

2017

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning and Land Management)

# Building and Construction Legislation Amendment Bill 2017

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
<b>Part 2</b>	<b>Construction Occupations (Licensing) Act 2004</b>
4	Definitions—pt 11AA Section 123AA, new definitions 3
5	Section 123AB 3

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

Contents

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	Page
6 Dictionary, new definitions	5
<b>Part 3 Electricity Safety Act 1971</b>	
7 New sections 3B to 3D	6
8 Section 5 heading	7
9 Section 5 (1) (b)	7
10 Testing and reporting of electrical work Section 6 (1) (a) (ii)	8
11 Evidence Section 63 (1)	8
12 Dictionary, new definition of <i>electrical wiring rules</i>	8
<b>Part 4 Electricity Safety Regulation 2004</b>	
13 Section 3	9

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# **Building and Construction Legislation Amendment Bill 2017**

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## **A Bill for**

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

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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 *Building and Construction Legislation Amendment*  
4 *Act 2017*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

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

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1 **Part 2** **Construction Occupations**  
2 **(Licensing) Act 2004**

3 **4** **Definitions—pt 11AA**  
4 **Section 123AA, new definitions**

5 *insert*

6 ***law of another jurisdiction*** means a law of the Commonwealth or a  
7 State.

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

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

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

13 **5** **Section 123AB**

14 *substitute*

15 **123AB Sharing public safety information—territory agencies**

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

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

6           **123ABA Sharing public safety information—non-territory agencies**

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

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

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

1 **6 Dictionary, new definitions**

2 *insert*

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

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

1 **Part 3 Electricity Safety Act 1971**

2 **7 New sections 3B to 3D**

3 *in division 2.1, insert*

4 **3B Meaning of electrical wiring rules**

5 (1) In this Act:

6 *electrical wiring rules* means—

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

11 *Note 1* AS/NZS 3000 may be purchased at [www.standards.org.au](http://www.standards.org.au).

12 *Note 2* A regulation may apply, adopt or incorporate certain laws and

13 instruments as in force from time to time—see s 66.

14 (2) The Minister may make an Australian Capital Territory Appendix to

15 AS/NZS 3000.

16 *Note* The power to make an instrument includes the power to amend or repeal

17 the instrument (see [Legislation Act](#), s 46).

18 (3) The Australian Capital Territory Appendix to AS/NZS 3000 is a

19 disallowable instrument.

20 *Note 1* A disallowable instrument must be notified, and presented to the

21 Legislative Assembly, under the [Legislation Act](#).

22 *Note 2* An amendment or repeal of the Australian Capital Territory Appendix

23 to the Australian/New Zealand Standard 3000 (Wiring Rules) is also a

24 disallowable instrument (see [Legislation Act](#), s 46 (2)).

25 (4) The regulations may make provision in relation to the application of

26 the electrical wiring rules.



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- 1    **3C**        **Publication and availability of ACT Appendix**
- 2            (1) The construction occupations registrar must give additional public  
3            notice of the notification of each Australian Capital Territory  
4            Appendix to AS/NZS 3000 made by the Minister under section 3B.
- 5            *Note*     **Public notice** means notice on an ACT government website or in a daily  
6            newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The  
7            requirement in s (1) is in addition to the requirement under s 3B for  
8            notification on the legislation register as a disallowable instrument.
- 9            (2) The notice must contain details of where copies of the Australian  
10            Capital Territory Appendix to AS/NZS 3000 may be inspected or  
11            purchased.
- 12    **3D**        **Inspection of electrical wiring rules**
- 13            (1) The construction occupations registrar must keep a copy of the  
14            electrical wiring rules at the registrar’s office.
- 15            (2) A person may, on request, inspect the electrical wiring rules kept by  
16            the construction occupations registrar whenever the registrar’s office  
17            is open for business.
- 18    **8**        **Section 5 heading**
- 19            *substitute*
- 20    **5**        **Compliance with electrical wiring rules**
- 21    **9**        **Section 5 (1) (b)**
- 22            *omit*
- 23            AS/NZS 3000
- 24            *substitute*
- 25            the electrical wiring rules

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

3 *omit*  
4 AS/NZS 3000  
5 *substitute*  
6 the electrical wiring rules

7 **11 Evidence**  
8 **Section 63 (1)**

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

17 **12 Dictionary, new definition of *electrical wiring rules***

18 *insert*  
19 *electrical wiring rules*—see section 3B.

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1 **Part 4** **Electricity Safety**  
2 **Regulation 2004**

3 **13 Section 3**

4 *substitute*

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

6 (1) The [Act](#), section 5 (1) does not apply if the construction occupations  
7 registrar is satisfied that—

8 (a) the electrical wiring work—

9 (i) began before the day when a revised edition of  
10 AS/NZS 3000 is published and is finished after that day;  
11 or

12 (ii) is finished before the end of the period of 6 months  
13 starting on the day when a revised edition of  
14 AS/NZS 3000 is published; and

15 (b) the electrical wiring work complies with AS/NZS 3000 as in  
16 effect before the publication of the revised edition; and

17 (c) the electrical wiring work otherwise complies with the  
18 requirements of the electrical wiring rules (other than  
19 AS/NZS 3000).

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

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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) on 2017.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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