwater system*** ins A2023-55 s 35
def ***swimming pool*** om A2023-46 s 25
def ***technical regulator*** ins A2014-60 amdt 2.3
def ***utility service*** ins A2023-55 s 35
def ***water main*** ins A2023-55 s 35

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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. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 31 Mar 2008	31 Mar 2008– 1 Feb 2009	not amended	new regulation
R2 2 Feb 2009	2 Feb 2009– 21 Sept 2009	A2008-36	amendments by A2008-36
R3 22 Sept 2009	22 Sept 2009– 31 Mar 2010	A2009-20	amendments by A2009-20
R4 1 Apr 2010	1 Apr 2010– 3 May 2010	A2009-20	commenced expiry
R5 4 May 2010	4 May 2010– 31 May 2010	SL2010-15	amendments by SL2010-15
R6 1 June 2010	1 June 2010– 30 Nov 2010	SL2010-21	amendments by SL2010-21
R7 1 Dec 2010	1 Dec 2010– 28 Feb 2011	A2010-43	amendments by A2010-43
R8* 1 Mar 2011	1 Mar 2011– 1 May 2011	A2011-3	amendments by A2011-3
R9 2 May 2011	2 May 2011– 30 June 2011	A2011-3	expiry of transitional provisions (pt 21)
R10 1 July 2011	1 July 2011– 7 July 2011	A2011-22	amendments by A2011-22
R11 8 July 2011	8 July 2011– 28 May 2012	SL2011-21	amendments by SL2011-21
R12 29 May 2012	29 May 2012– 30 June 2012	A2012-23	amendments by A2012-23

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R13 1 July 2012	1 July 2012– 12 July 2012	SL2012-26	amendments by A2011-54 and SL2012-26
R14 13 July 2012	13 July 2012– 25 Mar 2013	SL2012-33	amendments by SL2012-33
R15 26 Mar 2013	26 Mar 2013– 21 May 2013	SL2013-6	amendments by SL2013-6
R16 22 May 2013	22 May 2013– 13 June 2013	A2013-15	amendments by A2013-15
R17 14 June 2013	14 June 2013– 26 Aug 2013	A2013-19	amendments by A2013-19
R18 27 Aug 2013	27 Aug 2013– 31 Aug 2013	A2013-31	amendments by A2013-31
R19* 1 Sept 2013	1 Sept 2013– 26 May 2014	A2013-31	amendments by A2013-31
R20 27 May 2014	27 May 2014– 5 Nov 2014	A2014-23	amendments by A2014-23
R21 6 Nov 2014	6 Nov 2014– 31 Dec 2014	A2014-45	amendments by A2014-45
R22 1 Jan 2015	1 Jan 2015– 28 Feb 2015	A2014-53	amendments by A2014-53
R23 1 Mar 2015	1 Mar 2015– 4 May 2015	A2014-60	amendments by A2014-60
R24 5 May 2015	5 May 2015– 14 May 2015	SL2015-14	amendments by SL2015-14
R25 15 May 2015	15 May 2015– 20 May 2015	SL2015-17	amendments by SL2015-17
R26 21 May 2015	21 May 2015– 30 June 2015	A2015-12	amendments by A2015-12
R27 1 July 2015	1 July 2015– 8 Dec 2015	A2015-19	amendments by A2015-19
R28 9 Dec 2015	9 Dec 2015– 31 Jan 2016	A2015-50	amendments by A2015-50

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Republication No and date	Effective	Last amendment made by	Republication for
R29 1 Feb 2016	1 Feb 2016– 23 Feb 2016	A2015-50	amendments by SL2015-17 and A2015-42
R30 24 Feb 2016	24 Feb 2016– 5 May 2016	A2016-2	amendments by A2016-2
R31 6 May 2016	6 May 2016– 20 June 2016	A2016-2	expiry of transitional provisions (pt 22)
R32 21 June 2016	21 June 2016– 19 Aug 2016	A2016-33	amendments by A2016-33
R33 20 Aug 2016	20 Aug 2016– 18 Aug 2017	A2016-44	amendments by A2016-44
R34 19 Aug 2017	19 Aug 2017– 16 May 2018	A2016-44	amendments by A2016-44
R35 17 May 2018	17 May 2018– 30 Sept 2019	A2018-16	amendments by A2018-16
R36 1 Oct 2019	1 Oct 2019– 31 May 2020	SL2019-17	amendments by SL2019-17
R37 1 June 2020	1 June 2020– 24 June 2020	A2020-16	amendments by A2020-16
R38 25 June 2020	25 June 2020– 30 June 2020	A2020-25	amendments by A2020-25
R39 1 July 2020	1 July 2020– 31 March 2021	A2020-25	amendments by A2020-20
R40 1 Apr 2021	1 Apr 2021– 30 Apr 2023	SL2020-26	amendments by SL2020-26
R41 1 May 2023	1 May 2023– 29 Sept 2023	SL2023-7	amendments by SL2023-7
R42 30 Sept 2023	30 Sept 2023– 26 Nov 2023	SL2023-7	updated endnotes as amended by SL2023-23
R43 27 Nov 2023	27 Nov 2023– 11 Dec 2023	A2023-36	amendments by A2023-36

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5 Earlier republications

Republication No and date	Effective	Last amendment made by	Republication for
R44 12 Dec 2023	12 Dec 2023– 14 Jan 2024	A2023-55	amendments by A2023-55
R45 15 Jan 2024	15 Jan 2024– 30 Apr 2024	SL2023-42	amendments by SL2023-42
R46 1 May 2024	1 May 2024– 31 Dec 2024	SL2024-6	amendments by A2023-46 and SL2024-6
R47 1 Jan 2025	1 Jan 2025– 31 Mar 2025	SL2024-25	amendments by SL2024-25
R48 1 Apr 2025	1 Apr 2025– 30 June 2025	A2025-5	amendments by A2025-5
R49 1 July 2025	1 July 2025– 5 Dec 2025	SL2025-11	amendments by SL2024-25 and SL2025-11
R50 6 Dec 2025	6 Dec 2025– 22 Feb 2026	A2025-29	amendments by A2025-29
R51 23 Feb 2026	23 Feb 2026– 30 Sept 2026	A2026-2	amendments by A2026-2

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6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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