

2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning, Building and Environment Legislation Amendment Bill 2016

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2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Land Management)

Planning, Building and Environment Legislation Amendment Bill 2016

A Bill for

An Act to amend legislation about planning, building and the environment, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Planning, Building and Environment Legislation*
4 *Amendment Act 2016*.

5 **2 Commencement**

6 (1) This Act (other than sections 20 and 21) commence on the day after
7 its notification day.

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

10 (2) Sections 20 and 21 commence on 1 September 2019.

11 **3 Legislation amended**

12 This Act amends the following legislation:

- 13 • *Architects Act 2004*
- 14 • *Building and Construction Industry (Security of Payment)*
15 *Act 2009*
- 16 • *Electricity Safety Act 1971*
- 17 • *Environment Protection Act 1997*
- 18 • *Environment Protection Regulation 2005*
- 19 • *Heritage Act 2004*
- 20 • *Nature Conservation Act 2014*
- 21 • *Planning and Development Act 2007*
- 22 • *Planning and Development Regulation 2008*
- 23 • *Utilities Act 2000*
- 24 • *Utilities (Technical Regulation) Act 2014*
- 25 • *Work Health and Safety Regulation 2011*.

1 **4 Legislation repealed**

- 2 (1) This Act repeals the *Utilities (Electricity Transmission)*
3 *Regulation 2006* (SL2006-7).
- 4 (2) All other legislative instruments under the *Utilities (Electricity*
5 *Transmission) Regulation 2006* are repealed.

1 **Part 2 Architects Act 2004**

2 **5 New section 69A**

3 *in division 7.1, insert*

4 **69A Delegation by board**

5 The board may delegate to the registrar the function to renew the
6 registration of an architect in the following circumstances:

- 7 (a) in the 12 months before the architect applies for the renewal—
- 8 (i) no relevant circumstance under section 9 (4) relates to the
9 architect; and
 - 10 (ii) the board has not received a complaint against the
11 architect; and
 - 12 (iii) no disciplinary action has been taken, or is pending,
13 against the architect;
- 14 (b) the architect's registration is not subject to a condition.

15 *Note* For the making of delegations and the exercise of delegated functions,
16 see the [Legislation Act](#), pt 19.4.

1 **Part 3** **Building and Construction**
2 **Industry (Security of Payment)**
3 **Act 2009**

4 **6** **New section 33A**

5 *insert*

6 **33A** **Suspension, cancellation or withdrawal of authorisation**

7 (1) The Minister may suspend for up to 12 months, or cancel, a
8 nominating authority's authorisation if the Minister is satisfied on
9 reasonable grounds—

10 (a) the nominating authority has contravened this Act; or

11 *Note 1* A reference to an Act includes a reference to statutory
12 instruments made or in force under the Act, including a regulation
13 and any law or instrument applied, adopted or incorporated by the
14 Act (see [Legislation Act](#), s 104).

15 *Note 2* A reference to an entity includes a reference to a person
16 exercising a function of the entity (see [Legislation Act](#), s 184A
17 and dict, pt 1, def *entity*).

18 (b) the nominating authority is no longer suitable for authorisation,
19 having regard to the matters listed in section 32 (1)
20 (Nominating authority—suitability).

21 (2) If the nominating authority has contravened this Act, before
22 deciding to suspend or cancel a nominating authority's
23 authorisation, the Minister must have regard to—

24 (a) the extent to which the nominating authority, or a person
25 engaged or employed by the nominating authority, is
26 responsible for the contravention; and

27 (b) the impact of the contravention on 1 or more of the following:

28 (i) the rights or entitlements of a person under this Act;

- 1 (ii) the integrity of the adjudication process under this Act;
- 2 (iii) any adjudication process undertaken by the nominating
- 3 authority.
- 4 (3) If the Minister is satisfied the nominating authority's authorisation
- 5 should be suspended or cancelled, the Minister must, in writing—
- 6 (a) tell the nominating authority that the Minister intends to
- 7 suspend or cancel the authorisation; and
- 8 (b) give the nominating authority reasons for the suspension or
- 9 cancellation; and
- 10 (c) give the nominating authority at least 14 days after the notice is
- 11 given to the nominating authority to make representations to
- 12 the Minister about the matter.
- 13 (4) The Minister must consider any representations made by the
- 14 nominating authority within the time set out in the notice before
- 15 making a decision to suspend or cancel the nominating authority's
- 16 authorisation.
- 17 (5) The Minister may withdraw authorisation if the Minister is satisfied
- 18 on reasonable grounds that information given to the Minister by the
- 19 nominating authority in relation to the nominating authority's
- 20 suitability for authorisation was false or misleading.

21 **7 Reviewable decisions**

22 **Schedule 1, new items 2 and 3**

23

insert

1	33A (1)	suspension or cancellation of authorisation	nominating authority
2	33A (5)	withdrawal of authorisation	nominating authority

1 **Part 4** **Electricity Safety Act 1971**

2 **8** **Testing and reporting of electrical work**
3 **Section 6 (1) (b)**

4 *substitute*

5 (b) within 14 days after the day the test is carried out, the person
6 does not give a report of the test to—

7 (i) the construction occupations registrar; and

8 (ii) the owner of the installation for which the work was
9 done.

10 *Note* If a form is approved under s 65 for this provision, the form must
11 be used.

1 **Part 5 Environment Protection Act 1997**

2 **9 Definitions for sch 2**
3 **Schedule 2, section 2.1, new definition of AS/NZS 4012**

4 *insert*

5 *AS/NZS 4012* means AS/NZS 4012 (Domestic solid fuel burning
6 appliances—Method for determination of power output and
7 efficiency) as in force from time to time.

8 *Note* AS/NZS 4012 may be purchased at www.standards.org.au.

9 **10 Schedule 2, section 2.1, definition of *solid fuel-burning***
10 ***equipment***

11 *omit*

12 AS/NZS 4013 applies

13 *substitute*

14 AS/NZS 4012 or AS/NZS 4013 apply

15 **11 Schedule 2, new section 2.1 (2)**

16 *insert*

17 (2) The [Legislation Act](#), section 47 (6) does not apply to the following:

18 (a) AS/NZS 4012;

19 (b) AS/NZS 4013.

20 *Note* The text of an applied, adopted or incorporated instrument, whether
21 applied as in force from time to time or at a particular time, is taken to
22 be a notifiable instrument if the operation of the [Legislation Act](#),
23 s 47 (5) or (6) is not disapplied (see s 47 (7)).

1 **12 Sale of solid fuel-burning equipment**
2 **Schedule 2, section 2.4 (1) (a) and (b)**

3 *substitute*

4 (a) a certificate of compliance under subsection (3) has been
5 issued in relation to equipment of the same type by an entity
6 authorised by the authority, in writing, for this paragraph; and

7 (b) the equipment—

8 (i) complies with AS/NZS 4012, other than the required
9 overall efficiency for the equipment; and

10 (ii) in accordance with the test procedure set out in
11 AS/NZS 4012, has an overall efficiency of not less than
12 the prescribed amount; and

13 (c) the equipment—

14 (i) complies with AS/NZS 4013, other than the required
15 appliance particulate emission factor; and

16 (ii) in accordance with the test procedure set out in
17 AS/NZS 4013, has an appliance particulate emission
18 factor of not more than the prescribed amount.

19 **13 Schedule 2, section 2.4 (3)**

20 *substitute*

21 (3) For subsection (1) (a), a certificate of compliance, in relation to
22 solid fuel-burning equipment of a particular type, must state that—

23 (a) in accordance with the test procedure set out in AS/NZS 4012,
24 the equipment has an overall efficiency of not less than the
25 prescribed amount; and

26 (b) in accordance with the test procedure set out in AS/NZS 4013,
27 the equipment has an appliance particulate emission factor of
28 not more than the prescribed amount.

1 **14 Schedule 2, section 2.4 (4)**

2 *omit*

3 subsection (1) (b)

4 *substitute*

5 subsection (1) (a)

6 **15 Interference with solid fuel-burning equipment or**
7 **attached plates**
8 **Schedule 2, section 2.5 (1)**

9 *omit*

10 in accordance with AS/NZS 4013, section 10

11 *substitute*

12 in accordance with—

13 (a) AS/NZS 4012, section 8; or

14 (b) AS/NZS 4013, section 10

15 **16 Schedule 2, new section 2.5 (1A)**

16 *insert*

17 (1A) A person must not mark on solid fuel burning equipment that the
18 equipment complies with 1 or both of the following standards if the
19 equipment does not comply with the standard:

20 (a) AS/NZS 4012 (other than the required overall efficiency for
21 the equipment);

22 (b) AS/NZS 4013 (other than the required appliance particulate
23 emission factor).

1 **17 Schedule 2, section 2.5 (4)**

2 *omit*

3 subsection (1) or

4 *substitute*

5 subsection (1), (1A) or

6 **18 Dictionary, new definition of AS/NZS 4012**

7 *insert*

8 *AS/NZS 4012*, for schedule 2 (Specific offences)—see schedule 2,
9 section 2.1.

1 **Part 6** **Environment Protection**
2 **Regulation 2005**

3 **19** **New division 2.4A**

4 *insert*

5 **Division 2.4A** **Solid fuel-burning equipment**

6 **14B** **Minimum overall efficiency—Act, sch 2, s 2.4 (1)**

7 The prescribed minimum overall efficiency is 55%.

8 **14C** **Maximum appliance particulate emission factor—Act,**
9 **sch 2, s 2.4 (1)**

10 The prescribed maximum appliance particulate emission factor is—

11 (a) for a heater without a catalytic combustor—2.5g/kg; and

12 (b) for a heater with a catalytic combustor—1.4g/kg.

13 **20** **Minimum overall efficiency—Act, s 2.4**
14 **Section 14B**

15 *omit*

16 55%

17 *substitute*

18 60%

1 **21 Maximum appliance particulate emission factor—Act,**
2 **s 2.4**
3 **Section 14C, paragraphs (a) and (b)**

4 *substitute*

- 5 (a) for a heater without a catalytic combustor—1.5g/kg; and
6 (b) for a heater with a catalytic combustor—0.8g/kg.

7 **22 Storage and use of certain agvet chemical products**
8 **New section 55 (2A)**

9 *insert*

- 10 (2A) Subsection (2) (b) does not apply to a person if the person is a
11 veterinary surgeon, or another person following instructions issued
12 by a veterinary surgeon, acting in the course of treating an animal
13 under the veterinary surgeon's care.

14 *Note* **Veterinary surgeon**—see the [Legislation Act](#), dictionary, pt 1.

15 **23 Dictionary, note 2**

16 *insert*

- 17
 - veterinary surgeon

1 **Part 7 Heritage Act 2004**

2 **24 Meaning of *heritage significance***
3 **Section 10 (c)**

4 *before*
5 information
6 *insert*
7 important

8 **25 Public consultation about heritage guidelines**
9 **Section 26 (2)**

10 *omit*

11 **26 New section 26 (4A)**

12 *insert*

13 (4A) The council may give public notice to extend the consultation period
14 (an *extension notice*).

15 *Note 1* **Public notice** means notice on an ACT government website or in a daily
16 newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

17 *Note 2* The council may extend the consultation period after it has ended (see
18 [Legislation Act](#), s 151C).

19 **27 New section 26 (7)**

20 *insert*

21 (7) The following are notifiable instruments:

- 22 (a) the consultation notice;
23 (b) any extension notice.

24 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

1 **28 Request for urgent provisional registration**
2 **New section 30 (2) (d)**

3 *before the examples, insert*

4 (d) must explain the circumstances that require an urgent decision
5 to be made.

6 **29 New section 30 (3) (c)**

7 *insert*

8 (c) the council is satisfied an urgent decision must be made
9 because—

10 (i) if the heritage council believes on reasonable grounds
11 that the place or object is likely to have heritage
12 significance—1 or more of the following is reasonably
13 likely to occur if the decision is not made:

14 (A) the likely heritage significance of the place or object
15 will be diminished or damaged;

16 (B) if a development application applies to the place or
17 object—approval of the development proposal will
18 authorise action that will diminish or damage the
19 place or object; or

20 (ii) the heritage council believes on reasonable grounds that
21 the application is reasonable in the circumstances.

22 **30 Section 30 (4) (a)**

23 *omit*

24 as if the place or object was a nominated place or object

1 **31 Notice of decision about provisional registration**
2 **Section 34 (5)**

3 *substitute*

4 (5) The notice must include—

5 (a) for a decision to provisionally register the place or object—the
6 following:

7 (i) the registration details of the place or object;

8 (ii) the council's reasons for its decision;

9 (iii) the date of provisional registration;

10 (iv) an indication of the council's intention to decide whether
11 to register the place or object under division 6.2; and

12 (b) for a decision not to provisionally register the place or object—
13 the following:

14 (i) the name of the place or object;

15 (ii) the location or address of the place or object;

16 (iii) a description of the place or object, including (if relevant)
17 its extent or boundary;

18 (iv) the council's reasons for its decision, including an
19 assessment of the place or object against the heritage
20 significance criteria;

21 (v) the date the decision takes effect.

1 **32 Public consultation about registration of place or object**
2 **New section 37 (1A) and (1B)**

3 *insert*

4 (1A) The council may give public notice (an *extension notice*) to extend
5 the public consultation period.

6 *Note 1* **Public notice** means notice on an ACT government website or in a daily
7 newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

8 *Note 2* The council may extend the public consultation period after it has ended
9 (see [Legislation Act](#), s 151C).

10 (1B) An extension notice is a notifiable instrument.

11 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

12 **33 Public consultation about cancellation proposal**
13 **New section 46 (1A) and (1B)**

14 *insert*

15 (1A) The council may give public notice to extend the consultation period
16 (an *extension notice*).

17 *Note 1* **Public notice** means notice on an ACT government website or in a daily
18 newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

19 *Note 2* The council may extend the consultation period after it has ended (see
20 [Legislation Act](#), s 151C).

21 (1B) An extension notice is a notifiable instrument.

22 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

- 1 **34 Section 57**
- 2 *substitute*
- 3 **57 Limited access to restricted information**
- 4 (1) This section applies if a person applies to access restricted
5 information.
- 6 (2) The council must give the applicant the restricted information—
- 7 (a) if land is offered for sale; and
- 8 (b) the applicant is an interested person for the land, or someone
9 considering buying an interest in the land; and
- 10 (c) the restricted information is relevant to the conservation and
11 use of the land.
- 12 (3) The council may give the applicant the restricted information if—
- 13 (a) the council is satisfied on reasonable grounds that the release
14 of the information will not diminish the heritage significance
15 of a place or object, or damage an Aboriginal place or object;
16 and
- 17 (b) the applicant satisfies the council that the applicant will use the
18 information for 1 or more of the following:
- 19 (i) academic research in connection with a recognised
20 tertiary institution;
- 21 (ii) as a consultant or researcher engaged by an interested
22 person in connection with planning, land management, or
23 a development proposal;
- 24 (iii) to assess heritage significance;

1 (iv) to assess whether proposed conduct will diminish the
2 heritage significance of a place or object, or damage an
3 Aboriginal place or object.

4 *Note 1* If a form is approved under s 119 for an application, the form must be
5 used.

6 *Note 2* A fee may be determined under s 120 for this provision.

7 *Note 3* **Interested person**—see s 13.

8 (4) If the council gives a person restricted information the council must,
9 at the same time, give the person a written explanation about the
10 operation of this part.

11 **35 Application to excavate**
12 **Section 61E (1)**

13 *omit*

14 excavation work

15 *substitute*

16 archaeological excavation work

17 **36 New section 61E (3)**

18 *insert*

19 (3) In this section:

20 **archaeological excavation work** means excavation undertaken—

21 (a) in a systematic way; and

22 (b) using archaeological methods; and

23 (c) to investigate the heritage significance of a place or object.

- 1 **37 Permit to excavate**
2 **Section 61F (1)**
- 3 *omit*
4 excavation work
5 *substitute*
6 archaeological excavation work
- 7 **38 Section 61J**
- 8 *substitute*
- 9 **61J Application for approval of conservation management**
10 **plan**
- 11 (1) A person or entity responsible for a place or object with heritage
12 significance, or an Aboriginal place or Aboriginal object, (a
13 ***heritage site***) may make an application to the council for approval
14 of a conservation management plan for the heritage site.
- 15 (2) An application must—
16 (a) be in writing; and
17 (b) be given to the council; and
18 (c) include the following information:
19 (i) the applicant's name and address;
20 (ii) the location or address of the heritage site;
21 (iii) any other matter prescribed by regulation; and

1 (d) attach the applicant's conservation management plan.

2 *Note 1* If a form is approved under s 119 for a conservation management plan,
3 the form must be used.

4 *Note 2* A fee may be determined under s 120 for this provision.

5 *Note 3* Section 117 deals with giving documents to the council.

6 **39 Heritage direction by council**
7 **Section 62 (2) (b)**

8 *after*

9 owner

10 *insert*

11 or custodian

12 **40 Conservation management plan**
13 **Section 110 (4) (c)**

14 *before*

15 completion date

16 *insert*

17 new

18 **41 New section 118B**

19 *insert*

20 **118B Council may ask for information about leases from**
21 **commissioner for revenue**

22 (1) The council may, in writing, ask the commissioner for revenue for
23 the following information in relation to a lease:

24 (a) the lessee's name;

1 (b) the lessee's home address or other contact address.

2 *Note 1* The Territory privacy principles apply to the council (see *Information*
3 *Privacy Act 2014*, sch 1).

4 *Note 2* The council may ask the commissioner for information in relation to
5 more than 1 lease at a time. Words in the singular include the plural
6 (see *Legislation Act*, s 145 (b)).

7 (2) The commissioner for revenue must disclose the information
8 required in a request made in accordance with subsection (1).

9 *Note* See also the *Taxation Administration Act 1999*, s 97 (c) for power to
10 disclose the information.

11 (3) The council must not—

12 (a) make a request under subsection (1) in relation to a lease more
13 often than—

14 (i) once every 3 months; or

15 (ii) if a regulation prescribes a longer period—once each
16 period; and

17 (b) use the information provided by the commissioner for revenue
18 about a lessee other than—

19 (i) for giving notice to the lessee under this Act; or

20 (ii) to take action under this Act which affects the lessee.

21 (4) Nothing in this section prevents the council from asking for
22 information under section 118A.

23 (5) In this section:

24 *lease*—see the *Planning and Development Act 2007*, section 235.

25 *lessee*—see the *Planning and Development Act 2007*, section 234.

1 **42 Reviewable decisions**
2 **Schedule 1, item 2, column 2**

3 *omit*

4 47

5 *substitute*

6 49

7 **43 Dictionary, definition of *conservation management plan***

8 *substitute*

9 ***conservation management plan*** means a plan that—

- 10 (a) sets out the conservation measures that must be adopted for,
11 and conditions on future use of, a place or object or Aboriginal
12 place or object to conserve its heritage significance; and
- 13 (b) identifies any threat, or potential threat, to the heritage
14 significance of the place or object or Aboriginal place or
15 object, and sets out a plan for management of the threats; and
- 16 (c) includes the following information:
- 17 (i) a description of the place or object or Aboriginal place or
18 object;
- 19 (ii) the history of the place or object or Aboriginal place or
20 object;
- 21 (iii) details about the heritage significance of the place or
22 object or Aboriginal place or object;
- 23 (iv) any other matter prescribed by regulation.

- 1 **44 Further amendments, mentions of *section 47***
- 2 *omit*
- 3 section 47
- 4 *substitute*
- 5 section 49
- 6 *in*
- 7 • section 13 (1) (h)
- 8 • section 13 (2) (b)
- 9 • section 43 (3) (b)
- 10 • section 114A (1) (a)
- 11 • section 202 (c)
- 12 • dictionary, definition of *heritage decision*, paragraph (c).
- 13 **45 Further amendments, mentions of *comments***
- 14 *after*
- 15 comments
- 16 *insert*
- 17 , in writing,
- 18 *in*
- 19 • section 13 (1) (g) and (h)
- 20 • section 26 (4) (c)
- 21 • section 37 (1)
- 22 • section 46 (1)

1 **46 Further amendments, mentions of *comments***

2 *before*

3 comments

4 *insert*

5 written

6 *in*

- 7 • section 26 (6)
- 8 • section 26B (c) and (e)
- 9 • section 37 (2)
- 10 • section 38 (c) and (e)
- 11 • section 46 (2)
- 12 • section 47 (c) and (e)

1 **Part 8 Nature Conservation Act 2014**

2 **47 Conservator—functions**
3 **Section 21 (4) (d), example and note**

4 *omit*

5 **48 Section 21 (4) (e), new example and note**

6 *insert*

7 **Example**

8 kangaroo management plan

9 *Note* An example is part of the Act, is not exhaustive and may extend,
10 but does not limit, the meaning of the provision in which it
11 appears (see [Legislation Act](#), s 126 and s 132).

12 **49 What is a *controlled native species*?—ch 7**
13 **Section 157 (2) and example**

14 *substitute*

15 (2) The Minister may declare a native species to be a controlled native
16 species if satisfied that the species is having, or is likely to have, an
17 unacceptable environmental, social or economic impact.

18 **Example—unacceptable social impact**

19 a threatened native species poses a serious threat to human health

50 Section 161

substitute

**161 Draft controlled native species management plan—
consultation with lessee and custodian**

(1) In preparing a draft controlled native species management plan for a controlled native species on stated land, the conservator must consult the relevant person for the stated land if the plan requires or permits the relevant person to do or not do something.

(2) In this section:

relevant person, for stated land, means—

(a) if the land is leased land—the lessee of the land; and

(b) if the land is unleased land or public land—the custodian of the land.

1 **Part 9** **Planning and Development**
2 **Act 2007**

3 **51** **Controlled activities**
4 **Schedule 2, item 7, column 3**

5 *insert*

6 60 penalty units

1 **Part 10** **Planning and Development**
2 **Regulation 2008**

3 **52 Disapplication of Legislation Act, s 47 (5) and (6)—**
4 **regulation**
5 **Section 400 (2) (e) and (f)**

6 *omit*

7 **53 Section 400 (3), definition of *utility rule***

8 *omit*

9 **54 Criterion 1—easement and other access clearances**
10 **Schedule 1, section 1.11 (4), definition of *utility***
11 ***infrastructure access or protection space, examples 1***
12 ***and 2***

13 *omit*

14 *Utilities Act 2000*

15 *substitute*

16 *Utilities (Technical Regulation) Act 2014*

17 **55 Schedule 1, section 1.11 (4), definition of *utility rule* and**
18 **note**

19 *substitute*

20 ***utility rule*** means a rule, as in force from time to time, made under a
21 technical code, as in force from time to time, made under the
22 *Utilities (Technical Regulation) Act 2014*.

23 *Note* Technical codes made under the *Utilities (Technical Regulation)*
24 *Act 2014* are accessible at www.legislation.act.gov.au. Rules for the
25 service and installation of water and sewerage are accessible at
26 www.iconwater.com.au. Rules for the service and installation of
27 electricity are accessible at www.actewagl.com.au.

1 **Part 11 Utilities Act 2000**

2 **56 Section 7 heading**

3 *substitute*

4 **7 Electricity networks**

5 **57 New section 7 (1A)**

6 *before subsection (1), insert*

7 (1A) For this Act, an *electricity transmission network* consists of
8 infrastructure used, or for use, in relation to the transmission of
9 electricity by a person to an electricity distribution network.

10 **58 Section 7 (1)**

11 *omit*

12 *electricity network*

13 *substitute*

14 *electricity distribution network*

15 **59 Dictionary, new definition of *electricity distribution***
16 ***network***

17 *insert*

18 *electricity distribution network*—see section 7 (1).

19 **60 Dictionary, definition of *electricity network***

20 *substitute*

21 *electricity network*—see section 7.

1 **61 Dictionary, new definition of *electricity transmission***
2 ***network***

3 *insert*

4 *electricity transmission network*—see section 7 (1A).

1 **Part 12 Utilities (Technical Regulation)**
2 **Act 2014**

3 **62 Operating certificate—application**
4 **New section 43 (2)**

5 *insert*

- 6 (2) An application must include information about the utility's—
- 7 (a) capacity to ensure the safe, reliable and efficient delivery of
8 regulated utility services; and
- 9 (b) promotion of the long-term serviceability of regulated utility
10 networks and regulated utility services; and
- 11 (c) promotion of design integrity and functionality of regulated
12 utility networks; and
- 13 (d) capacity to ensure the safe and reliable operation and
14 maintenance of regulated utility networks and regulated utility
15 services to protect the following:
- 16 (i) the public;
- 17 (ii) people working on regulated utility networks and
18 regulated utility services;
- 19 (iii) property near regulated utility networks and regulated
20 utility services;
- 21 (iv) the environment.

1 **63** **Operating certificate—grant**
2 **Section 46 (1) (a)**

3 *omit*

4 in accordance with this Act; or

5 *substitute*

6 in accordance with the following criteria:

- 7 (i) provision in accordance with this Act;
- 8 (ii) delivery in a safe, reliable and efficient manner;
- 9 (iii) sufficient consideration of long-term serviceability;
- 10 (iv) sufficient consideration of design integrity and
11 functionality;
- 12 (v) safe and reliable operation and maintenance in a manner
13 that protects the following:
- 14 (A) the public;
- 15 (B) people working on the regulated utility service;
- 16 (C) property near the regulated utility service;
- 17 (D) the environment; or

18 **64** **Section 46 (1) (b) (ii)**

19 *omit*

20 this Act

21 *substitute*

22 the criteria in subsection (1) (a)

- 1 **65** **Meaning of *utility infrastructure work*—div 9.5**
2 **Section 95 (a)**
- 3 *substitute*
- 4 (a) an electricity distribution network;
- 5 **66** **Dictionary, new definitions**
- 6 *insert*
- 7 *electricity distribution network*—see the *Utilities Act 2000*,
8 section 7.
- 9 *electricity transmission network*—see the *Utilities Act 2000*,
10 section 7.

1 **Part 13** **Work Health and Safety**
2 **Regulation 2011**

3 **67** **Duty of person conducting a business or undertaking**
4 **Section 166**

5 *omit*

6 and the *Utilities Act 2000*

7 *substitute*

8 , the *Utilities Act 2000* and the *Utilities (Technical Regulation)*
9 *Act 2014*

Endnotes**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 7 April 2016.

2 Notification

Notified under the [Legislation Act](#) on 2016.

3 Republications of amended laws

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