



NORTHERN TERRITORY OF AUSTRALIA

No. 68 of 1989

AN ACT

to amend the *Building Act*

[Assented to 12 December 1989]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Building Amendment Act 1989*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Building Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4(1) of the Principal Act is amended -

(a) by inserting after the definition of "building area" the following:

"'Building Code' means the Building Code of Australia published by the Australian Uniform Building Regulations Co-ordinating Council;"; and

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- (b) by inserting after the definition of "prescribed notice" the following:

"'Regulations' includes the Building Code as and to the extent adopted under section 53(2);".

5. POWER OF COMMITTEE

Section 21(3) of the Principal Act is amended by omitting "the Australian Model Uniform Building Code" and substituting "the Building Code".

6. NEW SECTION

The Principal Act is amended by inserting after section 28 the following:

"28A. WAIVER OR VARIATION OF TECHNICAL REQUIREMENTS

"(1) Notwithstanding anything in this or any other Act, but subject to subsection (2), the Building Controller may, in relation to a particular building or proposed building the subject of an application for approval under section 28, waive or vary a technical requirement or standard in the Regulations.

"(2) The Building Controller shall not waive or vary a requirement or standard in the Regulations which -

- (a) affects the fire safety of a building or proposed building, unless the Building Controller has first advised the Director within the meaning of the *Fire Service Act*; or
- (b) in the opinion of the Controller, affects or will affect the health standards of a building or proposed building, unless the Controller has first advised the Chief Medical Officer appointed under the *Public Health Act*,

of the proposal to do so and has considered the advice, if any, of the Director or Chief Medical Officer, as the case may be, in relation to the proposal.

"(3) A requirement or standard shall be taken to affect the fire safety of a building or proposed building if it is specified in the Regulations as such a requirement or standard for the purposes of subsection (2)(a)."

7. PRESCRIBED CERTIFICATES

Section 40 of the Principal Act is amended by adding at the end the following:

"(10) A certificate issued under this section by the Building Controller shall not be taken to certify that any building work on the building to which it relates is of a

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particular standard of workmanship or that the materials used are of a particular quality."

8. EVIDENCE

Section 47 of the Principal Act is amended by inserting after paragraph (da) the following:

"(db) a certificate signed by the Building Controller certifying that, at a particular time -

- (i) the Building Code amended to a date specified under section 53(3) by the Minister was the Building Code applying in the Territory at that particular time in accordance with the Regulations; or
- (ii) that an Australian Standard referred to in the Building Code was the relevant Australian Standard applying in the Territory at that particular time for the purposes of the Building Code,

is evidence of that fact;".

9. REGULATIONS

Section 53 of the Principal Act is amended by adding at the end the following:

"(2) The Regulations may adopt in whole or in part, or by reference, the Code known as the Building Code of Australia published by the Australian Uniform Building Regulations Co-ordinating Council in so far as that Code is expressed to apply generally in Australia or particularly in the Northern Territory and is not inconsistent with this Act or the Regulations.

"(3) The Minister may, by notice in the *Gazette*, specify a date as a date to which the Building Code, or an Australian Standard referred to in the Building Code, is amended and on the Minister so doing a reference in the Regulations to the Building Code shall be a reference to the Code as amended to that date and a reference in the Building Code to an Australian Standard shall be a reference to the Australian Standard as in force at that date, as the case may be."
