

Building Control (General Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the legislation.

Clause 2 provides for commencement on proclamation except for clauses 17 and 25.

Clause 3 provides that the *Building Control Act 1981* is the Principal Act.

Clause 4 inserts a new section 6A to the Principal Act. It provides for delegation by the Minister to the Director or an officer or class of officers in the Public Service.

Clause 5 substitutes a State Building Surveyor for departmental surveyors.

Clause 6 eliminates the requirement for draft building regulations to be circulated for comment thus avoiding duplication with Subordinate Legislation Act provisions.

Clause 7 provides for an increase and change to the membership of the Building Control Technical Advisory Council.

Clause 8 requires that an applicant for building approval provide the prescribed information, number of copies and pay the prescribed fee. Where a response is not received by the Co-ordinator or the applicant from a relevant authority within the prescribed time, the relevant authority is deemed to have consented. It also makes provision for objections of adjoining owners.

Clause 9 inserts a new section 20A into the Principal Act which provides the applicant with a remedy where a relevant authority which is a municipal council or an officer of a council does not advise consent or refusal within the prescribed time. The applicant may request the Minister to appoint a person to act in place of the relevant authority. Provision is made for the appointment, refund to the applicant of the application fee, and for the council to pay the reasonable fees of the appointed person.

Clause 10 amends section 26 of the Principal Act to enable any government department, council or public authority to render safe buildings and works and to recover expenses.

Clause 11 amends sections 25 and 26 of the Principal Act to provide an offence for unlawful occupation of buildings and prescribes maximum penalties.

Clause 12 widens the ability to adopt codes and standards into the regulations.

Clause 13 provides that a Building Referees Board may consist of one member.

Clause 14 amends sections 53 and 54 of the Principal Act to provide, in specified circumstances, for appeals by adjoining owners against the giving of consent to applications for building approval.

Clause 15 widens Building Referees Boards' modification powers by providing that a determination may be subject to conditions.

Clause 16 inserts a new section 55A into the Principal Act to provide a Building Referees Board with power to allow modifications which are conditional upon an agreement between a relevant authority and the owner of any land.

Clause 17 provides for changes in the commencement of section 110 of the Principal Act.

Clause 18 changes the name of the Building Qualifications Board to the Building Control Qualification Board.

Clause 19 makes provision for qualifications of building plan certifiers.

Clause 20 provides for change in membership of the Building Control Qualification Board.

Clause 21 abolishes the requirement for compulsory reports on uncompleted work arising out of a joint report on a building deemed to be a fire hazard.

Clause 22 streamlines the procedures in sections 147 and 148 of the Principal Act relating to proposed protection works of adjoining property.

Clause 23 amends the dispute settlement procedure in section 149 of the Principal Act consistent with the proposed procedures in section 147.

Clause 24 inserts a new section 165A into the Principal Act to provide the Minister with power to deal with structurally dangerous buildings.

Clause 25 amends the day that the *Building Control (Amendment) Act 1986* comes into operation.

Clause 26 provides for a number of minor amendments to the Acts listed in the Schedule.