

NORTHERN TERRITORY OF AUSTRALIA

BUILDING LEGISLATION AMENDMENT ACT 2010

Act No. 22 of 2010

Table of provisions

Part 1	Preliminary matters	
1	Short title	1
2	Commencement	1
Part 2	Amendment of Building Act	
3	Act amended	1
4	Amendment of section 4 (Definitions).....	1
5	Amendment of section 19 (Functions and powers of Appeals Board).....	2
6	New section 37A.....	2
	37A No interference with building practitioner by corporation	
7	Amendment of section 40 (Building certifier or Director may rely on certificate)	3
8	Repeal and substitution of section 48C	4
	48C Declaration by building contractor about building work	
	48CA Declaration by corporation after prescribed event	
9	Repeal and substitution of section 48G	6
	48G Declaration by owner-builder about building work	
10	Repeal and substitution of section 69.....	6
	69 Declaration to accompany application	
11	New Part 8, Division 3A	7
	Division 3A Exemption certificates and validation of exemptions	
	73A Exemption certificate and prescribed certification	
	73B Schedule 4 applies	
	73C Entitlement to apply for exemption certificate	
	73D Validation of exemptions and occupancy permits	
12	New Part 17.....	9
	Part 17 Transitional matters for Building Legislation Amendment Act 2010	
	180 Definitions	
	181 Application for exemption certificate	
	182 Declaration made by corporation after commencement day for building work completed before commencement day	
	183 Declaration made by owner-builder after commencement day for building work completed before commencement day	

13	Amendment of Schedule 1 (Regulations)	11
14	New Schedule 4	12
	Schedule 4 Exemption certificates	

Part 3 Amendment of Building Regulations

15	Regulations amended.....	15
16	Amendment of regulation 2 (Interpretation)	15
17	Amendment of regulation 13 (Duration of building permit)	16
18	Repeal and substitution of Part 3, Division 4	16
	Part 3A Declarations relating to particular building work	
	20A Application of Part	
	20B Declaration for building work requiring occupancy permit	
	20C Declaration for building work not requiring occupancy permit	
	20D Requirements for declaration under regulation 20C	
	20E Declaration by corporation after prescribed event	
	20F Building certifier to give copy of declaration to Director	
19	Amendment of regulation 41G (Building work)	20
20	New Part 16.....	21
	Part 16 Transitional matters for Building Legislation Amendment Act 2010	
	51 Definitions	
	52 Declaration made by corporation after commencement day for building work completed before commencement day	
21	Further amendments	22

Part 4 Expiry of Act

22	Expiry	22
----	--------------	----

Schedule Further amendments of Building Regulations



NORTHERN TERRITORY OF AUSTRALIA

Act No. 22 of 2010

An Act to amend the *Building Act* and *Building Regulations*

[Assented to 30 June 2010]
[Second reading 8 June 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Building Legislation Amendment Act 2010*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Building Act

3 Act amended

This Part amends the *Building Act*.

4 Amendment of section 4 (Definitions)

Section 4

insert (in alphabetical order)

exemption certificate, see section 73A(1).

prescribed certification, see section 73A(2).

prescribed event, see section 73C(2).

5 Amendment of section 19 (Functions and powers of Appeals Board)

(1) After section 19(1)(a)

insert

(ab) to determine appeals relating to refusals by the Director to grant an exemption certificate under Part 8, Division 3A; and

(2) Section 19(1)(a)(ii), at the end

insert

and

6 New section 37A

After section 37, in Part 3, Division 5

insert

37A No interference with building practitioner by corporation

(1) This section applies if:

(a) a corporation is a building practitioner; and

(b) building work is being carried out on behalf of the corporation by a nominee of the corporation or another building practitioner.

(2) A person involved in the management of the corporation must not:

(a) prevent the nominee or other building practitioner from complying with a provision of this Act relating to the building work; or

(b) interfere with the nominee or other building practitioner in carrying out the building work in accordance with this Act.

Penalty: \$10 000.

- (3) The corporation must not:
- (a) prevent the nominee or other building practitioner from complying with a provision of this Act relating to the building work; or
 - (b) interfere with the nominee or other building practitioner in carrying out the building work in accordance with this Act.

Penalty: \$50 000.

7 Amendment of section 40 (Building certifier or Director may rely on certificate)

- (1) Section 40

omit

on:

substitute

on any of the following:

- (2) Section 40(b)

omit

63; or

substitute

63;

- (3) Section 40(c)

omit

Director.

substitute

Director;

- (4) After section 40(c)

insert

- (d) an exemption certificate.

8 Repeal and substitution of section 48C

Section 48C

*repeal, substitute***48C Declaration by building contractor about building work**

- (1) This section applies in relation to prescribed building work that has been carried out under a contract entered into under section 48B.
- (2) A prescribed building contractor who has completed the prescribed building work must, not later than 14 days after completing the work, make a declaration mentioned in section 69(1) and in accordance with section 69(2).

Penalty: \$10 000.

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

Penalty: \$1 000.

- (4) If the prescribed building contractor is a director or nominee of a corporation who ceases to hold that office or position after completing the prescribed building work, the director or nominee is not excused from making a declaration under subsection (2) relating to the work he or she completed.
- (5) For this section, a prescribed building contractor completes the prescribed building work when the building contractor completely ceases to carry out the building work specified in the contract, regardless of whether the work is fully or partially completed.

48CA Declaration by corporation after prescribed event

- (1) This section applies if all of the following circumstances apply:
 - (a) prescribed building work to which section 48C applies has been completed by a director or nominee of a corporation (the **responsible builder**);
 - (b) the responsible builder has failed to make a declaration under section 48C(2) solely because of a prescribed event;
 - (c) the corporation is satisfied the prescribed building work was carried out by the responsible builder in accordance with the building permit granted for the work.

- (2) For subsection (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 subsection (1)(c), it must:
- (a) give the information it has relied on to a prescribed building contractor who is a director or nominee of the corporation; and
 - (b) ensure that a declaration is made under subsection (4) and given to a building certifier as required by that subsection.
- Penalty: \$50 000.
- (4) Not later than 14 days after the director or nominee has been given the information under subsection (3), he or she must:
- (a) make a declaration mentioned in section 69(1) relating to the prescribed 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 subsection (2); and
 - (c) give the declaration to the building certifier who granted the building permit for the work.

Note for subsection (4)

See section 69(5) in relation to protection from prosecution for criminal liability if the declaration is made in good faith.

9 Repeal and substitution of section 48G

Section 48G

*repeal, substitute***48G Declaration by owner-builder about building work**

- (1) An owner-builder must, not later than 14 days after completing building work specified in a building permit, make a declaration mentioned in section 69(1) and in accordance with section 69(2).

Penalty: \$10 000.

- (2) The owner-builder must, not later than 14 days after completing the building work, give the declaration to the building certifier who granted the building permit.

Penalty: \$1 000.

- (3) For this section, an owner-builder completes building work specified in a building permit when the owner-builder completely ceases to carry out the building work, regardless of whether the work is fully or partially completed.

10 Repeal and substitution of section 69

Section 69

*repeal, substitute***69 Declaration to accompany application**

- (1) A building certifier must not grant an occupancy permit unless the application for the permit is accompanied by a declaration, in an approved form, stating that the building work to which it relates has been carried out in accordance with the building permit granted for the building work.

Penalty: \$10 000.

- (2) The declaration must be made by the natural person who carried out the building work or was in charge of carrying out the work.
- (3) However, subsection (2) does not apply if the declaration is made for a corporation under a provision of this Act or a regulation specifying procedures for another natural person to make the declaration.

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

Penalty: \$10 000.

- (5) A person who makes a declaration for a corporation as mentioned in subsection (3) must not be prosecuted for an offence against subsection (4) if the person made the declaration in good faith on the basis of information given to the person by the corporation.
- (6) Subsection (5) does not prevent the corporation, or a director of the corporation, from being prosecuted for an offence against subsection (4).
- (7) Subsection (1) does not apply if an exemption certificate has been granted in relation to the declaration.

11 **New Part 8, Division 3A**

After section 73

insert

Division 3A Exemption certificates and validation of exemptions

73A Exemption certificate and prescribed certification

- (1) An ***exemption certificate*** is a certificate, in the approved form, that:
- (a) is granted by the Director; and
 - (b) gives an exemption from the requirement to obtain prescribed certification in relation to building work, as specified in the certificate.
- (2) ***Prescribed certification*** is any of the following documents that a person is required to provide in relation to building work:
- (a) a certificate mentioned in section 40(a), (b) or (c);
 - (b) an inspection certificate mentioned in section 63(5);
 - (c) a declaration about whether the work has been carried out in accordance with the building permit granted for the work;
 - (d) a document prescribed for section 69A(1)(e).

73B Schedule 4 applies

Schedule 4 applies in relation to the following:

- (a) an exemption certificate;
- (b) an application for an exemption certificate and consideration of the application by the Director;
- (c) a decision by the Director about whether or not to grant an exemption certificate;
- (d) an appeal against the decision of the Director refusing to grant an exemption certificate.

73C Entitlement to apply for exemption certificate

- (1) The owner of a building or land in or on which building work has been carried out may apply to the Director for an exemption certificate for prescribed certification for the building work only if:
 - (a) a prescribed event has occurred; and
 - (b) the person has complied with the requirements for making the application as specified in Schedule 4.
- (2) For subsection (1)(a), a **prescribed event** is an event or circumstance specified by Schedule 4, or prescribed by regulation, that has prevented a prescribed building practitioner, an owner-builder, or another person, from providing prescribed certification for building work.

73D Validation of exemptions and occupancy permits

- (1) This section applies in relation to a written exemption, given to a person by the Appeals Board before the commencement of this section, from the requirement to provide the following prescribed certification in relation to building work:
 - (a) a certificate mentioned in section 40(a), (b) or (c);
 - (b) a declaration mentioned in section 69(1).
- (2) It is declared that the Appeals Board always had the power to give the person the exemption, and the exemption is as valid as if it were an exemption certificate granted to the person under section 73A for the building work.

- (3) An occupancy permit granted for the building work in relation to which the exemption was given is not affected:
- (a) because of the failure to provide prescribed certification otherwise required by this Act; or
 - (b) by the commencement of section 73A.

12 **New Part 17**

After section 179

insert

Part 17 Transitional matters for Building Legislation Amendment Act 2010

180 **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.

181 **Application for exemption certificate**

Part 8, Division 3A applies in relation to an application for an exemption certificate even if the prescribed event specified in the application occurred before the commencement day.

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

- (1) This section applies if, before the commencement day:
- (a) prescribed building work to which repealed section 48C(1) applied had been completed by a director or nominee of a corporation (the ***responsible builder***); and
 - (b) the declaration mentioned in that subsection had not been given to the building certifier under repealed regulation 20A(5) of the *Building Regulations*.

- (2) Substituted section 48C, other than subsection (4) of that section, applies in relation to the declaration relating to the prescribed building work.
- (3) If the responsible builder ceased to be a director or nominee of the corporation after completing the prescribed work, the corporation must follow the procedures specified in substituted section 48CA as if a prescribed event had occurred.
- (4) For this section, a responsible builder had completed prescribed building work if he or she had completely ceased to carry out the building work specified in the contract entered into under section 48B, regardless of whether the work was fully or partially completed.
- (5) This section does not affect the liability of the responsible builder for an offence against repealed section 48C(1), repealed regulation 20A(5) of the *Building Regulations* or substituted section 48C(2) or (3).

183 Declaration made by owner-builder after commencement day for building work completed before commencement day

- (1) This section applies if, before the commencement day:
 - (a) building work to which repealed section 48G applied had been completed by the owner-builder; and
 - (b) the declaration mentioned in that section had not been given to the building certifier under repealed regulation 20A(5) of the *Building Regulations*.
- (2) For subsection (1), an owner-builder had completed building work specified in a building permit if he or she had completely ceased to carry out the building work, regardless of whether the work was fully or partially completed.
- (3) Substituted section 48G applies in relation to the declaration relating to the building work.
- (4) However, subsections (5) to (7) apply if the owner-builder (the **original builder**):
 - (a) ceased to carry out the building work after partially completing the work; and
 - (b) before the commencement day, had transferred his or her interest in the land on which the building work is situated to another person (the **new owner**).

- (5) If the new owner intends to continue carrying out the building work as an owner-builder, the new owner must, as soon as practicable after the commencement day:
- (a) satisfy himself or herself that the building work completed by the original builder was carried out in accordance with the building permit granted for the work; and
 - (b) make a declaration mentioned in section 69(1) relating to the building work completed by the original builder; and
 - (c) include in the declaration details about the way in which the new owner has satisfied himself or herself for paragraph (a); and
 - (d) give the declaration to the building certifier who granted the building permit for the building work.

Penalty \$1 000.

- (6) For subsection (5)(a), the new owner must:
- (a) take all the steps necessary 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 completed by the original builder has been obtained.
- (7) If a person other than the new owner is to continue the building work, the new owner must apply for an exemption certificate for the building work completed by the original builder as if the reason the original builder had not made the declaration were the occurrence of a prescribed event.

13 Amendment of Schedule 1 (Regulations)

Schedule 1, after item 52

insert

- 53. Exemption certificates.
- 54. The making and giving of declarations.

14 New Schedule 4

After Schedule 3

*insert***Schedule 4 Exemption certificates**

section 73B

1 Prescribed event

For section 73C(2), a prescribed event is one of the following events or circumstances:

- (a) the person required to provide the prescribed certification (***the relevant person***) has:
 - (i) died or cannot be found; or
 - (ii) become so severely incapacitated that he or she is unable to complete the prescribed certification;
- (b) the relevant person (excluding an owner-builder) has become bankrupt or insolvent;
- (c) if the relevant person is a building practitioner – the person has ceased to be registered;
- (d) if the relevant person is required to provide the prescribed certification to a building practitioner – the person is withholding the certification because of the bankruptcy or insolvency of the building practitioner;
- (e) the building contract relating to the building work has been terminated;
- (f) the prescribed certification has been destroyed or cannot be found.

2 Entitlement to apply for exemption certificate

An owner of land on which building work has been carried out is entitled to apply for an exemption certificate only if:

- (a) the building work has actually started to be carried out on the land; and

- (b) there is a current building permit for the building work or the building permit for the building work has lapsed solely because of the occurrence of a prescribed event; and
- (c) the owner has taken all reasonable steps to obtain the prescribed certification within a reasonable time after the occurrence of the prescribed event.

3 Application for exemption certificate

- (1) An application for an exemption certificate must:
 - (a) be in the approved form; and
 - (b) describe the building work to which the application applies; and
 - (c) specify the prescribed certification for which the exemption certificate is required; and
 - (d) specify the prescribed event that has occurred and the steps the applicant has taken to obtain the certification; and
 - (e) include all the information the form states must be provided.
- (2) No fee is payable for an application for an exemption certificate.

4 Consideration of application

- (1) In considering an application for an exemption certificate, the Director:
 - (a) may require the applicant to provide additional information, which may include reports by suitably qualified persons about the status of the building work; and
 - (b) is not required to obtain information from anyone other than the applicant; and
 - (c) if the building permit for the building work has lapsed solely because of the occurrence of a prescribed event – must notify the applicant of the period of extension of the permit, which may be by reference to a specified date or occurrence (for example, the granting of an occupancy permit).
- (2) The Director may also require the applicant to have any of the following carried out by suitably qualified persons:
 - (a) site inspections;

- (b) anything that is reasonably necessary to inspect the building work, including demolishing, opening, cutting into and testing the building work;
 - (c) remedial building work.
- (3) The applicant is responsible for all expenses incurred in obtaining information and complying with a requirement under subclause (2).

5 Determination of application

- (1) In deciding whether to grant or refuse to grant an exemption certificate, the Director must take into account each of the following that is relevant to the building work to which the application relates:
- (a) whether the owner has taken all reasonable steps to obtain the prescribed certification and any other information required by the Director;
 - (b) the opinions of relevantly qualified persons about the status and quality of the building work;
 - (c) the mandatory inspection stage the building work had reached when the prescribed event occurred;
 - (d) the stage the building work had reached between mandatory inspection stages;
 - (e) the certificates or other documents provided to the Director in relation to the stage the building work has reached;
 - (f) the status of the building work discovered after inspections have been carried out as required by the Director;
 - (g) the status of the building work after remedial work has been carried out as required by the Director;
 - (h) if the person who failed to give the prescribed certification is, or was, a building practitioner – the past performance of the building practitioner;
 - (i) whether the owner has complied with all the requirements of the Director;
 - (j) any other matters prescribed by regulation.
- (2) The Director may grant an exemption certificate to the applicant only if the Director is satisfied:
- (a) a prescribed event has occurred; and

- (b) the information provided by the applicant, including any certificates and documents relating to inspections and remedial work required by the Director under clause 4(2), indicates that the work to which the prescribed certification would have related has been carried out materially in accordance with the building permit.
- (3) An exemption certificate must not be granted on conditions.
- (4) If the Director decides to refuse to grant an exemption certificate, the Director must give the applicant a notice stating:
 - (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) that the person may appeal to the Appeals Board as specified in clause 6.

6 Appeal against refusal to grant exemption certificate

- (1) An applicant who is given a notice of a decision under clause 5(4) may appeal to the Appeals Board against the decision.
- (2) The appeal must be in accordance with Part 11.

Part 3 Amendment of Building Regulations

15 Regulations amended

This Part amends the *Building Regulations*.

16 Amendment of regulation 2 (Interpretation)

- (1) Regulation 2(1)

omit

unless the contrary intention appears

- (2) Regulation 2(1)

insert (in alphabetical order)

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

17 Amendment of regulation 13 (Duration of building permit)

After regulation 13(3)

insert

- (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.

18 Repeal and substitution of Part 3, Division 4

Part 3, Division 4

repeal, substitute

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, including building work for a building mentioned in regulation 18, 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 permit

- (1) This regulation applies in relation to all completed building work that requires an occupancy permit.
- (2) The person who has completed the building work must make a declaration mentioned in section 69(1) of the Act and in accordance with section 69(2) of the Act.

- (3) The person must make the declaration not later than 14 days after completing building work for a Class 1a, Class 2 or Class 10 building, unless regulation 18 applies to the building.

Penalty: \$10 000.

- (4) The person who makes a declaration as required by 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.

Penalty: \$1 000.

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 person who completed the building work was acting for a corporation and ceased to act after completing the work, the person is not excused from making a declaration under subregulation (2) or (3) relating to the work he or she completed.

20C Declaration for building work not requiring occupancy permit

- (1) This regulation applies in relation to completed building work for a Class 1a or Class 10 building to which regulation 18 applies.
- (2) The person who has completed the building work must, not later than 14 days after completing the work, make a declaration in accordance with regulation 20D(1) and (2).

Penalty: \$10 000.

- (3) The person 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.

Penalty: \$1 000.

- (4) If the person who completed the building work was acting for a corporation and ceased to do so after completing the work, the person is not excused from making a declaration under subregulation (2) relating to the work he or she completed.

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.

- (2) The declaration must be made by the natural person who carried out the building work or was in charge of carrying out the work.
- (3) However, subregulation (2) does not apply if the declaration is made for a corporation under regulation 20E.
- (4) A person must not make a false statement in a declaration mentioned in subregulation (1).

Penalty: \$10 000.
- (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.

Penalty: \$50 000.

- (4) Not later than 14 days after the appropriate person has been given the information under subregulation (3), the person must:
- (a) make a declaration mentioned in section 69(1) of the Act or as required by 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.

Penalty: \$1 000.

19 Amendment of regulation 41G (Building work)

Regulation 41G(2)

omit, substitute

- (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.*

20 New Part 16

After regulation 50

insert

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.

21 Further amendments

The Schedule has effect.

Part 4 Expiry of Act

22 Expiry

This Act expires on the day after it commences.

Schedule Further amendments of Building Regulations

section 21

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
regulation 21	A building certifier may in exercising functions under the Act or these regulations	For section 40(a) of the Act, but without limiting that provision, a building certifier may
regulation 41K	48C(1)	48C(2)
regulation 41K(a)	unrestricted	restricted
regulation 41M	whole regulation	
Schedule 4	Boroloola (all references)	Borrooloola
