NORTHERN TERRITORY OF AUSTRALIA

BUILDING REGULATIONS 1993

As in force at 10 February 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 10 February 2026

BUILDING REGULATIONS 1993

Regulations under the *Building Act 1993*

Part 1 Preliminary matters

1 Citation

These regulations may be cited as the *Building Regulations 1993*.

2 Interpretation

(1) In these regulations:

affected part, for Part 2, Division 2, see regulation 5A.

approved Class 1a Building, see regulation 36C(1).

approved rural land, see regulation 36A.

Building Code means the Building Code of Australia set out in Volume One and Volume Two of the National Construction Code.

building contractor commercial (restricted) means a building practitioner registered in the category of building contractor commercial (restricted).

building contractor commercial (unrestricted) means a building practitioner registered in the category of building contractor commercial (unrestricted).

building contractor residential (restricted) means a building practitioner registered in the category of building contractor residential (restricted).

building contractor residential (unrestricted) means a building practitioner registered in the category of building contractor residential (unrestricted).

Class 2 building, for regulation 15A and Part 11A, includes:

(a) a building consisting only of one or more storeys that may be classified under the Building Code as a Class 2 building because of A6G1, Exemption (1), of the Code; and

(b) a building consisting only of:

(i) one or more storeys that are Class 2 buildings; and

(ii) one or more storeys that are Class 7a buildings for the sole use of the residents of, and visitors to, the Class 2 buildings.

Code of Practice for Wastewater Management means the Code of Practice for Wastewater Management published by the Department of Health, as in force from time to time.

completed building work, for Part 3A, means the building work specified in regulation 20A(1) and completed as specified in regulation 20A(2).

drawings, of a building, include a site plan and floor plan of, and elevations for, the building.

electrical installation connection work, for Part 9A, see regulation 36A.

existing, for Part 2, Division 2, see regulation 5A.

independent review engineer, see regulation 15AC.

National Construction Code means the National Construction Code, published by the Australian Building Codes Board, as in force from time to time.

net assets, see regulation 39B(1).

net assets certificate, see regulation 39C(1).

new part, for Part 2, Division 2, see regulation 5A.

original building status, of an approved Class 1a Building, see regulation 36C(1)(e).

original site, of an approved Class 1a Building, see regulation 36A.

performance solution:

(a) for regulation 4A – see regulation 4A(2); or

(b) otherwise – has the same meaning as in the National Construction Code.

pergola does not include a building that has a roof or sides that are impermeable to the wind.

planning scheme, see section 3(1) of the *Planning Act 1999*.

Plumbing Code means the Plumbing Code of Australia set out in Volume Three of the National Construction Code.

post-relocation building work, for an approved Class 1a Building, see regulation 36A.

prescribed building contractor, for Part 11A, Divisions 2 and 2A, means a building contractor prescribed by regulation 41F.

prescribed building work, for Part 11A, Divisions 2 and 2A, means work prescribed by regulation 41G.

prescribed fee means a fee prescribed under regulation 2A.

progress payment agreement, for Part 11A, Division 2, means an agreement under a residential building contract mentioned in regulation 41HB(1).

relevant building law, in relation to a building, means the law (including codes and standards under the law) in force in the Territory that, at the time of the erection of the building, regulated the building work carried out for the erection.

significant and complex building, see regulation 15AA.

significant and complex building work, see regulation 15AB.

standard progress payments, for Part 11A, Division 2, means the standard progress payments under a residential building contract mentioned in regulation 41HA(1).

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to these Regulations.

(2) For these Regulations the erection of a building that has been removed and transported from another site or another location on the same site is taken to be the erection of a building.

(2A) However, subregulation (2) does not apply to the erection of an approved Class 1a Building on approved rural land.

(3) A reference in these Regulations to a building as a building of a particular Class is a reference to a building of that Class as specified under the classification in Part A6 of the Building Code.

(4) In reckoning time for these Regulations public holidays, Saturdays and Sundays are excluded.

2A Prescribed fees

Schedule 1 prescribes the fees payable for the matters it specifies.

3 Exemptions from Regulations and sections 55 and 65 of the Act

(1) These regulations do not apply to:

(a) temporary offices and sheds used by builders on or about the site of any building on which building work is being carried out or used by contractors in carrying out works for any public authority on or about the site of the work and used exclusively for the purposes of that building or work; or

(b) any building classified as a Class 10 Building to which electrical, plumbing or drainage services are not provided and that is:

(i) situated not less than 40 m from any boundary of the allotment on which it stands or is to be constructed, has an aggregate roof area not exceeding 12 m^2 and is not more than 2100 mm in height above the mean natural ground level of its site; or

(ii) situated not less than 70 m from any boundary of the allotment on which it stands or is to be constructed, has an aggregate roof area not exceeding 30 m^2 and is not more than 2400 mm in height above the mean natural ground level of its site; or

(c) a fence that offers minimal resistance to wind loading such as a chain mesh or a similar kind of fence and in any event a fence that does not exceed a height of 1m; or

(d) a pergola that has an area not exceeding 30 m² and that is not less than 50 mm from a building to which these Regulations apply and that is not attached or connected in any way to any building; or

(e) minor plumbing maintenance work such as the replacement of a component by a similar component but not including drainage work.

(2) Sections 55 and 65 of the Act do not apply to or in relation to:

(a) any building classified as a Class 10 Building that is of a type approved by the Director and is constructed in accordance with that approval;

(b) plumbing or drainage work that is not done in connection with or incidentally to other building work if:

(i) notice of the work undertaken is given to the Director not later than 7 days after the work is carried out; and

(ii) the notice is accompanied by a certificate in the approved form of the relevant building practitioner that the work conforms to the relevant code or standard.

3B Exemption from section 62 of the Act

Section 62 of the Act does not apply to a public authority.

Part 2 Building standards

Division 1 General provisions

4 Building Code and other codes adopted

(1) Subject to these Regulations, the following apply to any building that can be classified according to use under Part A6 of the Building Code and to any building work referred to in the Act or in the Building Code:

(a) the Building Code;

(b) the Plumbing Code;

(c) the Code of Practice for Wastewater Management.

(1A) If there is any inconsistency between the Code of Practice for Wastewater Management and the Plumbing Code, the Code of Practice for Wastewater Management prevails to the extent of the inconsistency.

4A Performance solution for plumbing and drainage work

(1) Only a certifying engineer (hydraulic) may:

(a) design a performance solution for plumbing and drainage work; and

(b) certify plumbing and drainage work carried out under a performance solution.

(2) In this regulation:

performance solution has the same meaning as in the National Construction Code.

plumbing and drainage work means work for, or in connection with, the plumbing and drainage services mentioned in paragraph (b) of the definition of ***building work*** in section 4 of the Act.

5 Accrediting persons or bodies

(1) The following persons or bodies are prescribed as accrediting persons or bodies for the purposes of section 53 of the Act:

(a) the Australian Building Codes Board;

(aa) a person or body duly authorised under the CodeMark scheme administered by the Australian Building Codes Board;

(b) the Building Advisory Committee established under section 9 of the Act;

(c) the Standards Association of Australia;

(d) the Power and Water Corporation established by the *Power and Water Corporation Act 1987*.

(2) A person or body referred to in subregulation (1) may issue certificates of accreditation in relation to building products, construction methods, designs, components and systems accredited by the person or body.

(3) A certificate of accreditation issued under subregulation (2) shall be in the form approved by the Director.

Division 2 Disability Access Standards

5A Definitions

In this Division:

affected part, in relation to an existing building that is to contain a new part, means:

(a) the principal pedestrian entrance of the building; and

(b) any part of the building that is necessary to provide a continuous accessible path of travel from that entrance to the proposed new part.

existing, in relation to a building, passenger lift, accessible sanitary compartment or sanitary compartment suitable for use by people with a disability, means existing as of 1 May 2011.

new part, in relation to an existing building, means a part of the building:

(a) that is to be extended or modified; and

(b) for which an application for a building permit for the building work for the construction mentioned in paragraph (a) was made on or after 1 May 2011.

5B Disability access provisions

For section 129B(1)(b) of the Act, the following provisions of the Building Code, as adopted by regulation 4(1), are prescribed for Part 10A of the Act:

(a) Section D (Access and Egress);

(b) Part E3 (Lift Installations);

(c) Part F4 (Sanitary and Other Facilities).

5C Application of disability access provisions

(1) A disability access provision applies in relation to a building, or land on which a building is to be constructed, subject to this regulation and the concessions and exemption specified in this Division.

(2) Despite anything to the contrary in the Building Code, a disability access provision does not apply to:

(a) a new part of a Class 1b building if:

(i) the building has fewer than 4 bedrooms that are used for rental accommodation; and

(ii) the building was constructed before 1 May 2011 or an application for a building permit for the construction of the building was made before that date; or

(b) a new part of a Class 2 building if the building was constructed before 1 May 2011 or an application for a building permit for the construction of the building was made before that date; or

(c) the internal parts of a sole-occupancy unit in a Class 2 building; or

(d) a Class 4 building; or

(e) a Class 10 building or a new part of a Class 10 building or an affected part of a Class 10 building that is associated with:

(i) a Class 1a building; or

(ii) a Class 4 part of a building.

(3) Subject to subregulation (4), if an existing building is to contain a new part that is required to comply with a disability access provision, any affected part of the building is also required to be brought into compliance with the disability access provision.

(4) Despite anything to the contrary in these Regulations, a disability access provision does not apply to an affected part of a building if:

(a) parts of the building are leased to different persons; and

(b) one of the persons is responsible for building work to be carried out in relation to the new part of the building; and

(c) the new part is leased to that person.

5D Passenger lift concession

(1) This regulation applies in relation to the deemed-to-satisfy provision in clause E3D8(b) of the Building Code requiring a passenger lift that travels more than 12 m to have a lift floor dimension of not less than 1 400 mm x 1 600 mm.

(2) The deemed-to-satisfy provision does not apply to an existing passenger lift that:

(a) is located in a new part or an affected part of an existing building; and

(b) has a lift floor dimension of no less than 1 100 mm x 1 400 mm.

5E Toilet concession

(1) This regulation applies in relation to the requirements in clause F4D5(c) and (e) of the Building Code, to the extent that they require compliance with AS1428.1 *Design for access and mobility* Part 1: *General requirements for access – New building work*.

(2) The requirements do not apply to an existing accessible sanitary compartment, or an existing sanitary compartment suitable for use by people with a disability, that:

(a) is located in a new part or an affected part of a building; and

(b) complies with AS1428.1 *Design for access and mobility* Part 1: *General requirements for access – New building work*.

(3) In this regulation:

AS, followed by a designation, means the Australian Standard having that designation.

Australian Standard means a standard published by Standards Australia Limited ABN 85 087 326 690, as in force from time to time.

5F Exemption by Human Rights Commission

(1) If a person has been granted a public transport building exemption by the Australian Human Rights Commission under Part 5 of the Commonwealth Disability Access Standards, the exemption applies regardless of anything to the contrary in these Regulations.

(2) In subregulation (1):

Commonwealth Disability Access Standards means the *Disability (Access to Premises – Buildings) Standards 2010* (Cth).

public transport building exemption means an exemption from all or part of Part H2 of the Schedule to the Commonwealth Disability Access Standards.

Part 2A Building permits

6 Application for building permit

An application for a building permit must be accompanied by:

(a) drawings showing the plan and proposed usage at each floor level, elevations, sections and dimensions of the building, the sizes and locations of structural members to a scale of not less than 1:100; and

(b) drawings containing sufficient detail and at a scale appropriate to the work carried out or to be carried out to show the plumbing and drainage work to be carried out; and

(c) drawings to a scale of not less than 1:500 showing:

(i) the boundaries and dimensions of the allotment, relevant easements and adjacent streets; and

(ii) the position and dimension of the building and the relationship of the building to the boundaries of the allotment, existing buildings on the allotment and adjoining allotments together with details of the purposes for which the buildings are to be used; and

(iii) the levels of the site and of the floors of the building in relation to an adjoining street channel, if any; and

(d) in relation to an alteration or modification of a building – a statement that describes the purposes for which the building has been used and is to be used.

7 Time for the supply of additional information

The time within which additional information is required to be supplied by an applicant for a building permit is the time specified by the building certifier or 40 days, whichever is the greater.

8 Reporting authority

(1) A person or body specified in Schedule 2, column 1:

(a) is a reporting authority in relation to the class of buildings or building work specified opposite the person or body in Schedule 2, column 2; and

(b) is to report about the matters specified opposite the class of building or building work in Schedule 2, column 3, that are relevant to the buildings or building work the subject of a request for a report or consent.

(2) If a report is required from a reporting authority, the building certifier must supply the reporting authority with sufficient detailed drawings and other information to enable the reporting authority to properly consider the matter.

(3) Subregulation (1) does not affect any consent or approval required to be given in relation to a building or building work under any other Act.

9 Limitation of time for reporting authority

A reporting authority is taken to have supplied a report in relation to an application for a building permit if the report is not supplied within 10 days of the receipt of the request for the report by the reporting authority.

10 Limitation of time for building certifier to decide application for building permit

The time within which a building certifier must decide an application for a building permit is:

(a) if additional information is not required by the building certifier under section 58 of the Act – 20 days from the day that a completed application is made to the building certifier; or

(b) if additional information is required by the building certifier under section 58 of the Act – 20 days from the day that all the additional information required by the building certifier is supplied to the building certifier.

11 Prescribed approvals, consents and conditions

(1) The following consents and approvals are prescribed for section 59(1)(b) of the Act:

(a) if the proposed building is to be constructed on Crown land or the building work is proposed to be carried out on Crown land – the approval of the person or body administering the land;

(b) the approval of any person or body having a right under law to an easement over the land on which or adjacent to which the building is to be constructed or building work is to be carried out;

(c) if the building work is to be carried out in relation to a heritage place or object under the *Heritage Act 2011* – the Minister responsible for the administration of that Act.

(2) The following conditions are prescribed for section 59(1)(c) of the Act:

(a) any condition imposed on a permit in force under the *Planning Act 1999*;

(b) any condition imposed by a covenant or encumbrance on the title of the land on which the building work is to be carried out.

12 Historic buildings

The person specified as the person for the purpose of section 60 of the Act in relation to historic buildings is the Minister responsible for the administration of the *Heritage Act 2011*.

12A Statement about disability access matters

(1) This regulation applies if a building permit relates to building work:

(a) involving a performance solution for a disability access provision; or

(b) in relation to which the Appeals Board has made a disability access decision.

(2) The building permit must include a statement about the performance solution or making of the decision.

Note for regulation 12A(2)

See also regulation 14(1)(h) in relation to the disability access decision.

13 Duration of building permit

(1) A building permit is valid for a period of 2 years commencing from the date on which it is granted.

(2) The time referred to in subregulation (1) may be extended if an application for that purpose is made to the building certifier before the expiration of the time for which the building permit is valid.

(3) Any extension of time granted under subregulation (2) must be notified to the Director and the notification must include the reasons for which the extension is granted.

(4) If a building permit lapses solely because of a prescribed event, and the person granted the permit makes an application under section 73C of the Act, the time referred to in subregulation (1) is taken to have been extended for a period decided by the Director and notified to the applicant during consideration of the application.

14 Documents relating to building permits to be provided to the Director

(1) For section 42(1)(c)(ii) of the Act, the building certifier must give copies of the following documents to the Director on the grant of a building permit:

(a) the application;

(b) any drawings of the building work to be carried out that form part of the permit;

(c) a schedule of the inspections of the work that the certifier proposes to carry out under section 63 of the Act, including at the inspection stages prescribed by regulation 15A;

(d) any certificates mentioned in section 40 of the Act on which the building certifier has relied in granting the permit;

(e) if there is a residential building contract for the building work to be carried out under the building permit:

(i) a document providing evidence of the contract; and

(ii) the RBI policy document or fidelity certificate in force for the building work;

(f) any relevant planning or other prescribed consents, reports and approvals mentioned in section 59(1)(b) of the Act;

(g) any other certificates, consents, reports, approvals or documents relied on by the building certifier in granting the permit;

(h) if the building work is to be carried out by an owner-builder – the owner-builder certificate in force for the work;

(j) if the Appeals Board has made a disability access decision in relation to the work – that decision.

(2) If a building certifier grants a building permit under section 58A of the Act, the building certifier must provide copies of the following to the owner or the owner's agent:

(a) the application;

(b) any drawings of the building work to be carried out that form part of the permit;

(c) any certificates mentioned in section 40 of the Act on which the building certifier has relied in granting the permit;

(d) the building permit.

Part 2AB Access to documents held by Director

15 Access to documents held by Director

(1) The owner, or the agent of the owner, of a building in relation to which a building permit or occupancy certification has been granted may do any of the following:

(a) request access, in physical or digital form, to any documents relating to the building that are maintained by the Director;

(b) request a copy of any documents relating to the building that are maintained by the Director;

(c) request the Director to certify a copy of any documents relating to the building that are maintained by the Director.

(2) The Director must grant a request under subregulation (1) if the owner or agent has paid the prescribed fee relating to the request.

Part 2B Independent review of significant and complex buildings

15AA Meaning of *significant and complex building*

(1) A ***significant and complex building*** is a building with a building complexity level of medium, high or very high under the building complexity criteria defined in the National Construction Code.

(3) In addition to subregulation (1), the Minister may, by *Gazette* notice, determine a type of building to be a significant and complex building.

15AB Meaning of *significant and complex building work*

(1) ***Significant and complex building work*** means building work:

(a) for the construction of a significant and complex building; or

(b) that involves altering a building so as to make it a significant and complex building; or

(c) that involves altering or removing a primary or critical structural element of a significant and complex building; or

(d) determined to be significant and complex building work under subregulation (2).

(2) The Minister may, by *Gazette* notice, determine that a type of building work is significant and complex building work.

15AC Meaning of *independent review engineer*

An ***independent review engineer*** is an individual:

(a) who is a building practitioner registered as a Certifying Engineer (Structural); and

(b) with a minimum of 10 years' experience as a Certifying Engineer (Structural) or 10 years' equivalent experience approved by the Practitioners Board; and

(c) with the status of Chartered Professional Engineer recognised by Engineers Australia or an equivalent professional association.

Part 3 Inspections and occupancy certification

Division 1 Inspections

15A Inspection stages for notification during building work

(1) For section 62(2) of the Act, the inspection stages for residential building work are those stages named and described in the table below that are relevant to the work.

	Inspection Stage	Description
1.	pre-pour	before pouring the footings, ground floor slab or other in situ concrete building element
2.	frame	before covering the framework for floors, walls, roof or other building element
3.	block wall	before pouring any reinforced masonry or block walls
4.	fire separation	before covering walls, floors or ceilings, for the purpose of checking that fire resistance levels comply with the Building Code (*see* note)
5.	wet area	before covering waterproofing in wet areas

	Inspection Stage	Description
6.	Final	After completing the building work but before issuing occupancy certification in relation to the work

Note for table

A fire separation inspection may form part of an inspection of the building work carried out at one or more of the other inspection stages.

(2) For subregulation (1), residential building work is work for or in connection with the construction of any of the following:

(a) a Class 1a building;

(b) a Class 2 building;

(c) a Class 10 building.

16 Drainage works to be notified

The plumber or drainer carrying out drainage works must:

(a) notify the Director of the completion of drainage work prior to covering up those works; and

(b) stop carrying out those works if directed to do so by the Director.

Division 2 Occupancy certification

Subdivision 1 General

17 Limitation of time for reporting authorities in relation to occupancy certification

For Schedule 3, clause 7 of the Act, a reporting authority is taken to have supplied a report in relation to an application for occupancy certification if the report is not supplied within 10 days of the date of the receipt of the request for the report by the reporting authority.

18AA Statement about disability access matters

(1) This regulation applies if occupancy certification relates to building work:

(a) involving a performance solution for a disability access provision; or

(b) in relation to which the Appeals Board has made a disability access decision.

(2) The occupancy certification must include a statement about the performance solution or making of the disability access decision.

Note for regulation 18AA(2)

See also regulations 18A(e) and 19F(1)(d) in relation to disability access decisions.

18AB Limitation of time for building certifier to determine application or make recommendation

(1) For Schedule 3, clause 9(1) of the Act, the time within which a building certifier must determine an application for occupancy certification (other than a certificate of existence) is 20 days from the day on which the completed application is made to the certifier.

(2) For Schedule 3, clause 9(3) of the Act, the time within which a building certifier must make a recommendation under section 72E of the Act in relation to a certificate of existence is 25 days from the day on which the completed application for the certificate of existence is made to the certifier.

18AC Limitation of time for Director to determine application for certificate of existence

For Schedule 3, clause 9(4) of the Act, the time within which the Director must determine whether to grant a certificate of existence is a reasonable period of time from the day on which the recommendation in relation to the certificate is lodged with the Director.

18AD Change of use

(1) This regulation applies to any building, whether constructed before or after the commencement of these Regulations.

(2) The use of a building must not be changed to another use unless the change has been approved by a building certifier.

(3) The owner of a building or the owner's agent must apply in writing to a building certifier to change the use of the building to another proposed use specified in the application.

(4) The building certifier must not approve the change of use of the building to the proposed use unless:

(a) the building certifier is satisfied that the building is suitable for the proposed use, having regard to any requirements in the National Construction Code relating to the following:

(i) the structural adequacy of the building and the ability of the building to withstand any actions likely to arise from the proposed use;

(ii) health, amenity and accessibility;

(iii) fire safety, including any requirements relating to means of egress and the prevention, suppression or containment of fire.

(b) all relevant planning or other consents, reports or approvals (if any) required under the Act and these Regulations have been obtained or supplied; and

(c) all planning or other conditions, if any, have been complied with; and

(d) an occupancy permit or certificate of substantial compliance can be issued in relation to the building following the change of use.

(5) Upon approving the change of use, the building certifier must:

(a) revoke the existing occupancy certification granted in relation to the building; and

(b) prepare a new occupancy permit or certificate of substantial compliance in accordance with the Act and these Regulations in relation to the building; and

(c) grant the original of the occupancy permit or certificate of substantial compliance to the person who applied for the change of use; and

(d) forward a copy of the occupancy permit or certificate of substantial compliance to the Director.

18AE Consolidation of occupancy certification

(1) This regulation applies if:

(a) more than one occupancy certification has been granted in relation to a building (the ***initial certifications***); and

(b) the initial certifications are all the same type of occupancy certification.

(2) A building certifier:

(a) may grant a consolidated occupancy certification of the same type as the initial certifications for the whole building; and

(b) if the certifier does so – must revoke the initial certifications.

Subdivision 2 Occupancy permits

18A Documents relating to occupancy permits to be provided to Director

For section 42(1)(c)(ii) of the Act, a building certifier must give copies of the following documents to the Director on the grant of an occupancy permit:

(b) the documents required to accompany the application for the permit under the Act or regulation 18B;

(c) evidence of compliance with any relevant planning or other consents and approvals mentioned in regulation 18B(1)(f);

(d) any other approvals, reports or other documents relied on by the building certifier in granting the permit that the certifier has not already provided under regulation 14(1);

(e) if the Appeals Board has made a disability access decision in relation to the building work – that decision, unless the decision was already provided under regulation 14(1)(j).

18B Documents to accompany application for occupancy permit

(1) For Schedule 3, clause 3 of the Act, the following documents are prescribed for an application for an occupancy permit in relation to building work:

(a) the builder's declaration in relation to the building work;

(b) the certificates or other documents that relate to the manufacture and assembly off-site, or installation on-site, of any components of the building work by a person other than the person required to make the builder's declaration for the work that a building certifier would reasonably require in order to issue the occupancy permit;

(c) a copy of each certificate relied on by the building certifier in accordance with section 40;

(d) a copy of each inspection certificate issued following inspections of the building work conducted under section 63(1) of the Act;

(e) if work to which section 69 of the *Electricity Reform Act 2000* applies was carried out in conjunction with the building work – a copy of the certificate of compliance required to be completed and signed under that Act;

(f) a copy of each relevant planning or other prescribed consent, report or approval, if any.

Examples of certificates for subregulation (1)(b)

1 A manufacturer's certificate for roof trusses.

2 A wet areas certificate.

3 A glazing certificate.

(2) For subregulation (1)(b), components of building work include the following:

(a) termite management systems;

(b) prefabricated roof trusses;

(c) wet area sealing products;

(d) prefabricated window and door frames;

(e) glazing;

(f) fire safety products or installations, including fire doors, smoke alarms, sprinklers and sprinkler systems, fire hose reels and sealing of penetrations.

18C Information to be included in occupancy permit

For section 76B of the Act, an occupancy permit must specify the following:

(a) the classification of the building or part of the building to which it applies;

(b) if the building work to which the permit relates was building work to which Part 4A of the Act applied – that the building work was carried out by a building contractor and the name of the building contractor;

(c) if the building work to which the permit relates was building work to which Part 4B of the Act applied – that the building work was carried out by an owner-builder and the name of the owner-builder.

Subdivision 3 Certificates of substantial compliance

19 Classification of buildings

For section 72B(1)(a) of the Act, all classes of buildings are prescribed.

19A Documents relating to certificates of substantial compliance to be provided to Director

(1) For section 42(1)(c)(ii) of the Act, copies of the following documents must accompany the copy of the certificate of substantial compliance provided to the Director:

(a) the documents required to accompany the application for the certificate under the Act or regulation 19B; and

(b) the documents specified in regulation 18A(c) to (e).

(2) For subregulation (1)(b), a reference in regulation 18A(c) to (e) to an occupancy permit is taken to include a reference to a certificate of substantial compliance.

19B Documents to accompany application

For Schedule 3, clause 3 of the Act, the following documents are prescribed for an application for a certificate of substantial compliance in relation to building work:

(a) the documents specified in regulation 18B(1);

(b) if a document mentioned in paragraph (a) does not exist or is unable to be obtained – other documentation that demonstrates the building work to which the application relates complies with the relevant technical standards;

(c) if building work was constructed otherwise than in accordance with a building permit issued for the work – drawings that reflect the building work as constructed.

19C Information to be included in certificate of substantial compliance

For section 76B of the Act, a certificate of substantial compliance must specify the following:

(a) the classification of the building or part of the building to which it applies;

(b) if the building work to which the certificate relates was building work to which Part 4A of the Act applied – that the building work was carried out by a building contractor and the name of the building contractor;

(c) if the building work to which the certificate relates was building work to which Part 4B of the Act applied – that the building work was carried out by an owner-builder and the name of the owner-builder;

(d) if the building work to which the certificate relates does not comply with a requirement of the Act, the Regulations or the building permit for the work – details of each requirement and the non-compliance.

Subdivision 4 Certificates of existence

19D Classification of buildings

For section 72D(2)(a) of the Act, all classes of buildings are prescribed, other than buildings identified in the Building Code as Importance Level 3 or 4 buildings.

19E Criteria to be complied with

For section 72E(4)(c)(ii) of the Act, the existing building work must meet a reasonable level of safety, health and amenity.

19F Documents to accompany application

(1) For Schedule 3, clause 3 of the Act, the following documents are prescribed for an application for a certificate of existence in relation to building work:

(a) drawings of:

(i) the existing building work; and

(ii) if relevant, the site on which the existing building work is located;

(b) documents demonstrating that the work meets the criteria mentioned in regulation 19E;

(c) a copy of any relevant planning or other consent, report, approval or notification related to the existing building work;

(d) if the Appeals Board has made a disability access decision in relation to the building work – that decision, unless the decision was already provided under regulation 14(1)(j).

20 Information to be included in certificate of existence

For section 76B of the Act, a certificate of existence must specify the following:

(a) the classification of the building or part of the building to which it applies;

(b) the technical standards with which the building work carried out in or on the building complies.

Part 3A Declarations relating to particular building work

20A Application of Part

(1) This Part applies in relation to all building work carried out by a person under a building permit, except:

(a) prescribed building work to which section 48C of the Act applies; and

(b) building work to which section 48G of the Act applies.

(2) For this Part, a person completes building work under a building permit when the person completely ceases to carry out the building work specified in the building permit, regardless of whether the work is fully or partially completed.

20B Declaration for building work requiring occupancy certification

(1) This regulation applies in relation to all completed building work that requires occupancy certification.

(2) The individual who carried out the completed building work or was in charge of carrying out the work must make a builder's declaration in relation to the completed building work.

(3) The individual must make the builder's declaration not later than 14 days after completing building work for a Class 1a, Class 2 or Class 10 building.

Maximum penalty: 80 penalty units.

(4) An individual who makes a builder's declaration in relation to a Class of building mentioned in subregulation (3) must, not later than 14 days after completing the building work, give the declaration to the building certifier who granted the building permit for the work.

Maximum penalty: 8 penalty units.

Note for subregulations (2), (3) and (4)

In relation to Class 3 to Class 9 buildings, subregulation (2) applies but no time limit is imposed under subregulation (3) or (4).

(5) If the individual who carried out the completed building work or was in charge of carrying out the work was acting for a corporation and ceased to act after completing the work, the individual is not excused from making a builder's declaration under this regulation in relation to the work.

20C Declaration for certain building work not requiring occupancy certification

(1) This regulation applies in relation to completed building work if a declaration under section 65(1A)(b) of the Act provides for it to apply.

(2) The individual who carried out the completed building work or was in charge of carrying out the work must make a declaration in accordance with regulation 20D(1) in relation to the work not later than 14 days after completing the work.

Maximum penalty: 80 penalty units.

(3) The individual must, not later than 14 days after completing the building work, give the declaration to the building certifier who granted the building permit for the work.

Maximum penalty: 8 penalty units.

(4) If the individual who carried out the completed building work or was in charge of carrying out the work was acting for a corporation and ceased to do so after completing the work, the individual is not excused from making a declaration in accordance with this regulation in relation to the work.

(5) A person must not occupy a building in or on which building work mentioned in subregulation (1) has been carried out unless a declaration mentioned in subregulation (2) has been made in relation to the completed building work.

Maximum penalty: 85 penalty units.

(6) Subregulation (5) does not apply if one of the following has been granted for the completed building work:

(a) a certificate of substantial compliance; or

(b) a certificate of existence.

20D Requirements for declaration under regulation 20C

(1) A declaration made for regulation 20C must be in an approved form and include a statement that the building work to which it relates has been carried out in accordance with the building permit granted for the work.

(4) A person must not make a false statement in a declaration mentioned in subregulation (1).

Maximum penalty: 80 penalty units.

(5) A person who makes a declaration for a corporation under regulation 20E must not be prosecuted for an offence against subregulation (4) if the person made the declaration in good faith on the basis of information given to the person by the corporation.

(6) Subregulation (5) does not prevent the corporation, or a director of the corporation, from being prosecuted for an offence against subregulation (4).

20E Declaration by corporation after prescribed event

(1) This regulation applies in relation to completed building work mentioned in regulation 20B or 20C if all of the following circumstances apply:

(a) the building work has been completed by a person acting for a corporation (the ***responsible builder***);

(b) the responsible builder has failed to make a declaration under the regulation solely because of a prescribed event;

(c) the corporation is satisfied the building work was carried out by the responsible builder in accordance with the building permit granted for the work.

(2) For subregulation (1)(c), the corporation must:

(a) take all the steps necessary, within a reasonable time and using proper care and diligence, which may include engaging suitably qualified and experienced persons to inspect and give reports about the building work; and

(b) ensure other prescribed certification required for the building work carried out by the responsible builder has been obtained.

(3) As soon as practicable after the corporation has satisfied itself for subregulation (1)(c), it must:

(a) give the information it has relied on to an appropriate person; and

(b) ensure that a declaration is made under subregulation (4) and given to a building certifier as required by that subregulation.

Maximum penalty: 80 penalty units.

(4) Not later than 14 days after the appropriate person has been given the information under subregulation (3), the person must:

(a) make a builder's declaration or a declaration in accordance with regulation 20D(1), as applicable, relating to the building work completed by the responsible builder; and

(b) include in the declaration details about:

(i) the prescribed event; and

(ii) the way in which the corporation has satisfied itself under subregulation (2); and

(c) give the declaration to the building certifier who granted the building permit for the work.

Note for subregulation (4)

See section 69(5) of the Act or regulation 20D(5), as applicable, in relation to protection from prosecution for criminal liability if the declaration is made in good faith.

(5) In this regulation:

appropriate person means:

(a) if the building work was partially completed by the responsible builder – the person who is continuing to carry out the building work or is in charge of carrying out the continuing building work; or

(b) if the building work was fully completed – a person authorised by the corporation in writing to make the declaration under subregulation (4).

20F Building certifier to give copy of declaration to Director

A building certifier given a declaration made under regulation 20C must, not later than 7 days after receiving the declaration, give a copy of it to the Director.

Maximum penalty: 8 penalty units.

Part 4 Reliance on certificates

21 Certificates by particular building practitioners

For section 40(a) of the Act, but without limiting that provision, a building certifier may rely on a certificate that work complies with the Act and these Regulations given by any of the following who is a registered building practitioner:

(a) in relation to the compliance of the design of the building with these Regulations – an architect;

(b) in relation to the structure of a building – a structural engineer;

(c) in relation to the mechanical systems of a building – a mechanical engineer;

(d) in relation to the hydraulic services of a building – a hydraulic engineer;

(e) in relation to the plumbing, drainage work and on-site sewage disposal system of a building – a plumber or drainer;

(f) in relation to the design of the plumbing and drainage works and on-site sewage disposal systems – a plumber and drainer (design).

Part 5 Protection of adjoining property

22 Protection of adjoining property

(1) Where an excavation or demolition is to be made in proximity to an existing building that building must be protected to ensure stability.

(2) Where the foundation of an existing building is of material likely to become unstable as a result of the excavation of adjoining ground additional precautions to the satisfaction of the building certifier must be taken to ensure stability.

Part 6 Enforcement of building standards

24 Management and fire evacuation training

The matters prescribed for section 116(2) are directions relating to:

(a) the management and operation of the building; and

(b) the training relating to fire evacuation procedures to be undertaken by the occupants.

25 Notification, cancellation or amendment of building order

(1) A building certifier who makes a building order must notify the Director within 48 hours of the making of the building order.

(2) The Director is taken to have refused a request for the amendment or cancellation of a building order if the Director has not decided the request within 10 days after the day on which the request is made.

Part 7 Appeals Board – appeals, referrals and applications

26 Form and lodgment of referral or application

A referral or application to the Appeals Board under Part 11 of the Act must be:

(a) in the approved form; and

(b) lodged with the Appeals Board.

Note for regulation 26

Section 130A(2) deals with the form and lodgment of an appeal.

26A Service of appeal, referral or application

A person who makes an appeal, referral or application under Part 11 of the Act must serve a copy on the other party to the appeal, referral or application no later than 2 days after it is lodged with the Appeals Board.

26B Leave of Local Court for enforcement of determination

For section 142 of the Act, the Local Court is the prescribed court for giving leave for the enforcement of the Appeal Board's determination of an appeal, referral or application.

Part 8 General enforcement provision

28 Additional orders that may be made by the Court

For section 152(1) of the Act, the prescribed court is the Local Court.

29 Notice of authorisation

The Minister is to issue a notice of authorisation to each person appointed as an authorised officer under section 162 of the Act and the holder must produce the notice whenever required to do so by a person in charge of any premises in relation to which the authorised person has exercised or is about to exercise his or her powers under the Act.

Part 9 Siting requirements

30 Interpretation

(1) In this Part, unless the contrary intention appears, ***siting*** includes plot ratio, site coverage and set-back.

(2) Where the corner of an allotment has been truncated, the area of the allotment is, for this Part, taken to include the area of the truncated part.

31 Application

This Part does not apply to or in relation to the siting of a Class 1 or Class 10 Building in any part of the Territory in relation to which there is in force development provisions, or an interim development control order, under the *Planning Act 1999* providing for the siting of such buildings.

32 Minimum distances for Class 1 or Class 10 buildings

Subject to these Regulations, a Class 1 or Class 10 Building must be situated on an allotment not less than:

(a) 7.5 m from the street alignment of a primary street; and

(b) where the allotment has a frontage to more than one street – 2.5 m from the street alignment of the secondary street; and

(c) 1.5 m from boundaries other than the street alignments referred to in paragraphs (a) or (b).

33 Exceptions

(1) A verandah, carport, pergola or other approved building, constructed without external walls, may be constructed less than 7.5 m from the street alignment of a primary street, but no part of the building is to be constructed less than 4.5 m from that street alignment unless approved.

(2) The requirements of regulation 32(c) do not apply to or in relation to a garden shed, to be constructed on an allotment less than 1.5 m from a side or rear boundary of the allotment, that:

(a) is not more than 6 m^2 in area; and

(b) is not more than 2.3 m in height; and

(c) has no openings in its walls which adjoin a boundary; and

(d) does not discharge rainwater on an adjacent allotment.

35 More than one Class 1 building on one allotment

A person must not construct more than one Class 1 Building on an allotment except where:

(a) a planning scheme or interim development control order allows the construction; or

(b) the allotment is not less than 4 ha in area, not more than 2 buildings are constructed and both buildings comply with this Part in relation to siting requirements for separate sites.

36 Plot ratio of Class 1 buildings

(1) Where a Class 1 Building or a Class 1 Building and one or more Class 10 Buildings are constructed on an allotment the total roofed area must not exceed 50 per cent of the area of the allotment unless consent to exceed that percentage is conferred by development provisions, or an interim development control order, under the *Planning Act 1999*.

(2) In calculating the roofed area for subregulation (1) the area of a verandah, carport, pergola or other building on the site that has no external walls may be excluded.

Part 9A Relocation of approved Class 1a Buildings to approved rural land

36A Definitions

In this Part:

approved rural land means land in one of the following zones, as specified in a planning scheme:

(a) Agriculture;

(b) Horticulture;

(c) Rural;

(d) Rural Living;

(e) Water Management.

electrical installation connection work means electrical work, as defined in section 9 of the *Electrical Safety Act 2022*, for connecting an approved Class 1a Building that has been relocated to approved rural land to an electricity supply for the land.

Note for definition ***electrical installation connection work***

A certificate of compliance may be required under section 41 of the Electrical Safety Act 2022 for electrical installation connection work.

original site, of an approved Class 1a Building, means the land on which the building was originally erected.

post-relocation building work, for an approved Class 1a Building, means any of the following:

(a) footings and fixture work as defined in regulation 36D(4);

(b) plumbing connection work as defined in regulation 36E(2);

(c) electrical installation connection work.

36B Application of Part

(1) This Part applies only in relation to:

(a) an approved Class 1a Building that:

(i) is to be removed from its current site for relocation on approved rural land; or

(ii) has been relocated on approved rural land, whether before or after the commencement of this regulation; and

(b) post-relocation building work.

(2) This Part does not affect a person's obligation to comply with requirements under another law in force in the Territory that relates to the erection of an approved Class 1a Building on approved rural land (for example, the *Planning Act 1999*).

36C Approved Class 1a Building

(1) A building is an ***approved Class 1a Building*** if:

(a) the building work for the original erection of the building started on or after 1 January 1975; and

(b) after completion of the building work, the building was a Class 1a Building (or the equivalent class) under the relevant building law; and

(c) the building was originally erected on, and affixed to, land to which the relevant building law applied; and

(d) the original site of the building meets the design wind speed requirement for relocation of the building to approved rural land; and

(e) one of the following (the ***original building status***) applies to the building:

(i) it was built by or for the Crown in right of the Commonwealth;

(ii) a permit or certificate allowing occupancy of the building was granted for it under the relevant building law.

(2) The original site of the building meets the requirement mentioned in subregulation (1)(d) if the design wind speed applicable to the site is the same as, or greater than, the design wind speed applicable to the approved rural land to which it is proposed to relocate the building.

(3) In this regulation:

design wind speed, in relation to a site, means the design wind speed under these Regulations applicable to the design and construction of buildings that may be approved on the site.

36D Footings and fixture work

(1) Before a person starts to carry out footings and fixture work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.

(2) The building permit must include the following details:

(a) the location of the original site of the approved Class 1a Building (for example, the lot number and general location);

(b) the original building status of the building.

(3) The footings and fixture work must be carried out by a registered building contractor or an owner-builder.

(4) In this regulation:

footings and fixture work, for the Class 1a Building, means:

(a) the construction on the approved rural land of footings for the building; and

(b) the fixture of the building to the footings.

36E Plumbing connection work

(1) Before a person starts to carry out plumbing connection work for an approved Class 1a Building that is to be (or has been) relocated to approved rural land, a building permit must be in force for the work.

(2) In subregulation (1):

plumbing connection work means work for connecting the approved Class 1a Building to a plumbing and drainage service on the approved rural land.

36G Occupancy permit and structural report

(1) A building certifier must not issue an occupancy permit relating to post-relocation building work for an approved Class 1a Building, as specified in a building permit, unless the application for the occupancy permit is accompanied by:

(a) a report by a registered certifying engineer (structural):

(i) made after completion of the footings and fixture work for the building, as defined in regulation 36D(4); and

(ii) stating the approved Class 1a Building has not been structurally compromised during its relocation to the approved rural land; and

(b) if electrical installation connection work requiring a certificate of compliance under section 41 of the *Electrical Safety Act 2022* has been carried out – that certificate.

(2) An occupancy permit issued in relation to post-relocation building work for an approved Class 1a Building, as specified in a building permit, must include a statement to the effect that the building retains its original building status.

Part 11 Building practitioners

39A Sub-categories of building practitioner

For section 4A(2)(b) of the Act, the sub-categories specified in the table below are prescribed for the category of building practitioner specified opposite.

	Category	Sub-categories
1.	building certifier	building certifier (residential) building certifier (unrestricted)
2.	certifying plumber	certifying plumber and drainer certifying plumber and drainer (design)
3.	certifying engineer	certifying engineer (structural) certifying engineer (hydraulic) certifying engineer (mechanical)
4.	building contractor	building contractor residential (restricted) building contractor residential (unrestricted) building contractor commercial (restricted) building contractor commercial (unrestricted)

39B Prescribed net financial assets for building contractor

(1) The net financial assets prescribed for the relevant provisions of the Act are net tangible assets (***net assets***) of at least $50 000.

(2) For sections 24B and 24F of the Act, it is a condition of registration or renewal of registration in a category of building contractor that an individual or corporation (a ***builder***) give the Practitioners Board a net assets certificate.

(3) If the builder holds net assets jointly with another person, the builder is not entitled to rely on the other person's share of the net assets.

(4) If the builder is a corporation, the builder must itself hold the net assets and is not entitled to rely on the assets of any other person (including a director of the corporation).

(5) If the builder is a director or nominee of a corporation, the builder may rely on the net assets of the corporation only if:

(a) the builder's registration is solely for the builder to carry out building work for the corporation; and

(b) there is a written agreement between the builder and the corporation that:

(i) the builder may rely on the net assets of the corporation; and

(ii) the builder's registration is solely for the builder to carry out building work for the corporation.

(6) In this regulation:

relevant provisions means the following:

(a) section 24B(1)(c) and (2)(c);

(b) section 24F(1)(e) and (2)(d).

39C Net assets certificate

(1) A ***net assets certificate*** is a document, prepared and certified by an accountant, specifying the net assets held by a builder as mentioned in regulation 39B(1).

(2) An accountant who prepares a net assets certificate:

(a) is to do so in accordance with the Australian Accounting Standards; and

(b) is not to use financial information relating to a period earlier than 12 months before the date of the certificate; and

(c) is to take into account the matters mentioned in regulation 39B(3) to (5).

(3) In this regulation:

accountant means one of the following:

(a) a member of the Institute of Chartered Accountants in Australia who holds a current Certificate of Public Practice issued by the Institute;

(b) a member of the CPA Australia who holds a current Public Practice Certificate in accordance with the by-laws of CPA Australia;

(ba) a member of the Institute of Public Accountants ACN 004 130 643 who holds a current Certificate of Professional Practice issued by the Institute;

(c) a person who holds a current Public Practising Certificate issued by the Association of Taxation and Management Accountants;

(d) a registered tax agent;

(e) a person registered as an auditor under the Corporations Act 2001.

Australian Accounting Standards means the current Australian Accounting Standards as published by the Australian Accounting Standards Board.

40 Condition for registration: professional indemnity insurance

(1) For the relevant provisions of the Act, it is a condition for registration or renewal of registration in a category of building practitioner specified in subregulation (2) that the applicant hold a policy of professional indemnity insurance for the amount determined by the Minister.

(2) Subregulation (1) applies in relation to all categories of building practitioner other than the following:

(a) certifying plumber and drainer;

(b) building contractor.

(3) In this regulation:

relevant provisions means the following:

(a) section 24(1)(c), (2)(c) and (3);

(b) section 24EA(1)(e), (2)(d) and (3).

40A Variation or revocation of conditions imposed on registration

The Practitioners Board may, as it considers appropriate but subject to section 24FAB(2), vary or revoke all or any of the conditions imposed on the registration of a building practitioner (***registration conditions***).

40B Last day for application for renewal of registration

For section 24E(2) of the Act, the prescribed date is the date 2 months before the applicant's registration expires.

Example for regulation 40B

If a building practitioner's registration expires on 31 December 2007, the Practitioners Board may refuse to accept the practitioner's application for renewal if it is made after 31 October 2007. If that happens, the practitioner may apply for registration under section 23 or 24A of the Act.

Part 11A Building contractors

Division 1 Prescribed matters for section 48A of the Act

41A Building work

(1) For section 48A(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

(a) a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9;

(c) a Class 10 building attached to a building referred to in paragraph (a) if it is constructed at the same time as that building is constructed;

(d) a retaining wall (whenever constructed) that is not attached to a building referred to in paragraph (a) but on which the integrity of such a building depends.

Examples of Class 10 buildings for subregulation (1)(c)

1. *A garage attached to a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9.*
2. *A retaining wall attached to a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9.*

(2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

(a) renovations or alterations to an existing Class 1a or Class 2 building if there is no increase in the floor area of the building;

(ab) renovations or alterations to an existing building of Class 1b, 3, 4, 5, 6, 7, 8 or 9 if:

(i) there is no increase in the floor area of the building; and

(ii) there is no increase in the height of the building; and

(iii) there is no alteration to or removal of any structural support element of the building; and

(iv) there is no change in the use or classification of the building;

(b) a Class 10 building or verandah attached to a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9 if it is constructed at any time after that building was constructed;

(c) a Class 10 building (whenever constructed) that is not attached to a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9, other than a retaining wall referred to in subregulation (1)(d).

Examples of renovations and alterations for subregulation (2)(a)

1. *The re-cladding of the roof or walls of a Class 1a or Class 2 building.*
2. *The replacement of windows in a Class 1a or Class 2 building.*
3. *The construction of new external openings in a Class 1a or Class 2 building.*
4. *The enlargement or filling in of existing external openings in a Class 1a or Class 2 building.*

Examples of Class 10 buildings for subregulation (2)(c)

1. *A freestanding garage or shed.*
2. *A retaining wall that is not attached to a building of Class 1, 2, 3, 4, 5, 6, 7, 8 or 9 and on which the integrity of such a building does not depend.*

41B Building contractor residential (restricted)

For section 48A(1)(a) of the Act, a building contractor residential (restricted) may, subject to any conditions imposed on the building contractor's registration, commence, carry out or supervise building work that is work for or in connection with the construction of any of the following:

(a) a Class 1a detached house;

(b) a Class 1a attached dwelling or Class 2 building of not more than 2 storeys;

(c) a Class 10 building attached to a building referred to in paragraph (a) or (b) if it is constructed at the same time as that building;

(d) a retaining wall (whenever constructed) that is not attached to a building referred to in paragraph (a) or (b) but on which the integrity of such a building depends.

41C Building contractor residential (unrestricted)

For section 48A(1)(a) of the Act, a building contractor residential (unrestricted) may, subject to any conditions imposed on the building contractor's registration, commence, carry out or supervise building work that is work for or in connection with the construction of any of the following:

(a) a Class 1a or Class 2 building;

(b) a Class 10 building attached to a building referred to in paragraph (a) if it is constructed at the same time as that building;

(c) a retaining wall (whenever constructed) that is not attached to a building referred to in paragraph (a) but on which the integrity of such a building depends.

41CA Building contractor commercial (restricted)

For section 48A(1)(a) of the Act, a building contractor commercial (restricted) may, subject to any conditions imposed on the building contractor's registration, commence, carry out or supervise building work that is work for or in connection with the construction of any of the following:

(a) a building of Class 1b, 3, 4, 5, 6, 7, 8 or 9 of not more than 3 storeys;

(b) a Class 10 building attached to a building referred to in paragraph (a) if it is constructed at the same time as that building;

(c) a retaining wall (whenever constructed) that is not attached to a building referred to in paragraph (a) but on which the integrity of such a building depends.

41CB Building contractor commercial (unrestricted)

For section 48A(1)(a) of the Act, a building contractor commercial (unrestricted) may, subject to any conditions imposed on the building contractor's registration, commence, carry out or supervise building work that is work for or in connection with the construction of any of the following:

(a) a building of Class 1b, 3, 4, 5, 6, 7, 8 or 9;

(b) a Class 10 building attached to a building referred to in paragraph (a) if it is constructed at the same time as that building;

(c) a retaining wall (whenever constructed) that is not attached to a building referred to in paragraph (a) but on which the integrity of such a building depends.

41D Supervision by building contractor

For section 48A(1)(b) of the Act, the building contractor must supervise the person by the level of personal oversight the contractor considers appropriate, having regard to the person's skills and experience.

41E Minimum value of building work

For section 48A(2)(a) of the Act, the prescribed amount for building work that is for or in connection with the construction of a building of Class 1a, 2 or 10 is $12 000.

Division 2 Prescribed matters for section 48B of the Act

41F Building contractors

For section 48B(1) of the Act, the following building contractors are prescribed:

(a) a building contractor residential (restricted);

(b) a building contractor residential (unrestricted).

41G Building work

(1) For section 48B(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

(a) a Class 1a detached house;

(b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;

(c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

Examples of Class 10 buildings for subregulation (1)(b)

1. *A garage attached to a detached house.*
2. *A retaining wall attached to a detached house.*

(2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

(a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;

(b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;

(c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

Examples of renovations and alterations for subregulation (2)(a)

1 *The re-cladding of the roof or walls of a detached house.*

2 *The replacement of windows in a detached house.*

3 *The construction of new external openings in a detached house.*

4 *The enlargement or filling in of existing external openings in a detached house.*

Examples of Class 10 buildings for subregulation (2)(c)

1 *A freestanding garage or shed.*

2 *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

(3) In addition, the prescribed building work does not include work for or in connection with:

(a) the relocation of an approved Class 1a Building to approved rural land; or

(b) post-relocation building work.

41H Residential building contracts

For section 48B(2) and (2A) of the Act, a residential building contract must include provisions:

(a) relating to prescribed building work that is to be carried out on a single project (***the work***); and

(b) identifying the prescribed building contractor who will carry out the work; and

(c) specifying the prescribed building contractor's registration number entered in the register maintained under section 16 of the Act; and

(d) specifying the extent of the work and the total contracted price for the work; and

(e) if the contract provides for the payment of a deposit – specifying the deposit payable to the prescribed building contractor for carrying out the work, which must be no more than 5% of the total contracted price; and

(f) unless paragraph (g) applies – specifying the percentage of the total contracted price payable to the prescribed building contractor after completion of a stage of the work in accordance with the standard progress payments; and

(g) if the parties have agreed to a variation of the standard progress payments or if the contract relates to the construction of a retaining wall – specifying that progress payments are to be made in accordance with a progress payment agreement made under the contract; and

(h) relating to dispute resolution, subject to regulation 41HC.

41HA Standard progress payments

(1) Standard progress payments, under a residential building contract, are as follows:

(a) no more than 10% of the total contracted price, payable after completion of the work to the base stage;

(b) no more than 20% of the total contracted price, payable after completion of the work to the frame stage;

(c) no more than 25% of the total contracted price, payable after completion of the work to the enclosed stage;

(d) no more than 30% of the total contracted price, payable after completion of the work to the fixing stage;

(e) no more than 7% of the total contracted price, payable after completion of the work to the practical completion stage;

(f) the remaining percentage of the total contracted price, payable to the prescribed building contractor after completion of the work to the final stage.

(2) In subregulation (1):

base stage means:

(a) for a building with a timber floor with base brickwork – the stage when:

(i) the concrete footings for the floor are poured; and

(ii) the base brickwork is built to floor level; and

(iii) the bearers and joists are installed; or

(b) for a building with a timber floor without base brickwork – the stage when:

(i) the stumps, piers or columns are completed; and

(ii) the bearers and joists are installed; or

(c) for a building with a suspended concrete slab floor – the stage when:

(i) the concrete footings are poured; and

(ii) the formwork and reinforcing for the suspended slab are installed; or

(d) for a building with a concrete floor other than a suspended concrete slab floor – the stage when the floor is completed.

enclosed stage means the stage when:

(a) a building's external wall cladding is fixed; and

(b) the building's roof covering is fixed, regardless of whether:

(i) for a tile roof – pointings have been done; or

(ii) for a metal roof – scribing and final screwing off has been done; and

(c) the building's structural floor is laid; and

(d) the building's external doors are fixed:

(i) regardless of whether they are fixed only temporarily; and

(ii) if a lockable door separating the garage from the rest of the building is fixed – regardless of whether or not the garage doors have been fixed; and

(e) the building's external windows are fixed, regardless of whether they are fixed only temporarily.

final stage means:

(a) for work that requires an occupancy permit – the stage when the permit has been granted for the work and a copy of the permit has been given to the contracting owner of the building; or

(b) for work that does not require an occupancy permit – the stage when the prescribed building contractor:

(i) has made all relevant declarations required under the Act in relation to the work and has given the contracting owner a copy; and

(ii) has given the contracting owner a copy of all relevant certificates and documents required under the Act in relation to the work.

fixing stage means the stage when all the building's internal lining, architraves, cornice, skirting, doors to rooms, baths, shower trays, wet area tiling, built-in shelves, built-in cabinets and built-in cupboards are fitted and fixed in position.

frame stage means the stage when a building's frame is completed.

practical completion stage means the stage when the building work has been completed, apart from minor omissions or minor defects.

41HB Progress payment agreement

(1) A progress payment agreement under a residential building contract must:

(a) be in the approved form and signed by the parties to the contract; and

(b) state that the parties to the contract have agreed to a variation of the standard progress payments; and

(c) specify the percentage of the total contracted price for the prescribed building work that is payable to the prescribed building contractor after completion of each stage of the work (up to the final stage); and

(d) give details of each stage of the work mentioned in paragraph (c); and

(e) specify the remaining percentage payable to the prescribed building contractor after completion of the work to the final stage, which must be no less than 3% of the total contracted price.

(2) For subregulation (1), ***final stage*** has the same meaning as in regulation 41HA(2).

41HC Dispute resolution

(1) For regulation 41H(h), a provision of a residential building contract that provides for dispute resolution is of no effect to the extent to which the provision purports to:

(a) restrict or remove the rights of a person in relation to access to a dispute resolution process available under any law in force in the Territory; or

(b) require a dispute in relation to the contract to be referred to an arbitrator, expert or other third party for a final and binding decision.

(2) This regulation does not prevent the parties to a residential building contract from entering into an agreement, after a dispute has arisen under the contract, about the manner of resolving the dispute.

Division 2A Offences relating to residential building contracts

41HD Unlawful contract

(1) A prescribed building contractor must not enter into a residential building contract that does not comply with regulation 41H.

Maximum penalty: 100 penalty units.

(2) An offence against subregulation (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against subregulation (1) if the defendant establishes a reasonable excuse.

41HE Deposit and progress payments

(1) A prescribed building contractor who has entered into a residential building contract must not request or receive a deposit from the contracting owner of more than 5% of the total contracted price of the prescribed building work specified in the contract.

Maximum penalty: 50 penalty units.

(2) A prescribed building contractor must not request or receive from the contracting owner:

(a) a payment for carrying out prescribed building work except as a progress payment after completion of the stage of work to which the progress payment relates, as specified in or under the residential building contract for the work; or

(b) more than the percentage of the total contracted price that is specified in or under the residential building contract.

Maximum penalty: 50 penalty units.

(3) An offence against subregulation (1) or (2) is a regulatory offence.

(4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant establishes a reasonable excuse.

(5) If a court finds a prescribed building contractor guilty of an offence against subregulation (1) or (2), the court may, in addition to imposing a penalty for the offence, order the contractor to refund to the contracting owner some or all of the amount paid for the deposit or prescribed building work.

41HF Invoice for progress payment to include declaration

(1) A prescribed building contractor who issues an invoice requesting a progress payment under a residential building contract must ensure the invoice includes a declaration by the contractor that the prescribed building work to which the invoice relates has been completed.

Maximum penalty: 50 penalty units.

(2) An offence against subregulation (1) is a regulatory offence.

(3) It is a defence to a prosecution for an offence against subregulation (1) if the defendant establishes a reasonable excuse.

41J Minimum value of building work

For section 48B(3)(a) of the Act, the prescribed amount is $12 000.

Division 3 Prescribed matters for section 48C of the Act

41K Building contractors

For section 48C(2) of the Act, the following building contractors are prescribed:

(a) a building contractor residential (restricted);

(b) a building contractor residential (unrestricted).

41L Building work

(1) For section 48C(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

(a) a Class 1a detached house;

(b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;

(c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

Examples of Class 10 buildings for subregulation (1)(b)

1. *A garage attached to a detached house.*
2. *A retaining wall attached to a detached house.*

(2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

(a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;

(b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;

(c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

Examples of renovations and alterations for subregulation (2)(a)

1. *The re-cladding of the roof or walls of a detached house.*
2. *The replacement of windows in a detached house.*
3. *The construction of new external openings in a detached house.*
4. *The enlargement or filling in of existing external openings in a detached house.*

Examples of Class 10 buildings for subregulation (2)(c)

1. *A freestanding garage or shed.*
2. *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

Part 11B Owner-builders

Division 1 Prescribed matters for section 48D of the Act

41N Building work

(1) For section 48D(1) of the Act, prescribed building work is work for or in connection with the construction of any of the following:

(a) a Class 1a detached house;

(b) a Class 10 building attached to a Class 1a detached house if it is constructed at the same time as the house is constructed;

(c) a retaining wall (whenever constructed) that is not attached to a Class 1a detached house but on which the integrity of such a house depends.

Examples of Class 10 buildings for subregulation (1)(b)

1. *A garage attached to a detached house.*
2. *A retaining wall attached to a detached house.*

(2) However, the prescribed building work does not include work for or in connection with the construction of any of the following:

(a) renovations or alterations to an existing Class 1a detached house if there is no increase in the floor area of the house;

(b) a Class 10 building or verandah attached to a Class 1a detached house if it is constructed at any time after the house was constructed;

(c) a Class 10 building (whenever constructed) that is not attached to a Class 1a detached house, other than a retaining wall referred to in subregulation (1)(c).

Examples of renovations and alterations for subregulation (2)(a)

1. *The re-cladding of the roof or walls of a detached house.*
2. *The replacement of windows in a detached house.*
3. *The construction of new external openings in a detached house.*
4. *The enlargement or filling in of existing external openings in a detached house.*

Examples of Class 10 buildings for subregulation (2)(c)

1. *A freestanding garage or shed.*
2. *A retaining wall that is not attached to a detached house and on which the integrity of a detached house does not depend.*

41P Minimum value of building work

For section 48D(2)(a) of the Act, the prescribed amount is $12 000.

41Q Exemption for certain building contractors

For section 48D(2)(b) of the Act, the following building contractors are prescribed:

(a) a building contractor residential (restricted);

(b) a building contractor residential (unrestricted).

Division 2 Prescribed matters for section 48F of the Act

41R Period required to elapse

For section 48F(4), the prescribed period is 6 years.

Part 12 Miscellaneous

42 Offences

Subject to a contrary intention, a person who contravenes any of the provisions of these Regulations commits an offence.

Maximum penalty: 80 penalty units and an additional penalty, not exceeding 8 penalty units, for each day during which the offence continues after the day the offence is committed.

43 Transitional matters for commencement of *Building Act 1993*

Where the Practitioners Board is satisfied on application made in accordance with the Act and these regulations that a person:

(a) is eligible for accreditation as an assistant building surveyor, by the Building Surveyors and Allied Professions Accreditation Board, or has knowledge and experience, that is in the opinion of the Practitioners Board equivalent for such accreditation, or is the holder of a degree related to building construction, awarded by an Australian tertiary education institution, or a qualification that is in the opinion of the Practitioners Board equivalent to such a degree;

(b) has had three years practical experience in building work in the Northern Territory relating to Class 1 Buildings, Class 10 Buildings and Class 2 Buildings not exceeding 3 residential storeys under the repealed Act; and

(c) has had knowledge of the statutory requirements relating to building work in the Northern Territory,

the Practitioners Board may permit the person to act as a building certifier for a period of 3 years commencing from the commencement of the Act.

Part 13 Matters for commencement of Building Amendment Act 2004

44 Definitions

In this Part:

amending Act means the *Building Amendment Act 2004*.

building means a building constructed under a building permit granted before the commencement of Part 4A of the Act.

work means work for which a building permit had been granted before the commencement of Part 4A of the Act.

45 Inspection stages

For section 62(2) of the Act, the inspection stages of work are the stages notified by the building certifier under section 62(1) of the Act as in force immediately before the commencement of section 22 of the amending Act.

46 Exemption of work from sections 63 and 70

(1) Sections 63 and 70 of the Act do not apply to work.

(2) However, sections 63 and 70 of the Act, as in force immediately before the commencement (respectively) of sections 23 and 27 of the amending Act, apply to work.

47 Exemption of occupancy permit for building from section 72

(1) Section 72 of the Act does not apply to an occupancy permit for a building.

(2) However, section 72 of the Act, as in force immediately before the commencement of section 29 of the amending Act, applies to the permit.

Part 14 Transitional matters for Parts 4A and 4B of Act

48 Registration of building contractors

(1) Subregulation (2) applies in relation to a building contractor who was registered under section 24B or 24C of the Act after that section commenced but before Part 4A of the Act commenced.

(2) Despite section 24D of the Act but subject to the remainder of the Act, the registration of a building contractor to whom this Part applies remains in force until the date 2 years after the commencement of Part 4A of the Act.

49 Building permits granted before commencement of Parts 4A and 4B of the Act

Parts 4A and 4B of the Act do not apply in relation to work for which a building permit had been granted before the commencement of the Parts.

Part 15 Transitional matters for inspection stages of residential building work

50 Inspection stages for pre-July 2006 residential building work

Regulation 15A does not apply to:

(a) residential building work for which a building permit has been granted prior to 3 July 2006; or

(b) residential building work for which:

(i) an application for a building permit was made before 1 January 2007; and

(ii) a building certifier has certified in writing that substantial progress was made in the design of the building prior to 3 July 2006.

Part 16 Transitional matters for Building Legislation Amendment Act 2010

51 Definitions

In this Part:

commencement day means the day on which the *Building Legislation Amendment Act 2010* commences.

repealed, in relation to a specified provision, means that provision as in force immediately before the commencement day.

substituted, in relation to a specified provision, means that provision as in force on the commencement day.

52 Declaration made by corporation after commencement day for building work completed before commencement day

(1) This regulation applies if, before the commencement day:

(a) prescribed building work to which repealed regulation 20A(1) applied had been completed by a person carrying out building work for a corporation (the ***responsible builder***); and

(b) the declaration mentioned in that subregulation had not been given to the building certifier under repealed regulation 20A(3).

(2) The following regulation, as appropriate, applies in relation to the declaration relating to the building work:

(a) substituted regulation 20B, other than subregulation (5) of that regulation;

(b) substituted regulation 20C, other than subregulation (4) of that regulation.

(3) If the responsible builder ceased to act for the corporation after completing the prescribed work, the corporation must follow the procedures specified in substituted regulation 20E as if a prescribed event had occurred.

(4) For this regulation, a responsible builder had completed prescribed building work if he or she had completely ceased to carry out the building work specified in the building permit granted for the work, regardless of whether the work was fully or partially completed.

(5) This regulation does not affect the liability of the responsible builder for an offence against repealed regulation 20A(1), (2) or (3) or substituted regulation 20B, 20C or 20D.

Part 17 Transitional Matters for Building Amendment (National Construction Code Series) Regulations 2012

53 Transitional matters for plumbing and drainage work

(1) Subject to this regulation, the Plumbing Code applies only to plumbing and drainage work that starts on or after the commencement day.

(2) The modified National Plumbing Code continues to apply to plumbing and drainage work (including the design of the work) that:

(a) was started before the commencement day; and

(b) continues to be carried out on or after the commencement day.

(3) Despite subregulation (2), the owner of the land or building on which the plumbing and drainage work is being carried out may choose to have the work carried out in accordance with the Plumbing Code.

(4) In this regulation:

commencement day means the day on which the *Building Amendment (National Construction Code Series) Regulations 2012* commence.

modified National Plumbing Code means the National Plumbing Code:

(a) as in force immediately before the commencement day; and

(b) as modified by Schedule 5 as in force immediately before the commencement day.

plumbing and drainage work, see regulation 4A(2).

Part 18 Transitional matters for Building Amendment (Financial Assets and Residential Building Contracts) Regulations 2012

54 Requirement to continue to hold determined net financial assets

(1) This regulation applies in relation to a building contractor mentioned in section 187 of the Act.

(2) If the Practitioners Board gives the building contractor a notice under section 25B of the Act, the Board may require the building contractor to give the Board a net assets certificate.

(3) However, if anything in regulation 39B or 39C is inconsistent with a repealed determination provision, the repealed determination provision prevails to the extent of the inconsistency.

(4) In this regulation:

repealed determination provision is a provision of a determination made by the Minister under repealed section 24G of the Act that is relevant to net financial assets required for continued registration of a building contractor.

repealed section 24G means section 24G of the Act as in force immediately before the commencement of section 187 of the Act.

Part 19 Transitional matters for Building Amendment Regulations 2015

55 Report or consent of Work Health Authority not required

(1) This regulation applies in relation to an application for a building permit or an occupancy permit:

(a) that was made before the commencement; and

(b) where, as at the commencement, the building certifier had not decided the application; and

(c) where, before the commencement, a report (the ***report***) about the building work was required in relation to the work from the Work Health Authority before the application could be decided.

(2) The building certifier may determine the application without receiving the report.

(3) In this regulation:

commencement means the commencement of the *Building Amendment Regulations 2015*.

Work Health Authority, see section 4(1) of the *Work Health Administration Act 2011*.

Part 20 Transitional matters for Building Amendment (Wastewater Management Systems)

56 Transitional matters for wastewater management systems

(1) Regulation 4(1)(c), as in force immediately before the commencement, continues to apply to plumbing and drainage work (including the design of the work) that was started before the commencement.

(2) Despite subregulation (1), the building practitioner and the owner of the building or land on which the plumbing and drainage work is being carried out may agree to have the work carried out in accordance with regulation 4(1)(c), as in force after the commencement, if:

(a) a building permit is not granted before the commencement; and

(b) a building certifier has not certified in writing that substantial progress was made on the design before the commencement.

(3) In this regulation:

commencement means the commencement of regulation 4 of the *Building Amendment (Wastewater Management Systems) Regulations 2021*.

plumbing and drainage work, see regulation 4A(2).

Note for regulation 56

Section 51 of the Act applies if a building permit was granted before the commencement or a building certifier has certified that substantial progress was made on the design before the commencement.

Schedule 1 Prescribed fees

regulation 2A

Item	Description	Fee (revenue units)
1	In relation to the registration of a building practitioner (other than a building contractor):	
	(a) for an application under section 23 of the Act	230
	(b) for registration under section 24 of the Act	345 per year or part thereof
2	In relation to the registration of a building contractor:	
	(a) for an application under section 24A of the Act	230
	(b) for registration under section 24B of the Act:	
	(i) if the applicant is not already registered in a category of building contractor	345 per year or part thereof
	(ii) if the applicant is already registered in a category of building contractor	nil
3	In relation to the renewal of the registration of a building practitioner (other than a building contractor):	
	(a) for an application under section 24E of the Act	230
	(b) for renewal under section 24EA of the Act	345 per year or part thereof
3A	In relation to the renewal of the registration of a building contractor:	
	(a) for an application under section 24E of the Act	230
	(b) for renewal under section 24F of the Act	345 per year or part thereof

Item	Description	Fee (revenue units)
4	For an application for the grant or renewal of an owner-builder certificate under section 48E of the Act	230
5	For carrying out any function by the Director	full reasonable costs of exercising the function
6	For a search of the register of building permits	5
7	For a search of the register of occupancy certification	5
8	For access to building records maintained by the Director	5
9	For a certified copy of a document under section 166A of the Act or regulation 15(1)(c)	57 plus the fee for the copy of the document payable under item 10
10	Copies of building records maintained by the Director	
	– per sheet no larger than A3	2
	– per sheet larger than A3	8
11	For a search of the register of building orders	5
12	For an appeal to the Building Appeals Board:	
	(a) for a Class 1 Building, a Class 2 Building not exceeding 3 residential storeys or a Class 10 Building	115
	(b) for any other Building	230
12A	For an application to the Appeals Board:	
	(a) for a disability access decision about a Class 1b building, Class 2 building that does not exceed 3 residential storeys or Class 10 building	543

Item	Description	Fee (revenue units)
	(b) for a disability access provision about any other building	1 087
12B	For an amendment to an application to the Appeals Board:	
	(a) for a disability access decision about a Class 1b building, Class 2 building that does not exceed 3 residential storeys or Class 10 building	271.50
	(b) relating to a disability access provision about any other building	543.50
13	For an application (other than an application relating to the modification of Part 9 of the *Building Regulations 1993* in relation to a Class 1 or Class 10 Building) to the Building Appeals Board for modification of the *Building Regulations 1993* – for each modification:	
	(a) for a Class 1 Building, a Class 2 Building not exceeding 3 residential storeys or a Class 10 Building	115
	(b) for any other building	230
14	For an application to the Building Appeals Board relating to the modification of Part 9 of the *Building Regulations 1993* in relation to a Class 1 or Class 10 Building	57
15	For an inspection of a decision of the Building Appeals Board	11
16	For a copy of a decision of the Building Appeals Board – per page	1

Schedule 2 Reporting authorities

regulation 8

Column 1 Reporting Authority	Column 2 Building or building work	Column 3 Matter to be reported on
Northern Territory Fire and Rescue Service established by the *Fire and Emergency Act 1996*	Any building to be classified as a class 2 building that has more than three residential storeys and any building to be classified as a Class 3, 4, 5, 6, 7, 8, or 9 building.	Emergency vehicle areas and clear space around large isolated buildings. Fire fighting equipment. Smoke control. Emergency lighting, exit signs and warning devices.
	Special hazard buildings including: Aircraft Hangars; Cotton Mills; Distilleries; Film and television studios; High Pile storage warehouses (combustible materials); Buildings where the following materials are to be produced, used or stored: Celluloid Goods; Fire works; Fibre glass products; Foam Rubber; Foam Plastics; Chemicals; Paint, varnish; Woodwool.	Maintenance and testings of fire suppression equipment. Heating appliances, fire-places, chimneys and flues. Fire and smoke control systems in buildings containing atriums. Smoke control systems for theatres.
Chief Health Officer appointed under the *Public and Environmental Health Act 2011*	Special Use Buildings including: Food premises; Premises to be used for activities involving Skin Penetration; Mortuaries.	Those matters relating to the registration of the premises under relevant Health Legislation.

Column 1 Reporting Authority	Column 2 Building or building work	Column 3 Matter to be reported on
	Any building: – to be classified as a Class 3 building; – to be classified as a Class 9a building; – to be used a child minding facility; – to be used for the purposes of carrying out Hairdressing.	
Power and Water Corporation established by the *Power and Water Corporation Act 1987*	Any building: – requiring connection to a power, water or sewerage main of the Authority; – requiring an on site electrical substation; – that will encroach on the safety clearances of an overhead power-line as specified; – requiring the installation of trade waste interceptors or discharge of trade waste to the sewer.	For consent to connect to a power, water or sewerage main of the Authority; approval of the size and location of an electrical substation; consent to any encroachment. consent to any interceptor or discharge.
The relevant consent authority for a planning scheme or interim development control order under the *Planning Act 1999*	Any building subject to compliance with a planning scheme, interim development control order or development permit under the *Planning Act 1999*	Compliance with the planning scheme, interim development control order or development permit.
Agency having responsibility for roads under the *Control of Roads Act 1953*	Any building: – that will effect a discharge of surface water onto the road; or – requires any new construction or new alteration to existing	Consent to: – the discharge; – the construction or alteration within the road reserve

Column 1 Reporting Authority	Column 2 Building or building work	Column 3 Matter to be reported on
	conditions or facilities within the road reserve.	
Council for the local government area in which the building is situated or, if the building is not situated in a local government area, the Agency having responsibility for roads and stormwater drainage.	Any building: – that will effect a discharge of surface water on to the road, public place or adjoining property; or – requiring any new construction or any alteration to existing conditions or facilities within a road reserve.	Consent to: – the discharge; – the construction or alteration within the road reserve.
An independent review engineer	Any building that will be a significant and complex building or any significant and complex building work	The suitability of the following structural elements, as proposed in design drawings of the building: (a) adopted design loads; (b) load paths; (c) primary and critical footings; (d) primary and critical columns; (e) primary and critical load-bearing walls; (f) primary and critical shear walls and other bracing elements; (g) primary and critical roof beams and floor beams;

Column 1 Reporting Authority	Column 2 Building or building work	Column 3 Matter to be reported on
		(h) transfer slabs; (i) typical suspended slabs.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Building Regulations 1993* (SL No. 26, 1993)**
Notified 1 September 1993
Commenced 1 September 1993

***Amendments of the Building Regulations* (SL No. 39, 1993)**
Notified 10 November 1993
Commenced 10 November 1993

***Amendments of Building Regulations* (SL No. 34, 1995)**
Notified 4 October 1995
Commenced 4 October 1995

***Amendment of Building Regulations* (SL No. 26, 1997)**
Notified 7 January 1998
Commenced 7 January 1998

***Amendments of Building Regulations* (SL No. 28, 1998)**
Notified 8 July 1998
Commenced 8 July 1998

***Amendments of Building Regulations* (SL No. 51, 1998)**
Notified 11 November 1998
Commenced 11 November 1998

***Planning (Consequential Amendments) Act 1999* (Act No. 56, 1999)**
Assent date 14 December 1999
Commenced 12 April 2000 (s 2, s 2 *Planning Act 1999* (Act No. 55, 1999) and *Gaz* S15, 12 April 2000)

***Amendment of Building Regulations* (SL No. 15, 2004)**
Notified 28 April 2004
Commenced 28 April 2004

Building Amendment Regulations 2005 **(SL No. 38, 2005)**

Notified 19 October 2005
Commenced 19 October 2005

Building Amendment Regulations (No. 2) 2005 **(SL No. 50, 2005)**

Notified 14 December 2005
Commenced 14 December 2005 (r 2, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and *Gaz* G50, 14 December 2005, p 4)

Statute Law Revision Act 2005 **(Act No. 44, 2005)**

Assent date 14 December 2005
Commenced 14 December 2005

Building Amendment (Transitional Matters) Regulations (No. 1) 2006 **(SL No. 16, 2006)**

Notified 14 June 2006
Commenced 3 July 2006 (r 3, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and *Gaz* S15, 3 July 2006, p 1)

Building Amendment (Builder Declarations) Regulations 2006 **(SL No. 17, 2006)**

Notified 14 June 2006
Commenced 3 July 2006 (r 2, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and *Gaz* S15, 3 July 2006, p 1)

Building Amendment (Transitional Matters) Regulations (No. 2) 2006 **(SL No. 24, 2006)**

Notified 12 July 2006
Commenced 3 July 2006 (r 3, s 2 *Building Amendment Act 2004* (Act No. 65, 2004) and *Gaz* S15, 3 July 2006, p 1)

Building Amendment (Exemption from Inspection) Regulations 2007 **(SL No. 2, 2007)**

Notified 7 February 2007
Commenced 7 February 2007

Law Reform (Work Health) Amendment Act 2007 **(Act No. 30, 2007)**

Assent date 12 December 2007
Commenced 1 July 2008 (*Gaz* S29, 25 June 2008)

Statute Law Revision Act 2008 **(Act No. 6, 2008)**

Assent date 11 March 2008
Commenced 11 March 2008

Local Government (Consequential Amendments) Act 2008 **(Act No. 28, 2008)**

Assent date 14 November 2008
Commenced 1 July 2008 (s 2)

Statute Law Revision Act 2009 **(Act No. 25, 2009)**

Assent date 1 September 2009
Commenced 16 September 2009 (*Gaz* G37, 16 September 2009, p 3)

Fees and Charges Amendment Regulations 2009 **(SL No. 34, 2009)**

Notified 14 December 2009
Commenced 1 January 2010 (r 2)

Building Legislation Amendment Act 2010 **(Act No. 22, 2010)**

Assent date 30 June 2010
Commenced 25 August 2010 (*Gaz* G34, 25 August 2010, p 7)

Building Amendment (Rural Relocation) Regulations 2011 **(SL No. 46, 2011)**

Notified	2 November 2011
Commenced	2 November 2011

Heritage Act 2011 **(Act No. 34, 2011)**

Assent date	15 November 2011
Commenced	1 October 2012 (*Gaz* S43, 31 July 2012)

Work Health and Safety (National Uniform Legislation) Implementation Act 2011 **(Act No. 38, 2011)**

Assent date	14 December 2011
Commenced	1 January 2012 (*Gaz* S79, 30 December 2011)

Building Amendment (National Construction Code Series) Regulations 2012 **(SL No. 36, 2012)**

Notified	3 August 2012
Commenced	3 August 2012

Building Amendment (Financial Assets, Residential Building Contracts and Other Matters) Regulations 2012 **(SL No. 42, 2012)**

Notified	14 December 2012
Commenced	1 January 2013 (r 2, s 2 *Building Amendment (Registration and Other Matters) Act 2012* (Act No. 6, 2012) and *Gaz* S85, 28 December 2012)

Building Amendment (Building Standards and Other Matters) Regulations 2013 **(SL No. 46, 2013)**

Notified	19 December 2013
Commenced	1 January 2014 (r 2, s 2 *Building Amendment (Disability Access and Other Matters) Act 2012* (Act No. 5, 2012) and *Gaz* S71, 19 December 2013)

Building Amendment Regulations 2014 **(SL No. 27, 2014)**

Notified	1 September 2014
Commenced	2 September 2014 (*Gaz* S74, 1 September 2014)

Statute Law Revision Act 2014 **(Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Building Amendment Regulations 2015 **(SL No. 21, 2015)**

Notified	9 September 2015
Commenced	1 November 2015 (r 2)

Building Amendment (Fees) Regulations 2015 **(SL No. 27, 2015)**

Notified	4 November 2015
Commenced	4 November 2015

Local Court (Related Amendments) Act 2016 **(Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Building Legislation Amendment Regulations 2016 **(SL No. 13, 2016)**

Notified	29 April 2016
Commenced	1 May 2016 (r 2, s 2 *Building Amendment (Occupancy Certification) Act 2016* (Act No. 6, 2016) and *Gaz* S33, 29 April 2016)

Building Amendment Regulations 2016 **(SL No. 30, 2016)**

Notified	6 July 2016
Commenced	6 July 2016

Statute Law Revision Act 2020 **(Act No. 26, 2020)**

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Building Amendment Regulations 2021 **(SL No. 3, 2021)**

Notified	28 April 2021
Commenced	28 April 2021 (no effect – see note 4)

Building Amendment (Wastewater Management Systems) Regulations 2021 **(SL No. 4, 2021)**

Notified	27 May 2021
Commenced	27 May 2021

Building Amendment Regulations 2021 **(SL No. 22, 2021)**

Date made	22 December 2021
Commenced	31 January 2022 (r 2)

Building Amendment Regulations 2022 **(SL No. 17, 2022)**

Date made	22 November 2022
Commenced	1 May 2023 (r 2)

Building Legislation Amendment Act 2024 **(Act No. 1, 2024)**

Assent date	1 March 2024
Commenced	pts 1 and 2: 15 April 2024 (*Gaz* G8, 11 April 2024, p 1); rem: 15 April 2025 (s 2(3))

Lands, Planning and Environment Legislation Amendment Act 2025 **(Act No. 25, 2025)**

Assent date	12 September 2025
Commenced	pt 6: 6 October 2025 (*Gaz* G20, 2 October 2025, p 1); rem: 13 September 2025 (s 2(1))

Building Amendment Regulations 2025 **(SL No. 13, 2025)**

Date made	23 October 2025
Commenced	24 October 2025 (r 2)

Statute Law Revision and Repeals Act 2026 **(Act No. 3, 2026)**

Assent date	9 February 2026
Commenced	10 February 2026 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2, 5, 11, 12, 18B, 31, 36, 36B, 36F and 55 and sch 1, 2 and 3

4 *BUILDING AMENDMENT REGULATIONS 2021*

The *Building Amendment Regulations 2021* (SL No. 3, 2021) were not tabled in accordance with section 63(1)(c) of the *Interpretation Act 1978* and are deemed to have no effect in accordance with section 63(8) of that Act – the amendments made by the amendment Regulations are not included in this reprint.

5 LIST OF AMENDMENTS

pt 1 hdg	amd No. 46, 2013, r 17
r 2	amd No. 34, 1995, r 2; No. 26, 1997; No. 15, 2004; No. 50, 2005, r 4; Act No. 22, 2010, s 16; No. 46, 2011, r 3; No. 36, 2012, r 3; No. 42, 2012, r 4; No. 46, 2013, r and 17; Act No. 26, 2020, s 3; No. 22, 2021, r 4; No. 17, 2022, r 4; Act No. 1, 2024, s 21; Act No. 25, 2025, s 10; No. 13, 2025, r 4
r 2A	ins No. 46, 2013, r 5
r 3	amd No. 34, 1995, r 2; No. 46, 2011, r 4; No. 46, 2013, r 17
r 3A	ins No. 46, 2011, r 5 rep No. 42, 2012, r 5
r 3B	ins No. 46, 2011, r 5
pt 2	
div 1 hdg	ins No. 46, 2013, r 6
r 4	amd No. 51, 1998, r 1; No. 36, 2012, r 4; No. 46, 2013, r 17;No. 13, 2016, r 10; Act No. 26, 2020, s 3; No. 4, 2021, r 4; No. 17, 2022, r 5; Act No. 25, 2025, s 10
r 4A	ins No. 36, 2012, r 5 amd Act No. 26, 2020, s 3; Act No. 25, 2025, s 10
r 4AA	ins No. 27, 2014, r 4 exp No. 27 2014, r 4AA(3)
r 5	amd No. 34, 1995, r 2; No. 38, 2005, r 3; Act No. 44, 2005, s 35
pt 2	
div 2 hdg	ins No. 46, 2013, r 7
r 5A	ins No. 46, 2013, r 7
r 5B	ins No. 46, 2013, r 7 amd No. 13, 2025, r 15
r 5C	ins No. 46, 2013, r 7
rr 5D – 5E	ins No. 46, 2013, r 7 amd No. 13, 2025, r 15
r 5F	ins No. 46, 2013, r 7
pt 2	
div 2A hdg	ins No. 46, 2013, r 7
r 6	amd No. 46, 2013, r 17
r 8	amd No. 46, 2013, r 17
r 9	amd No. 22, 2021, r 5
r 10	amd No. 34, 1995, r 2; No. 46, 2013, r 17
r 11	amd No. 39, 1993, r 2; Act No. 56, 1999, s 3(2); Act No.34, 2011, s 170; No. 46, 2013, r 17
r 12	amd No. 34, 1995, r 2; Act No.34, 2011, s 170; No. 46, 2013, r 17
r 12A	ins No. 46, 2013, r 8 amd Act No. 26, 2020, s 3
r 13	amd Act No. 22, 2010, s 17; No. 46, 2013, r 17
r 14	amd No. 34, 1995, r 2 sub No. 46, 2013, r 9 amd No. 13, 2016, r 10
pt 2AB hdg	ins No. 13, 2025, r 5
r 15	amd No. 46, 2013, r 17 sub No. 13, 2025, r 5

pt 2B hdg	ins No. 22, 2021, r 6
rr 15AA	ins No. 22, 2021, r 6
	sub No. 50, 2005, r 5; No. 13, 2016, r 4
	amd No. 17,2022, r 6; No. 13, 2025, r 15
r 15AB	ins No. 22, 2021, r 6
	sub No. 50, 2005, r 5; No. 13, 2016, r 4; No. 13, 2025, r 6
r15AC	ins No. 22, 2021, r 6
	sub No. 50, 2005, r 5; No. 13, 2016, r 4
pt 3	
div 1 hdg	ins No. 50, 2005, r 5
r 15A	ins No. 50, 2005, r 5
	amd No. 46, 2013, r 17; No. 13, 2016, r 10
r 16	amd No. 46, 2013, r 17
pt 3	
div 2 hdg	ins No. 50, 2005, r 6
	rep No. 46, 2013, r 10
	ins No. 13, 2016, r 5
r 16A	ins No. 50, 2005, r 6
	rep No. 46, 2013, r 10
pt 3	
div 3 hdg	ins No. 50, 2005, r 7
	rep No. 13, 2016, r 5
pt 3	
div 2	
sdiv 1 hdg	ins No. 13, 2016, r 5
r 17	amd No. 13, 2016, r 10; No. 22, 2021, r 7
r 18	amd No. 34, 1995, r 2
	sub No. 50, 2005, r 8
	amd No. 46, 2013, r 17
	rep No. 13, 2016, r 6
r 18AA	ins No. 46, 2013, r 11
	amd No. 13, 2016, r 10; Act No. 26, 2020, s 3
rr 18AB – 18AC	ins No. 13, 2016, r 7
r 18AD	ins No. 13, 2016, r 7
	amd No. 13, 2025, r 7
r 18AE	ins No. 13, 2016, r 7
pt 3	
div 2	
sdiv 2 hdg	ins No. 13, 2016, r 7
r 18A –	ins No. 50, 2005, r 8
	amd No. 46, 2013, r 12; No. 13, 2016, r 10
rr 18B – 18C	ins No. 50, 2005, r 8
	sub No. 13, 2016, r 8
pt 3	
div 2	
sdiv 3 hdg	ins No. 13, 2016, r 7
r 19	amd No. 46, 2013, r 17
	sub No. 13, 2016, r 8
rr 19A – 19C	ins No. 13, 2016, r 8
pt 3	
div 2	
sdiv 4 hdg	ins No. 13, 2016, r 8
rr 19D – 19F	ins No. 13, 2016, r 8
r 20	amd No. 46, 2013, r 17
	sub No. 13, 2016, r 8
pt 3	
div 4 hdg	ins No. 17, 2006, r 4

r 20A	ins No. 17, 2006, r 4 sub Act No. 22, 2010, s 18 amd No. 13, 2016, r 10
r 20B	ins No. 17, 2006, r 4 sub Act No. 22, 2010, s 18 amd No. 42, 2012, r 11 sub No. 13, 2016, r 8
r 20C	ins Act No. 22, 2010, s 18 amd No. 42, 2012, r 11 sub No. 13, 2016, r 8
r 20D	ins Act No. 22, 2010, s 18 amd No. 42, 2012, r 11 amd No. 13, 2016, r 10
r 20E	ins Act No. 22, 2010, s 18 amd No. 42, 2012, r 11 amd No. 13, 2016, r 10
r 20F	ins Act No. 22, 2010, s 18 amd No. 42, 2012, r 11
pt 4 hdg	amd No. 46, 2013, r 17
r 21	amd Act No. 22, 2010, s 21; No. 46, 2013, r 17; No. 13, 2016, r 10; No. 13, 2025, r 15
r 22	amd No. 46, 2013, r 17
r 23	amd No. 46, 2013, r 17 rep Act No. 3, 2026, s 16
r 24	amd No. 34, 1995, r 2; No. 46, 2013, r 17
r 25	amd No. 46, 2013, r 17
pt 7 hdg	sub No. 46, 2013, r 13
r 26	amd No. 34, 1995, r 2 sub No. 46, 2013, r 13
rr 26A – 26B	ins No. 46, 2013, r 13
r 27	rep Act No. 8, 2016, s 40
r 28	amd No. 34, 1995, r 2 sub Act No. 8, 2016, s 40
r 29	amd No. 34, 1995, r 2; No. 46, 2013, r 17
r 30	amd No. 46, 2013, r 17
r 31	amd No. 34, 1995, r 2; Act No. 56, 1999, s 3(2)
rr 32 – 33	amd No. 46, 2013, r 17
r 34	amd No. 46, 2013, r 17 rep No. 13, 2025, r 8
r 35	amd No. 34, 1995, r 2; Act No. 6, 2008, s 4; No. 46, 2013, r 17
r 36	amd No. 34, 1995, r 2; Act No. 56, 1999, s 3(2); No. 46, 2013, r 17
pt 9A hdg	ins No. 46, 2011, r 6
r 36A	ins No. 46, 2011, r 6 amd No. 30, 2016, r 3; No. 13, 2025, r 9
rr 36B – 36E	ins No. 46, 2011, r 6
r 36F	ins No. 46, 2011, r 6 rep No. 13, 2025, r 10
r 36G	ins No. 46, 2011, r 6 amd No. 13, 2025, r 11
pt 10 hdg	rep No. 13, 2025, r 12
r 37	rep No. 13, 2025, r 12
rr 38 – 39	amd No. 46, 2013, r 17 rep No. 13, 2025, r 12
pt 11 hdg	amd No. 28, 1998, r 1
r 39A	ins No. 28, 1998, r 2 sub No. 50, 2005, r 9 amd Act No. 1, 2024, s 22

r 39B	ins No. 28, 1998, r 2
	rep No. 50, 2005, r 9
	ins No. 42, 2012, r 6
	amd Act No. 1, 2024, s 24
r 39C	ins No. 42, 2012, r 6
	amd Act No. 38, 2014, s 2
r 40	sub No. 50, 2005, r 10
	amd No. 42, 2012, r 7;Act No. 1, 2024, s 24
r 40A	ins No. 50, 2005, r 10
	rep No. 42, 2012, r 8
	ins No. 46, 2013, r 14
r 40B	ins No. 50, 2005, r 10
r 41	rep No. 46, 2013, r 15
pt 11A hdg	ins No. 50, 2005, r 11
pt 11A div 1 hdg	ins No. 50, 2005, r 11
r 41A	ins No. 50, 2005, r 11
	amd Act No. 1, 2024, s 32
rr 41B – 41C	ins No. 50, 2005, r 11
	sub Act No. 1, 2024, s 33
rr 41CA – 41CB	ins Act No. 1, 2024, s 33
r 41D	ins No. 50, 2005, r 11
	amd Act No. 1, 2024, s 24
r 41E	ins No. 50, 2005, r 14
	amd Act No. 1, 2024, s 32
pt 11A div 2 hdg	ins No. 50, 2005, r 11
r 41F	ins No. 50, 2005, r 11
r 41G	ins No. 50, 2005, r 11
	amd Act No. 22, 2010, s 19; No. 46, 2011, r 7
r 41H	ins No. 50, 2005, r 11
	sub No. 42, 2012, r 9
rr 41HA – 41HC	ins No. 42, 2012, r 9
pt 11A div 2A	ins No. 42, 2012, r 9
rr 41HD – 41HF	ins No. 42, 2012, r 9
r 41J	ins No. 50, 2005, r 11
pt 11A div 3 hdg	ins No. 50, 2005, r 11
r 41K	ins No. 50, 2005, r 11
	amd Act No. 22, 2010, s 21
r 41L	ins No. 50, 2005, r 11
r 41M	ins No. 50, 2005, r 11
	om Act No. 22, 2010, s 21
pt 11B hdg	ins No. 50, 2005, r 12
pt 11B div 1 hdg	ins No. 50, 2005, r 12
rr 41N – 41Q	ins No. 50, 2005, r 12
pt 11B div 2 hdg	ins No. 50, 2005, r 12
r 41R	ins No. 50, 2005, r 12
pt 12 hdg	ins No. 28, 1998, r 3
r 42	amd No. 42, 2012, r 11; No. 46, 2013, r 17
r 43 hdg	amd No. 46, 2013, r 17
pt 13 hdg	ins No. 16, 2006, r 4

rr 44 – 47	ins No. 16, 2006, r 4
pt 14 hdg	ins No. 24, 2006, r 4
rr 48 – 49	ins No. 24, 2006, r 4
pt 15 hdg	ins No. 2, 2007, r 3
r 50	ins No. 2, 2007, r 3
pt 16 hdg	ins Act No. 22, 2010, s 20
rr 51 – 52	ins Act No. 22, 2010, s 20
pt 17 hdg	ins No. 36, 2012, r 6
r 53	ins No. 36, 2012, r 6
pt 18 hdg	ins No. 42, 2012, r 10
r 54	ins No. 42, 2012, r 10
pt 19 hdg	ins No. 21, 2015, r 4
r 55	ins No. 21, 2015, r 4
pt 20 hdg	ins No. 4, 2021, r 5
r 56	ins No. 4, 2021, r 5
sch 1 hdg	sub No. 50, 2005, r 13
sch 1	amd No. 39, 1993, r 3; No. 50, 2005, r 13 sub No. 34, 2009, r 13 amd No. 46, 2013, r 16; No. 27, 2015, r 3; No. 13, 2016, r 10; Act No. 1, 2024, s 23; Act No. 25, 2025, s 10; No. 13, 2025, r 15
sch 2 hdg	amd No. 17, 2022, r 7
sch 2	amd No. 34, 1995, r 1; No. 51, 1998, r 2; Act No. 44, 2005, s 35; Act No. 6, 2008, s 4; Act No. 30, 2007, s 59; Act No. 28, 2008, s 4; Act No. 25, 2009, s 11; Act No. 38, 2011, s 31; No. 46, 2013, r 17; No. 21, 2015, r 5; Act No. 26, 2020, s 3; No. 22, 2021, r 8; No. 17, 2022, r 7; No. 13, 2025, r 13
sch 3 hdg	amd No. 17, 2022, r 8
sch 3	amd No. 34, 1995, r 2; No. 46, 2013, r 17 rep Act No. 3, 2026, s 17
sch 4	amd No. 34, 1995, r 2; Act No. 22, 2010, s 21 rep No. 13, 2025, r 14
sch 5	amd Act No. 44, 2005, s 35 rep No. 36, 2012, r 7