

Building Regulation News Updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring in the industry, Building Code of Australia (BCA) and its referenced documents and legislation.

## CHANGES TO *BUILDING REGULATIONS 2004*

### *Building Amendment Regulations (No. 2) 2005 (S.R. 2005, No. 57)*

*Commenced 29 June 2005*

#### **Purpose**

The purpose of this *News Update* is to provide information regarding the changes to the *Building Regulations 2004*, which occurred with the commencement of the *Building Amendment Regulations (No.2) 2005*.

#### **Background**

The *Building Amendment Regulations (No 2) 2005* amended the *Building Regulations 2004* in three areas. These are:

- 1) Asbestos removal from transported buildings.
- 2) The date for compliance with the requirements for the display of the first Annual Maintenance Statement for existing buildings has been extended to 14 July 2006.
- 3) The date for compliance with the requirement to obtain an Occupancy Permit for Places of Assembly built prior to 1994 has been extended to 1 July 2006.

The *Building Amendment Regulations (No 2) 2005* commenced on the 29<sup>th</sup> June 2005.

#### **Details of Changes**

##### **ASBESTOS REMOVAL - REMOVAL OF A BUILDING FROM ONE SITE TO ANOTHER.**

The *Building Regulations 2004* regulations 27 and 28 include general requirements that must be met before a person demolishes or removes a building. The *Workplace Health and Safety Regulations 1998* include separate specific requirements in relation to the identification and removal of asbestos before demolition work can be commenced.

Problems have arisen where buildings containing asbestos have been removed from one site and transported to a new site in another municipality and the builder or demolisher responsible for the removal has not removed the asbestos in the building prior to transportation. Councils in the district to which the building has been relocated have objected. There is also the risk to the public from materials containing asbestos falling onto highways or other public areas during transportation.

An asbestos-specific regulation that must be complied with before building demolition or removal is undertaken, has been inserted. This new regulation 27A requires the identification and removal of any asbestos from a building before a building is removed to a new site and links the *Building Regulations 2004* with the requirements in the *Workplace Health and Safety Regulations 1998* for the removal of asbestos.

## **27A. Requirements before building demolition or removal – asbestos**

- (1) A person must not demolish or remove a building unless the person has –
  - (a) taken all reasonably practicable steps to identify the presence of asbestos in the building; and
  - (b) complied with Division 9 of Part 4 of the Workplace Health and Safety Regulations 1998.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not remove a building unless the person has removed all asbestos (including material identified as containing asbestos) from the building in accordance with Division 9 of Part 4 of the Workplace Health and Safety Regulations 1998.

Penalty: Fine not exceeding 20 penalty units.

Note that Schedule 4 has also been amended to provide for infringement notices to be issued for non compliance with Regulation 27A.

## **DISPLAY OF ANNUAL MAINTENANCE STATEMENTS**

The provisions in the *Building Regulations 2004* prescribed 12 months and two weeks after the regulations commenced as the time in which a building owner has to display the first Annual Maintenance Statement for an existing building. After advice from industry, local government and some government departments it has been necessary to extend the period to 14 July 2006.

Regulation 47 of the Principal Regulations is rescinded and the following regulation is substituted:

### **47. Annual maintenance statement**

For the purposes of section 120 of the Act, an annual statement referred to in that section is to be –

- (a) in an approved form; and
- (b) displayed next to the building's occupancy permit; and
- (c) for a building completed on or after 1 July 2004, displayed no later than 14 days after the anniversary date of the building's occupancy permit; and
- (d) for a building completed before 1 July 2004, displayed no later than –
  - (i) in the case of the first annual statement, 14 July 2006; and
  - (ii) in the case of a subsequent annual statement, by the anniversary date of the display of the first annual statement.

## OCCUPANCY PERMIT FOR PLACES OF ASSEMBLY

Owners of certain places of public assembly constructed before 1994 had twelve (12) months from the date of commencement of the *Building Act 2000* to obtain an Occupancy Permit under the *Building Regulations 2004* as amended by the *Building Amendment Regulations 2005*.

This reform was included in the *Building Act 2000* to ensure that all places of public assembly are licensed and fit for occupation. The Department of Health and Human Services administers Places Of Assembly licences and had requested that this reform be included in the *Building Act 2000*.

Advice from industry and local government is that the time required to comply with the new requirements is greater than expected so it has been extended to two years.

### **Schedule 6 amended (Transitional and Savings Provisions)**

Clause 3 of Schedule 6 to the Principal Regulations is amended by omitting "12" and substituting "24".

### **Where can I obtain the *Building Amendment Regulations (No. 2) 2005*?**

- From the State Government Law Website <http://www.thelaw.tas.gov.au>
- From the Legislation link in the Building Standards and Regulation Website <http://www.wst.tas.gov.au/building>
- Printed copies are available from the Printing Authority of Tasmania, 2 Salamanca Place, Hobart.

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