

# Building Regulation News Update

Building Regulation News Update 0909  
Issued: 24 June 2009

## *Building Amendment Act 2009* - amendments to the *Building Act 2000*

### **Background**

The *Building Act 2000* required amendment as some of the Act's enforcement provisions needed clarification and to make other miscellaneous changes. A Bill introduced in November 2008 has passed both Houses of Parliament by May 2009 and the *Building Amendment Act 2009* (No. 18 of 2009) became law on 16 June 2009. The following is a summary of the changes now incorporated in the *Building Act 2000* available at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

### **Building Practitioners' fees**

Section 28 was amended to clarify that the three-year certificate of accreditation of a building practitioner will expire if annual fees are not paid within 60 days of the due date.

### **Consistency between planning and building approvals**

Section 71(d) of the Act (consideration of an application for a building permit) needed to be clarified as the wording was inconsistent with that used in the *Land Use Planning Approvals Act 1993*.

Three other sections of the *Building Act 2000* were also amended as they had used similar wording to s.71:

- 66(g) Consideration of an application for a certificate of likely compliance
- 179(d) Consideration of application for a permit to proceed
- 187(d) Consideration of an application for a permit of substantial compliance.

These four sections are clarified to require the building surveyor or the permit authority to take into account any relevant requirements of any permit or consent granted or issued under any other Act. For example this could include considering provisions of a planning permit granted under the *Land Use Planning Approvals Act 1993*.

### **Enforcement of the *Building Act 2000* by relevant building surveyor**

- Section 163 was amended to provide in a new sub-section (2A) that appropriate enforcement action through Building Notices and Orders may be taken by the relevant building surveyor if an owner has carried out building work in contravention of the Act or the building permit.
- Section 163 was also amended to provide in a new sub-section (2B) that if the relevant building surveyor is not available (e.g. they have died, ceased to practice or are unable to be contacted) then the general manager of the relevant council may then take the appropriate enforcement action.
- Section 170 was amended to clarify that a Building Order is to be issued on the same person who had received the earlier Building Notice.
- Section 170 was also amended to clarify that a Building Order can be issued without a Building Notice if the building work required to be done by that Order is of a minor nature.