



Australian Capital Territory

Building and Construction Legislation Amendment Act 2018

A2018-4

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J2017-283

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Building and Construction Legislation Amendment Act 2018

A2018-4

An Act to amend legislation about building and construction, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Building and Construction Legislation Amendment Act 2018*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Construction Occupations \(Licensing\) Act 2004](#)
- [Electricity Safety Act 1971](#)
- [Electricity Safety Regulation 2004](#).

Part 2 Construction Occupations (Licensing) Act 2004

4 Definitions—pt 11AA Section 123AA, new definitions

insert

law of another jurisdiction means a law of the Commonwealth or a State.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

non-territory agency means an agency of the Commonwealth or a State that exercises functions analogous to those exercised by a public safety agency.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

5 Section 123AB

substitute

123AB Sharing public safety information—territory agencies

- (1) A public safety agency may—
 - (a) give public safety information to another public safety agency (the ***receiving agency***); and
 - (b) impose conditions on how the receiving agency uses, stores or shares the information.
- (2) A public safety agency may request public safety information from another public safety agency.
- (3) A public safety agency that receives a request under subsection (2) may comply with the request.

- (4) However, a public safety agency (the *giving agency*) must not give public safety information to the receiving agency unless the giving agency is satisfied that the receiving agency will use the information to exercise a function given to the receiving agency under a territory law.

123ABA Sharing public safety information—non-territory agencies

- (1) A public safety agency may give public safety information to a non-territory agency if the public safety agency is satisfied that the information relates to—
- (a) a function of the non-territory agency; and
 - (b) compliance with a law of another jurisdiction that makes provision for public safety.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (2) A public safety agency may impose conditions on how the non-territory agency uses, stores or shares the public safety information.
- (3) However, a public safety agency must not give public safety information under this section unless the public safety agency is satisfied that—
- (a) the non-territory agency that receives the information (the *receiving agency*) will use the information to exercise a function the receiving agency has under a law mentioned in subsection (1) (b); and
 - (b) giving the information will not unreasonably compromise the exercise of a function under a territory law.

6 Dictionary, new definitions

insert

law of another jurisdiction, for part 11AA (Information sharing)—see section 123AA.

non-territory agency, for part 11AA (Information sharing)—see section 123AA.

Part 3 Electricity Safety Act 1971

7 New sections 3B to 3D

in division 2.1, insert

3B Meaning of *electrical wiring rules*

(1) In this Act:

electrical wiring rules means—

- (a) AS/NZS 3000; and
- (b) the Australian Capital Territory Appendix to AS/NZS 3000, as amended from time to time; and
- (c) a document prescribed by regulation.

Note 1 AS/NZS 3000 may be purchased at www.standards.org.au.

Note 2 A regulation may apply, adopt or incorporate certain laws and instruments as in force from time to time—see s 66.

(2) The Minister may make an Australian Capital Territory Appendix to AS/NZS 3000.

Note The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

(3) The Australian Capital Territory Appendix to AS/NZS 3000 is a disallowable instrument.

Note 1 A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Note 2 An amendment or repeal of the Australian Capital Territory Appendix to the Australian/New Zealand Standard 3000 (Wiring Rules) is also a disallowable instrument (see [Legislation Act](#), s 46 (2)).

(4) The regulations may make provision in relation to the application of the electrical wiring rules.

3C Publication and availability of ACT Appendix

- (1) The construction occupations registrar must give additional public notice of the notification of each Australian Capital Territory Appendix to AS/NZS 3000 made by the Minister under section 3B.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (1) is in addition to the requirement under s 3B for notification on the legislation register as a disallowable instrument.

- (2) The notice must contain details of where copies of the Australian Capital Territory Appendix to AS/NZS 3000 may be inspected or purchased.

3D Inspection of electrical wiring rules

- (1) The construction occupations registrar must keep a copy of the electrical wiring rules at the registrar's office.
- (2) A person may, on request, inspect the electrical wiring rules kept by the construction occupations registrar whenever the registrar's office is open for business.

8 Section 5 heading

substitute

5 Compliance with electrical wiring rules**9 Section 5 (1) (b)**

omit

AS/NZS 3000

substitute

the electrical wiring rules

**10 Testing and reporting of electrical work
Section 6 (1) (a) (ii)**

omit

AS/NZS 3000

substitute

the electrical wiring rules

**11 Evidence
Section 63 (1)**

substitute

- (1) The construction occupations registrar may, by signed writing, certify—
- (a) that a document attached to the certificate is a true copy of the electrical wiring rules, as in force at a stated date; and
 - (b) whether the electrical wiring rules are still in force and, if not, the period during which the electrical wiring rules were in force.

12 Dictionary, new definition of *electrical wiring rules*

insert

electrical wiring rules—see section 3B.

Part 4 Electricity Safety Regulation 2004

13 Section 3

substitute

3 Exemption from AS/NZS 3000—Act, s 5 (3) and s 6 (2)

- (1) The [Act](#), section 5 (1) does not apply if the construction occupations registrar is satisfied that—
- (a) the electrical wiring work—
 - (i) began before the day when a revised edition of AS/NZS 3000 is published and is finished after that day; or
 - (ii) is finished before the end of the period of 6 months starting on the day when a revised edition of AS/NZS 3000 is published; and
 - (b) the electrical wiring work complies with AS/NZS 3000 as in effect before the publication of the revised edition; and
 - (c) the electrical wiring work otherwise complies with the requirements of the electrical wiring rules (other than AS/NZS 3000).

Note **Electrical wiring rules**—see the [Act](#), s 3B.

- (2) The [Act](#), section 6 (2) does not apply if the construction occupations registrar is satisfied that—
- (a) the electrical wiring work—
 - (i) began before the day when a revised edition of AS/NZS 3000 is published and is finished after that day; or
 - (ii) is finished before the end of the period of 6 months starting on the day when a revised edition of AS/NZS 3000 is published; and
 - (b) the electrical wiring work complies with AS/NZS 3000 as in effect before the publication of the revised edition; and
 - (c) the electrical wiring work otherwise complies with the requirements of the electrical wiring rules (other than AS/NZS 3000).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 November 2017.

2 Notification

Notified under the [Legislation Act](#) on 1 March 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Building and Construction Legislation Amendment Bill 2018, which originated in the Legislative Assembly as the Building and Construction Legislation Amendment Bill 2017 and was passed by the Assembly on 20 February 2018.

Clerk of the Legislative Assembly

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