Building Act 2011

Building (s. 67 Exemption) Order 2012

Made by the Minister under section 67(1) of the Act.

1. **Citation**
   This order is the Building (s. 67 Exemption) Order 2012.

2. **Commencement**
   This order comes into operation as follows —
   (a) clauses 1 and 2 — on the day on which this order is published in the Gazette;
   (b) the rest of the order — on the day after that day.

3. **Exemption from operation of section 9(a)**
   (1) Section 9(a) of the Act does not apply to building work if —
   (a) the building work is in respect of a building that is classified as a Class 1 or Class 10 building or incidental structure; and
   (b) an application —
      (i) for a building permit to do the building work is or was made to a permit authority in the period beginning on 2 April 2012 and ending on 30 June 2012; or
cl. 4

(ii) that is to be taken in accordance with section 178(4) to be an application for a building permit to do the building work was made in the period beginning 1 January 2012 and ending on 1 April 2012.

(2) Nothing in this clause limits the application of the Planning and Development Act 2005 to building work.

4. Duration of exemption

(1) The exemption under clause 3(1) ceases to have effect in relation to building work if a permit authority finally determines an application referred to in clause 3(1)(b) in respect of the work.

(2) For the purposes of subclause (1) a permit authority has not finally determined an application for a building permit only because the permit authority is to be taken to have refused to grant the building permit under section 23(3).

5. Status of building work done under exemption

(1) If a permit authority grants a building permit, building work done under the exemption in clause 3(1) before the permit was granted—

(a) to the extent that the permit authorises the work, is to be taken to be work that was done in accordance with the permit; and

(b) to the extent that the building permit does not authorise the work, the Act, other than section 9(a), applies to the work as if the work were not done in accordance with a building permit.

(2) If a permit authority refuses to grant a building permit, the Act, other than section 9(a), applies to building work done under the exemption in clause 3(1) before the application for the permit.
was refused as if the work were not done in accordance with a building permit.

Minister for Commerce

Date: 13 June 2012