



Tasmania

Building Regulation

Advisory Notes

Building Standards and Regulation

Department of Infrastructure, Energy and Resources
30 Gordons Hill Road or PO Box 56, Rosny Park 7018

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These advisory notes are issued as and when is necessary to assist in the interpretation of Tasmanian building legislation and to keep the Building Industry informed of developments occurring with the Building Code of Australia and its reference documents.

Building Act 2000 - Implementation to be in stages

The *Building Act 2000* is being implemented in a series of stages. So far the Director of Building Control, Robert Pearce has been appointed. The Building Regulation Advisory Committee (BRAC) has been established and the members appointed have met on twelve occasions to provide guidance and advice to Building Standards and Regulation and the Minister. The new Building Appeal Board has been established and members have been appointed (see page 3).

A number of legislative instruments have been developed. Two Amendment Bills have been through Parliament to make minor changes to the *Building Act 2000* and other legislation (see page 2). Drafts of the Building Regulations and Plumbing Regulations are being developed with the Office of Parliamentary Counsel.

With respect to the accreditation of Building Practitioners, as the result of extensive consultation with Industry Reference Groups, Ministerial Guidelines for the operation of Authorised Bodies (who will do the accreditation) were developed some time ago. The Director of Building Control is currently assessing two applications to be an Authorised Body.

It is anticipated that the Minister for Infrastructure, Jim Cox MHA, will appoint the Authorised Body or Bodies during July 2003 and that they will immediately establish their systems to commence rolling out accreditation. The Governor will then be asked to proclaim the relevant accreditation sections of the *Building Act 2000*. This will occur approximately 1 month after the appointment of an Authorised Body.

Industry will be notified of the commencement of the Act and the appointment of Authorised Bodies as soon as possible. The functional parts of the Act which rely on the existence of Accredited Building Practitioners will be programmed for commencement in January 2004. That is, industry will have six months to become accredited before accreditation will be required. Both applicants to be an Authorised Body are developing transitional provisions to smooth the path for existing industry participants.

ABCB advice on the use of AS 1668.2 Part 2

The Building Code of Australia references the 1991 edition of AS 1668.2, *the use of mechanical ventilation and air – conditioning in buildings, Part 2 Mechanical ventilation for acceptable indoor air quality*. In 2002 Standards Australia published a new edition of AS1668.2. However this Standard has not been referenced in the BCA.

In response to a number of enquiries the ABCB has issued advice on the use of AS 1668 Part 2. This advice is attached for your information.

Please circulate to

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Building Act 2000 Consequential and amendment Bills



A Bill for minor amendments to the *Building Act 2000* (*The Building Amendment Bill 2003*), a Bill for consequential amendments to various pieces of legislation (*The Building (Consequential Amendments) Bill 2003*), and the *Mineral Resources Development Amendment (New Landslip Zoning Arrangements) Bill 2003* have recently been introduced into Parliament.

Building Amendment Bill 2003

A number of the definitions in the interpretation clause are changed or amended to clarify the *Building Act 2000*. The most significant of these is inclusion of the General Manager as the Permit Authority if a council has not appointed a permit authority. This will facilitate the implementation of the Act. The provisions relating to appeals are clarified to provide powers and direction to the Building Appeal Board when dealing with an appeal or complaint. The commencement of the *State Service Act 2000* and the *Magistrates Court (Administrative Appeals Division) Act 2001* have necessitated some minor changes to references to this legislation in the Act. Changes have been made to increase the flexibility of the legislation in particular with respect to the powers of Assistant Building Surveyors and the building levy. The scope of the powers of an Assistant Building Surveyor are now defined nationally under the National Accreditation Framework for Building Certifiers. The scope will be prescribed by the Building Regulations under this amendment to provide for consistency. The new Building Act contains what is effectively a transition provision that applies whenever there is a change to the Building Regulations. The transition provisions originally included in section 232 of the Act for changes to the Building Regulations have been extended to the Plumbing Regulations and the technical codes; the Building Code of Australia and the Tasmanian Plumbing Code.

Building (Consequential Amendments) Bill 2003

As well as updating the references to the building legislation a number of corrections and clarifications to terminology have been made to other legislation. For example, building legislation has not used the term "approval" since 1993. Also, in the *Building and*

Construction Industry Training Fund Act 1990 the term "building notice" has been used but that term is not used in the *Building Act 2000*. The *Architects Act 1929* is amended because industry has identified that the Board of Architects Tasmania needs to be empowered to act as an Authorised Body (or as part of an Authorised Body or make appropriate arrangements with an Authorised Body) under the *Building Act 2000*. This is to ensure that Registered Architects may be accredited under the Building Act. Because the *Building Act 2000* no longer uses or references "building areas" it is necessary to make adjustments and incorporate some savings provisions to some other legislation. These areas were essentially planning zones which have been superseded by our modern planning legislation. In other cases use of the term was found to be superfluous. In all 16 Acts and 6 sets of Regulations are amended.

Mineral Resources Development Amendment (New Landslip Zoning Arrangements) Bill 2003



New arrangements to declare Landslip Zones A and B and to notify landowners have been included in this Bill which amends both the *Local Government (Building and Miscellaneous Provisions) Act 1993* and the *Building Act 2000*. These Areas were declared by the Minister (for Mineral Resources) under current building legislation which caused confusion. The Director of Mines will also now notify landowners rather than the Council. The construction restrictions in Declared Landslip Zones remain in the Building legislation.

Note: These three Bills passed both Houses of Parliament without amendment on 22nd May 2003.

Copies of the above Bills may be viewed at:

www.parliament.tas.gov.au/bills/billsweb.htm

Copies of the amended Acts will be available in due course from the Printing Authority of Tasmania, 2 Salamanca Place, Hobart.

Building Appeal Board appointments

The Minister for Infrastructure, the Hon. Jim Cox MHA, announced the appointment of members of the *Building Act 2000* Building Appeal Board in March. The BAB Members are listed in the table opposite.

The first task of the new board will be to deal with appeals relating to accreditation of building practitioners. The existing Building Appeal Board will continue to hear and determine matters under current legislation until such time as the *Building Act 2000* is fully implemented.

Mr Patrick Toomey	Chairperson
Mr Peter Cripps	Deputy Chairperson
Mr Ross Murphy	Member
Mr Roger Locke	Member
Mr Graham Keating	Member
Mr Hans Verdouw	Member
Ms Deirdre Flint	Member
Ms Adele Gliddon	Member
Mr Kerry Whittle	Member

Building Code of Australia Amendment 13

Amendment No. 13 to the BCA will come into effect from 1 July 2003.

The most significant change to Volume One is the introduction of alternative tests and requirements for fire hazard properties of materials and assemblies. The requirements are the result of research undertaken by the Fire Code Reform Centre.

To allow industry time to adjust to these new tests and requirements, the existing tests and requirements for fire hazard properties will remain in the BCA for a period of time (2 years at this stage).

An Advisory Note on these changes will be produced by the ABCB and distributed with the Amendment.

Other changes to Volume One include-

- minor changes to the list of referenced documents

- a minor change to the construction of fire isolated passageways
- additional requirements for the protection of electrical switchboards, and
- minor adjustments to the requirements for aged care buildings.

The most significant change to Volume Two is the adoption of the energy efficiency provisions in Queensland and Western Australia.

Other changes to Volume Two include -

- minor changes to the list of referenced documents, and
- minor refinement of the energy efficiency provisions.

Annual amendments to the Building Code of Australia

The Australian Building Codes Board, following consultation with Code users, has revised the frequency with which amendments to the BCA are carried out. In future, amendments will be scheduled to occur every 12 months for adoption on 1 May each year. In conjunction with this change, a six month lead-in time will be provided before

amendments come into force. As a transition from the current 6 monthly cycle to the 12 monthly cycle, Amendment No. 14 will be distributed to subscribers in early 2004 for adoption on 1 May 2004. From Amendment No. 15 onwards, the 12 monthly cycle will be fully implemented with six month lead-in times provided.

Australian Building Codes Board media releases

The Australian Building Codes Board issued two Media Releases in May 2003, copies are attached for information.

- *Accessibility and the Built Environment* followed a forum held in Sydney in April 2003, the first step in developing a national strategy to improve accessibility in the housing sector.
- *National Competency Standards for Building Surveyors* announced the introduction of uniform competency standards.

Guideline on durability of buildings

A Guideline on Durability of Buildings was released in February 2003, the first of a series of Guidelines developed by the ABCB in response to comments and concerns from government, industry and the community relating to the built environment.

Durability has been identified by industry as an issue that requires national uniform guidance. The Guideline addresses durability in generic terms. It is expected that the document will be used by industry to develop durability solutions relevant to specific materials in accordance with the generic principles and criteria contained in this Guideline.

The document was developed in conjunction with the following organisations:

- CSIRO - Manufacturing and Infrastructure Technologies (CSIRO-MIT)
- National Association of Steel-frame housing (NASH)
- Cement and Concrete Association of Australia (C&CAA)
- National Timber Development Council (NTDC)
- Forest and Wood Products Research and Development Corporation (FWPRDC)

The Guideline is available electronically (Acrobat pdf) and in hard copy from www.abcb.gov.au/content/products/, or order on 1300 134 631

Further details from Deborah Fleming (02) 6213 6346 or Deborah.Fleming@abcb.gov.au

ABCB Conference 2003



The Australian Building Codes Board, in conjunction with the Australian Institute of Building Surveyors, is proud to announce its 3rd National Conference to be held at Marriott Resort, Surfers Paradise 15 - 17 September 2003.

Topics:

- Energy Efficiency
- Disability Access Standard
- Future Building Code
- Aged Care
- International Fire Engineering Guidelines
- Product Certification
- Education and Training
- Essential Services Maintenance

Who Should Attend:

Building Surveyors, Architects, Engineers, Building Inspectors & Supervisors, Building Owners, Developers, Local Government, Builders, Construction Managers, Fire Safety Officers, Code and Regulatory Authorities, Draftspeople, Product Manufacturers, Testing and Appraisal Authorities, Service Designers, Building Industry Service Providers, Standards Writers, Private Certifiers.

Conference Program

The Conference will run over three days, from Monday 15th September until Wednesday 17th September, and will consist of both conference sessions and interactive workshops. Sessions will focus on topics relevant to all industry Professionals. An accompanying persons tour program will also be provided throughout the duration of the Conference.

TO REGISTER YOUR INTEREST

Simply fill out and submit the EOI form over the Internet. You can also print out the completed form and post it back to:

Conference Organisers
 Australian Building Codes Board
 GPO BOX 9839
 CANBERRA, ACT, 2601
 AUSTRALIA

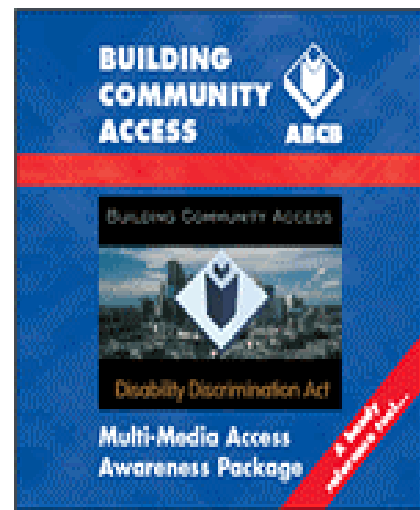
or return by fax on: (02) 6213 7287

Building Community Access

BSR have been contacted regarding information on access to buildings. Readers are advised that the ABCB has produced a self training product, "Building Community Access" a Multi-Media Access Awareness Program. It provides information through video, voice over, animation, text and examples. The package consists of two modules:

- *The Disability Discrimination Act 1992* (Commonwealth)
- *The Building Code of Australia*

These two primary documents contain access provisions for people with a disability to and within buildings and premises. The information package is generally focussed on the building community (owners, project managers, architects, engineers, draftspersons, builders, contractors, and Approval Authorities) who will gain an increased understanding and knowledge of the access provisions associated with building control legislation. A free demonstration of the product is available on the ABCB website, www.abcb.gov.au/content/products/ Phone (02) 6295 4444, facsimile (02) 6295 4473. Further information from Wayne.Bretherton@abcb.gov.au



Telecommunications access to buildings

Changes in the communications industry including a demand for broadband services, flexible work arrangements and secure and reliable networks have led to a number of issues arising for building owners and managers, carriers, carriage service providers and tenants. As a response to this problem "Digital River," a Digital Building Telecommunications Access Guideline (DBTAG) was released in August 2002. This Guideline provides information and guidance for building owners/ managers to assist them in facilitating and managing the arrangements for access to buildings for;

- multiple telecommunications carriers
- carriage service providers; and
- other service providers involved in the provision of telecommunications services to tenants located in a given building.
- The document also provides information that is relevant to tenants.

Issues addressed include;

- Building access sought by multiple carriers and service providers to provide tenant's communication services
- There is a limited availability of space and limitations of building services sought for telecommunications facilities in many buildings in Australia
- End-to-end connectivity with customers is sought by carriers and carriage service providers
- Multiple technology and infrastructure types re-

quire accommodation and building services for telecommunication systems and other communication systems

- There is inadequate documentation and coordination of telecommunications and other communications infrastructure in buildings
- The complexity of the telecommunications regulatory environment regarding rights and responsibilities of carriers, carriage service providers, building owners/ managers, and tenants regarding access.

A focus of the Guideline is the encouragement of an environment in the City of Melbourne for multiple suppliers, extensive competition and high take up of broadband communication services to buildings. The Guideline is available from this website; www.digitalriver.net

For further information contact:
ecodev@melbourne.vic.gov.au



Questions and Answers

Since the introduction of the *Building Regulations 1994*, and the *Building Code of Australia*, *Building Standards and Regulation* has had numerous calls for information and advice on the Regulations, the BCA and their relationship to other legislation. For the benefit of all users, a summary of the advice given is included. The purpose is to promote consistency of interpretation between all users of the Legislation.

Energy Efficiency "Accreditation"

Q. Do I need to gain accreditation or qualifications to use software that measures energy efficiency?

A. There is no current requirement for accreditation as an energy efficiency assessor in Tasmania. During the Energy Efficiency implementation and training program last year all building surveyors were advised that a person assessing and certifying an **alternative solution** for the energy efficiency requirements should be able to demonstrate their competence. That demonstration might be by way of long experience or by having done training and /or passed an exam in relation to a particular energy efficiency software program such as First Rate or NatHERS. For the acceptable construction practice provisions of the BCA the design documentation simply needs to require the appropriate measures.

BSR are not aware of any training courses currently available in Tasmania for the assessment of the energy efficiency of buildings, and you will have to approach the provider of the various software products. The Sustainable Energy Authority of Victoria, owner of the "First Rate" software, had sought a formal inter-state agreement to recognise energy assessors who had been assessed as competent to use the software, and who had paid an annual fee to the SEAV. The view of Building Standards and Regulation is that it is a commercially available product and the SEAV should organise their own accreditation procedures. It is one of several similar

products on the market. People are free to buy whatever is best suited to their area of practise. For your information the address of the SEAV is provided: www.seav.vic.gov.au/buildings/firstrate/index.html Information about training with NatHERS is available at: www.nathers.com

Maintenance of Building Services

Q. The term "statutory maintenance of essential building services" is often spoken about by building owners and property managers. So how does it fit into current building legislation in Tasmania?

A. It's quite simple, the term, "statutory" means that it is a requirement of building law, or is enacted by statute and placed in Regulations and Acts to be undertaken by relevant stakeholders as deemed necessary. The current *Building Regulations 1994* and the *Local Government (Building and Miscellaneous Provisions) Act 1993*, do not contain specific written requirements for "essential building services to be maintained" annually, biannually or at any other given period ensuring on going compliance.

However, building owners do have an obligation and duty of care to provide safe buildings for occupants under other related legislation such as the *General Fire Regulations 2000*, *Workplace Health and Safety Act 1995* to name but two. In many cases, essential services are often left not maintained or subject to "token" maintenance that may be ineffective or inappropriate. The new *Building Act 2000* and Regulations, set to replace the current Act and Regulations, will address this issue and require building owners to maintain essential services that are deemed necessary by "statute" on a regular basis and to publicly display a certificate to say that this has been carried out. The adoption of the new Act & Regulations will make it a "statutory requirement for essential services to be maintained in buildings" under building law.

Building Standards and Regulation contacts

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Brendon Bowes	Administrative Officer	PH 03 6233 7692	Email Brendon.Bowes@dier.tas.gov.au
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