



Western Australia

Building Act 2011

## **Building Amendment Regulations (No. 2) 2023**



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## **Building Amendment Regulations (No. 2) 2023**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Building Amendment Regulations (No. 2) 2023*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website (*publication day*);
- (b) regulation 4(1) — on the day after publication day;
- (c) the rest of the regulations — on 1 October 2023.

### **3. Regulations amended**

These regulations amend the *Building Regulations 2012*.

### **4. Regulation 15C amended**

- (1) After regulation 15C(3) insert:
  - (4) The Building Code (2022 edition) Volume One Part J3 is modified to delete clause J3D3(2) and insert:
    - (2) Energy ratings referred to in (1)(a)(i) and (ii) must be achieved using *house energy rating software*.

(5) The Building Code (2022 edition) Volume Two Specification 42 clause S42C2(1) is modified to delete “, including the separate heating and cooling load limits,”.

(2) After regulation 15C(5) insert:

(6) The Building Code (2022 edition) Volume One Part F8 Notes are modified as follows —

(a) delete “30 September 2023” and insert:

30 April 2025

(b) delete “1 October 2023” and insert:

1 May 2025

(7) The Building Code (2022 edition) Volume One is modified to delete Part G7.

(8) The Building Code (2022 edition) Volume One in the Notes in Parts J1 to J9 is modified as follows —

(a) delete “30 September 2023” (each occurrence) and insert:

30 April 2025

(b) delete “1 October 2023” (each occurrence) and insert:

1 May 2025

- (9) The Building Code (2022 edition) Volume Two Part H4 clause H4D9 Notes are modified as follows —
- (a) delete “30 September 2023” and insert:  
  
30 April 2025
  - (b) delete “1 October 2023” and insert:  
  
1 May 2025
- (10) The Building Code (2022 edition) Volume Two Part H6 Notes are modified as follows —
- (a) delete “30 September 2023” and insert:  
  
30 April 2025
  - (b) delete “1 October 2023” and insert:  
  
1 May 2025
- (11) The Building Code (2022 edition) Volume Two is modified to delete Part H8.

Note for this regulation:

The Building Code (2022 edition) clause A1G4(3)(g) provides that a note is part of a provision or requirement in the Building Code and provides additional mandatory instructions.

**5. Regulation 31A amended**

- (1) In regulation 31A(3) after “in the” insert:

relevant edition of the

- (2) In regulation 31A(4):

- (a) delete “a superseded edition of the Building Code,” and insert:

an earlier edition (the *earlier edition*) of the Building Code than the edition that was last adopted,

- (b) delete “superseded edition of the Building Code.” and insert:

earlier edition.

**6. Regulation 31IA inserted**

At the end of Part 4 Division 1 Subdivision 1 insert:

**31IA. Transitional provision for *Building Amendment Regulations (No. 2) 2023***

- (1) Despite regulation 31A, this regulation applies in relation to an application for a building permit made during the period beginning on 1 May 2024 and ending on 30 April 2025.
- (2) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in subregulation (3) are prescribed as applicable building standards for the purposes of sections 19(3)



and 37(1) in respect of all kinds of buildings and incidental structures, except to the extent that regulations 31BA, 31C, 31D and 31HA otherwise provide.

- (3) For the purposes of subregulation (2), the applicable building standards for a building or incidental structure are the requirements in relation to the technical aspects of the construction of a building or incidental structure of that building or incidental structure's classification that are —
  - (a) set out in the edition of the Building Code that is in effect at the time the application for the building permit is made; or
  - (b) set out in the Building Code (2019 edition) Amendment 1.
- (4) For the purposes of subregulation (3), the applicable building standards include the governing requirements set out in the relevant edition of the Building Code.
- (5) If the applicable building standards are set out in an earlier edition (the *earlier edition*) of the Building Code than the edition that was last adopted, a reference in these regulations to a Volume, Section, Part, Type, clause or Schedule of the Building Code is taken to be a reference to the corresponding Volume, Section, Part, Type, clause or Schedule of the earlier edition.

V. MOLAN, Clerk of the Executive Council