

Building (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

- Clause 1 sets out the purpose of the Act.
- Clause 2 provides for the commencement of the Act.

PART 2—AMENDMENT OF THE BUILDING ACT 1993

- Clause 3 states that in this Part the **Building Act 1993** is the Principal Act.
- Clause 4 amends section 172(2)(a) of the Principal Act to provide that registered building practitioners must pay the appropriate annual fee direct to the Building Administration Fund instead of the Building Practitioners Board.
- Clause 5 amends section 186A to enable the Building Practitioners Board to delegate its functions under section 170(1) to the Registrar of the Board.
- Clause 6 amends section 200 of the Principal Act to enable the Commission to enter into arrangements or agreements with any person or body to act as its agent for the purpose of administering the Building Administration Fund.
- Clause 7 amends section 207 of the Principal Act to change the structure of the Building Advisory Council. A transitional amendment is made to section 207 to deem the Council to be the same body despite the amendments.
- Clause 8 inserts a new section 216A to the Principal Act to enable a council to apply to the Minister for an exemption for its municipal building surveyor from any requirement to consider applications for building permits for building work other than prescribed domestic building work. This exemption would only be considered in municipal districts where the Minister is satisfied that there are sufficient available private building

surveyors. The Minister may at any time revoke such exemption if he or she believes it is necessary.

- Clause 9 amends section 229 to ensure that it is clear that the power of entry to carry out a statutory inspection for the purposes of the Act or regulations includes inspection of existing buildings.
- Clause 10 substitutes a new sub-section (1) for section 238(1) of the Principal Act to enable the building regulations to prescribe the class of building work or proposed building work for which certificates may be given by a prescribed building practitioner.
- Clause 11 amends section 261 of the Principal Act to enable the making of a regulation for the provision of certificates as to compliance with conditions on permits and approvals. This new head of power will enable a new certificate to be introduced to ensure that essential services such as sprinklers, fire hydrants and escape stairs are maintained as required in the conditions on the occupancy permit relating to a building.

PART 3—AMENDMENT OF DOCKLANDS AUTHORITY ACT 1991

- Clause 12 substitutes a new section 31 in the **Docklands Authority Act 1991**. The new sub-section (1) will permit the Minister to specify by Order that a person is responsible for the administration and enforcement of Parts 3, 4, 5, 7 and 8 of the **Building Act 1993** and the building regulations under that Act in any part of the docklands area. Under sub-section (2) the Minister's Order must be published in the Government Gazette. Sub-sections (3) and (4) provide for consequential matters required as a result of the Minister's Order. Sub-section (5) makes it clear that the Minister may at any time revoke or amend the Order. Sub-section (6) makes provision for transitional arrangements required as a result of the Order. Sub-section (7) is a definition provision.