



BUILDING NOTE

NUMBER 41 – 2006

9 March 2006

BUILDING AMENDMENT REGULATIONS 2005

Background

On 16 December 2005 the West Australian Government gazetted (on page 6073) the changes to the Local Government (Miscellaneous Provisions) Act 1960 – Building Amendment Regulations 2005. The amendments relate to:

- **Extending the transitional period for adopting code requirements**
- **Reference that CodeMark certificates for building products as evidence of compliance.**

Extending the transitional period for adopting code requirements

The transitional provisions available to local governments when assessing applications for building licence for compliance with relevant code requirements have been extended from 6 months to 12 months (Regulation 6(2)(a)). The purpose of extending the transitional provisions to twelve months is to align the regulations with the annual updating of the Building Code of Australia (BCA) and provide an equivalent period for local governments, industry and the community to become familiar with the amendments within the codes.

Local governments are encouraged to use the discretion provided for, and grant concessions under the provisions of Regulation 6, particularly in relation to upcoming energy efficiency provisions in the proposed BCA 2006. The energy efficiency provisions, and subsequent amendments, are considered a significant variation to the code, and consequently designers and builders may require a reasonable period to become familiar with the requirements, and also allow the necessary amendment of building designs and construction detail to comply with the requirements of the code.

The local government must be satisfied that:

- The plans would have complied if they have been submitted in the 12 months previously, and
- There has been no undue delay.

In considering 'undue delay' the local government should take into account the time needed to understand the changes to energy efficiency, identify appropriate design and construction changes, and to source appropriate materials. The Department considers 12 months to be a reasonable period for this.

Reference that CodeMark certificates for building products as evidence of compliance

Regulation 11(1) has been amended to include reference to CodeMark. CodeMark certificates are produced by third-party certification bodies, who evaluate and certify building products as being evidence that the product, method, design, component or system complies with the specified provisions of the Building Code of Australia.

The CodeMark scheme is managed by the Australian Building Codes Board and the New Zealand Department of Building and Housing in their respective jurisdictions. The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) accredit the certification bodies. Any products approved under CodeMark and details of CodeMark certification bodies in Australia, will be listed on the ABCB's website at www.abcb.gov.au.

CodeMark replaces the Australian Building Products and Certification System (Certificates of Conformity), previously administered by the ABCB. It will not be a mandatory requirement in Western Australia to obtain a Certificate under the CodeMark scheme.

To obtain further information about the CodeMark Scheme in Australia:

- Visit www.abcb.gov.au
- Email codemark@abcb.gov.au
- Call 1300 134 631



Peter Gow
EXECUTIVE DIRECTOR OFFICE OF POLICY AND PLANNING

Building Notes are produced by the Department of Housing and Works (DHW) primarily to inform building surveyors and the building industry. The information contained in this Note is intended for general guidance only and must not be relied upon in any particular set of circumstances. To ascertain your precise rights and obligations, you should consult a building surveyor or other appropriate professional or refer to the applicable legislation.

Copies of Building Notes may be obtained from the DHW at 108 Adelaide Terrace, East Perth or by accessing the Department's web-site at www.dhw.wa.gov.auT.