



Building newsflash number 439

Certificates of classification and regulatory impact statement for private bushfire shelters

Purpose

- To clarify obligations under the *Building Act 1975* (BA) to obtain and display certificates of classification.
- To advise that the Australian Building Code Board's (ABCB) consultation regulatory impact statement (RIS) for private bushfire shelters is now available on the ABCB's website for public comment.

Certificates of classification

A number of enquires have recently been received about the requirements for displaying certificates of classification. Under section 114 of the BA, a certificate of classification is required before a building can be occupied or used, except for a single detached class 1a building (e.g. a house) or a class 10 building or structure (e.g. a domestic shed, carport, swimming pool etc.).

Section 108A of the BA requires a certificate of classification given on or after 1 July 1997 to be conspicuously displayed as near as practicable to the building's main entrance if all or part of the building is occupied. This requirement aligns with the introduction of the performance-based version of the Building Code of Australia (BCA) in Queensland on 1 July 1997. The BA does not require certificates given before this date to be displayed.

This requirement was introduced to help improve building safety. The certificate must clearly state the building's approved classification and use, any applicable restrictions and other information if an alternative solution under the BCA or Queensland Development Code is used. If the certificate is not displayed, the owners and occupants could potentially be unaware of, for example, any restrictions which have been placed on the building due to an alternative solution. The BA imposes a legal obligation to comply with the certificate, and conspicuously displaying the certificate is intended to assist with understanding the requirements of the certificate.

Where the BA requires a certificate of classification to be displayed and it is not displayed, section 108A of the BA requires owners to produce the certificate of classification for inspection

at the building if required by an authorised officer under the *Fire and Rescue Service Act 1990* or the *Local Government Act 2009*. These provisions do not, however, apply if the BA does not require the certificate to be displayed, such as for certificates given before 1 July 1997.

In July 2008, the certificates of classification guideline was published to assist with understanding the BA requirements for the certificates of classification. This guideline is available at www.dip.qld.gov.au.

All buildings approved under the BA since its commencement in the 1970s are required to have a certificate of classification. For buildings constructed prior to 30 April 1998, section 123 of the BA allows the owner to apply to the local government for a certificate of classification. Form 13 has been developed for this purpose.

RIS for private bushfire shelters

Following the Black Saturday bushfires, there was a reported increase in the level of demand for, and interest in, private bushfire shelters. The Victorian Bushfire Royal Commission found there may be lack of understanding of technical standards associated with private bush fire shelters and made a number of recommendations to address this.

In response to these recommendations, the ABCB is proposing amendments to the BCA for private bushfire shelters. These include the classification of private bushfire shelters as class 10c structures and inclusion of requirements in the BCA. Currently, the BCA is silent on any specific requirements for bushfire shelters.

A RIS has been published to inform stakeholders of the proposed BCA amendments for private bushfire shelters. The RIS can be viewed on the ABCB's website at www.abcb.gov.au. Comments will be accepted by the ABCB until close of business on **Wednesday 22 September 2010**.

Contact for further information

Queries regarding the ABCB RIS should be directed to:

Australian Building Codes Board

tel 1300 134 631

bca@abcb.gov.au

www.abcb.gov.au

Queries regarding certificates of classification should be directed to:

Department of Infrastructure and Planning

Building Codes Queensland Division

tel +61 7 3239 6369

buildingcodes@dip.qld.gov.au

www.dip.qld.gov.au

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