

2003

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Construction Occupations Legislation Amendment Bill 2003

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2002 054B

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(As presented)

(Minister for Planning)

Construction Occupations Legislation Amendment Bill 2003

A Bill for

An Act to amend the laws relating to construction occupations, and for other purposes

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

2002 054B

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

1 **1 Name of Act**

2 This Act is the *Construction Occupations Legislation Amendment*
3 *Act 2003*.

4 **2 Commencement**

5 This Act commences on the commencement of the *Construction*
6 *Occupations (Licensing) Act 2003*, section 7.

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

9 **3 Legislation repealed**

10 The following legislation is repealed:

- 11 • *Electricity Safety Regulations 1971* SL1971-10
12 • *Plumbers, Drainers and Gasfitters Board Act 1982* A1982-74.

13 **4 Legislation amended—schs 1 and 2**

14 This Act amends the legislation mentioned in schedules 1 and 2.

1 **Schedule 1** **Legislation amended**

2 (see s 4)

3 **Part 1.1** **Gas Safety Act 2000**

4 **[1.1] Section 31**

5 *substitute*

6 **31** **Meaning of *relevant supplier***

7 In this part:

8 *relevant supplier*, in relation to a serious gas accident, means—

- 9 (a) the entity licensed to supply gas to the premises at which the
10 accident occurred; or
11 (b) the entity licensed to distribute gas for supply to the premises.

12 **[1.2] Sections 32 and 33**

13 *omit*

14 relevant utility

15 *substitute*

16 relevant supplier

17 **[1.3] Dictionary, definition of *consumer piping system***

18 *substitute*

19 *consumer piping system*—

- 20 (a) means a system of pipes, pipe fasteners, and things connected
21 to the pipes, that is used, or to be used, to carry gas from—

- 1 (i) the outlet of a meter to measure the consumption of gas
2 on the premises to a gas appliance inlet; or
3 (ii) the outlet of a gas storage tank or cylinder to a gas
4 appliance inlet; but
5 (b) does not include something that connects the tank or cylinder
6 outlet to the gas regulator that is closest to the tank or cylinder.

7 **[1.4] Dictionary, definition of *gas***

8 *substitute*

9 ***gas*** means—

- 10 (a) natural gas to which the Gas Pipeline Access (ACT) Law
11 applies; or
12 (b) a gas (***LPG***) in its vapour phase composed predominantly of 1
13 or more of the following hydrocarbons:
14 (i) propane;
15 (ii) propene (propylene);
16 (iii) butane;
17 (iv) butene (butylene).

18 *Note* For the Gas Pipeline Access (ACT) Law, see the *Gas Pipelines Access*
19 *Act 1998*, s 6.

20 **[1.5] Dictionary, definition of *relevant utility***

21 *substitute*

22 ***relevant supplier***, in relation to a serious gas accident, for part 5
23 (Serious gas accidents)—see section 31.

1 Part 1.2 Gas Safety Regulations 2001

2 [1.6] New regulation 21

3 *in part 4, insert*

4 21 Place for keeping records—Act, s 19 (2) (b) and 5 s 65 (5) (b)

6 The office of ACT Workcover is prescribed.

7 Part 1.3 Water and Sewerage Act 2000

8 [1.7] Section 17

9 *substitute*

10 17 Installation of toilets

11 *Note* The *Public Health Regulations 2000*, div 6.3 also contains requirements
12 for toilet installation.

13 (1) A licensee commits an offence if—

14 (a) the licensee installs a toilet; and

15 (b) the toilet does not comply with the requirements prescribed
16 under the regulations.

17 Maximum penalty: 10 penalty units.

18 (2) An offence under subsection (1) is a strict liability offence.

19 (3) To remove any doubt, in this section:

20 *toilet*—

21 (a) means the bowl or cistern; and

22 (b) includes a urinal.

1 **[1.8] Dictionary, new definition of *sanitary drain* and *sanitary***
2 ***plumbing***

3 *insert*

4 *sanitary drain*—

5 (a) means a pipe, conduit or fitting, or device directly connected to
6 1 or more of them, that—

7 (i) is installed in or on the ground (or partly in and partly on
8 the ground) and is used, or for use, in relation to the
9 drainage of a single building, or the drainage of 2 or more
10 buildings by a combined drainage operation; and

11 (ii) is, or is to be, indirectly or directly connected to a
12 sewerage network, a septic tank, on-site sewerage
13 treatment unit or other receptacle for sewage; but

14 (b) does not include—

15 (i) a grey-water irrigation hose used, or for use, in relation to
16 the carrying of grey water directly to a grey-water
17 irrigation area; or

18 (ii) part of a sewerage network.

19 *sanitary plumbing*—

20 (a) means a pipe, fitting, fixture or water appliance that is not in or
21 in contact with the ground and that is used, or for use, in
22 relation to the collecting or carrying of sewage to a sanitary
23 drain; and

24 (b) includes a fitting used, or for use, in the diversion of grey
25 water, or for the direct connection of a grey-water irrigation
26 hose; but

- 1 (c) does not include a grey-water irrigation hose used, or for use,
2 in relation to the carrying of grey water directly to a grey-water
3 irrigation area.

4 **Part 1.4 Water and Sewerage**
5 **Regulations 2001**

6 **[1.9] New regulation 7B**

7 *insert*

8 **7B No reconsideration for plan amendment—Act, s 9 (2A)**

- 9 (1) A proposed amendment to a plan does not require reconsideration of
10 the plan approval if the only amendment to the plan is to the length
11 and alignment of pipework only.
- 12 (2) However, subregulation (1) does not apply if the amendment
13 would—
- 14 (a) change the point of connection of the pipework to an outlet,
15 fixture or appliance; or
- 16 (b) change the point of connection of the pipework to a sewage
17 network or its primary water supply; or
- 18 (c) increase the branching of the pipework; or
- 19 (d) add a run of pipework not shown in the plan.

1 **[1.10] New regulation 8 (2A)**

2 *insert*

3 (2A) However, subregulation (2) does not apply to the covering of
4 uninspected sanitary drainage work if—

5 (a) the licensee responsible for the sanitary drainage work is
6 satisfied on reasonable grounds that part of the work is being,
7 or is about to be, significantly damaged by flooding caused by
8 a storm; and

9 (b) the part of the work is temporarily covered by the minimum
10 amount of soil necessary to avoid the damage; and

11 (c) if, during an inspection, the inspector requires any part of the
12 temporary covering to be removed to assist inspection—the
13 licensee—

14 (i) removes the covering to the inspector's satisfaction; or

15 (ii) arranges for another inspection to take place after the
16 covering is removed.

17 **[1.11] Regulation 8**

18 *renumber subregulations when regulations next republished under*
19 *Legislation Act*

20 **[1.12] New regulation 15 (6)**

21 *insert*

22 (6) For this section, if rainwater, surface water or stormwater is part of a
23 water service or hotwater system, the water is taken to not be
24 rainwater, surface water or stormwater.

1 **Schedule 2** **Consequential and technical**
2 **amendments**

3 (see s 4)

4 **Part 2.1** **Administrative Decisions**
5 **(Judicial Review) Act 1989**

6 **[2.1] New section 22**

7 *insert*

8 **22 Transitional—sch 1, clause 5**

9 (1) A reference in schedule 1, clause 5 to a decision under the *Building*
10 *Act 2003*, section 96 (Approval of fidelity fund schemes) or
11 section 107 (Suspension or cancellation of approval of approved
12 scheme) includes a reference to a decision made under the *Building*
13 *Act 1972* (repealed), section 67 (Approval of fidelity fund schemes)
14 or section 78 (Suspension or cancellation of approval of approved
15 scheme).

16 (2) This section expires on 1 July 2005.

17 **[2.2] Schedule 1, clause 5**

18 *substitute*

19 5 This Act does not apply to a decision under the *Building Act 2003*,
20 section 96 (Approval of fidelity fund schemes) or section 107
21 (Suspension or cancellation of approval of approved scheme).

1 **Part 2.2 Building and Construction**
2 **Industry Training Levy Act**
3 **1999**

4 **[2.3] Section 15, definition of *Building Act***

5 *substitute*

6 *Building Act* means the *Building Act 2003*.

7 **[2.4] Section 15, definition of *building controller***

8 *omit*

9 **[2.5] Section 15, definition of *building work***

10 *substitute*

11 *building work*—see the Building Act, section 6.

12 **[2.6] Section 15, definition of *owner***

13 *substitute*

14 *owner*, of land—see the Building Act, dictionary.

15 **[2.7] Section 17 (3)**

16 *omit*

17 building controller

18 *substitute*

19 construction occupations registrar

20 **[2.8] Schedule 1, clauses 16 and 17**

21 *substitute*

22 16 Any site preparation work (including pile driving) preliminary to the
23 performance of any construction work.

1 **[2.9] Dictionary, definition of *building controller***

2 *omit*

3 **Part 2.3 Civil Law (Sale of Residential**
4 **Property) Act 2003**

5 **[2.10] Section 7, definition of *unapproved structure***

6 *substitute*

unapproved structure means a structure—

- 7 (a) that is required to be approved under the *Building Act 2003* but
8 has not been approved; or
- 9 (b) the building of which is required to be approved under the
10 *Land (Planning and Environment) Act 1991* but for which an
11 unqualified certificate of occupancy has not been issued under
12 the *Building Act 2003*.

13 **[2.11] Section 20, definition of *premises*, paragraph (h)**

14 *substitute*

- (h) premises in relation to which a notice requiring that they be
demolished has been given under the *Building Act 2003*,
section 62;

15 **[2.12] Section 23 (1) (b)**

16 *substitute*

- 17 (b) a copy of a new energy efficiency rating statement for the
18 habitable part of the premises if—
- 19 (i) building work has been carried out on the premises that
20 affects the energy efficiency rating of the habitable part
21 of the premises; and

- 1 (ii) before that building work was carried out, an energy
2 efficiency rating statement had been prepared for the
3 habitable part of the premises.

4 **[2.13] Section 23 (5), new definition of *building work***

5 *insert*

6 *building work*—see the *Building Act 2003*, section 6.

7 **[2.14] New section 43**

8 *insert*

9 **43 Transitional—meaning of *building work* for s 23 (5)**

10 (1) In section 23 (5):

11 *building work* includes building work under the *Building Act 1972*
12 (repealed), section 5 (1), definition of *building work*.

13 (2) This section expires on 1 July 2005.

14 **Part 2.4 Civil Law (Wrongs) Act 2002**

15 **[2.15] Section 22 (2)**

16 *substitute*

17 (2) This part has effect subject to the *Building Act 2003*, part 9
18 (Limitation of liability).

1 **Part 2.5** **Common Boundaries Act 1981**

2 **[2.16] Section 2, definitions of *basic rural fence* and *basic urban***
3 ***fence***

4 *substitute*

5 *basic rural fence* means a wire fence that is 1.2m in height above
6 finished ground level and has—

- 7 (a) for intermediate posts—steel line posts spaced at 4m intervals;
8 and
9 (b) for strainer posts—hardwood posts spaced at 40m intervals
10 with hardwood bracing at corners; and
11 (c) 3mm galvanised steel wire at the top, bottom and mid-line of
12 the fence; and
13 (d) 1060mm wide and 40mm mesh size galvanized wire netting.

14 *basic urban fence* means a timber paling fence, that is 1.5m in
15 height above finished ground level and has—

- 16 (a) reinforced spade-end precast concrete posts spaced at 2.4m;
17 and
18 (b) a 75mm x 50mm hardwood rail at the top and bottom of the
19 fence that is fixed to the posts; and
20 (c) 100mm x 12mm hardwood palings nailed to the rails.

21 **[2.17] Section 27, definition of *party wall*, paragraph (b)**

22 *substitute*

- 23 (b) includes any wall that is completely or partly used to support
24 2 or more buildings, if the wall was erected in connection with
25 a building for which there is a certificate of occupancy under
26 the *Building Act 2003*.

1 **[2.18] Section 28**

2 *omit everything before paragraph (a), substitute*

3 **28 Erection of party walls**

4 If, in a building approval under the *Building Act 2003* for a building
5 to be erected on land that is leased Territory land, a party wall is
6 shown or provided for on the common boundary, or part of that
7 boundary, between 2 parcels of land that are leased Territory land—

8 **Part 2.6 Dangerous Goods Regulations**
9 **1978**

10 **[2.19] Dictionary, definition of *fire-resisting*, paragraph (a)**

11 *substitute*

12 (a) for a structural member or other part of a building—the
13 structural member or part has the fire-resistance rating required
14 by the building code; or

15 **Part 2.7 Discrimination Act 1991**

16 **[2.20] Section 52 (5)**

17 *omit*

18 *Building Act 1972*

19 *substitute*

20 *Building Act 2003*

1 Part 2.8 Duties Act 1999

2 [2.21] Section 16A (1) (d)

3 *substitute*

4 (d) a certificate of occupancy has been issued under the *Building*
5 *Act 2003* for the building to which the agreement relates.

6 Part 2.9 Electricity Safety Act 1971

7 [2.22] New section 2

8 *insert*

9 2 Dictionary

10 The dictionary at the end of this Act is part of this Act.

11 *Note 1* The dictionary at the end of this Act defines certain terms used in this
12 Act, and includes references (*signpost definitions*) to other terms
13 defined elsewhere.

14 For example, the signpost definition '*electricity distributor*—see the
15 *Utilities Act 2000*, dictionary.' means that the term 'electricity
16 distributor' is defined in that Act and the definition applies to this Act.

17 *Note 2* A definition in the dictionary (including a signpost definition) applies to
18 the entire Act unless the definition, or another provision of the Act,
19 provides otherwise or the contrary intention otherwise appears (see
20 Legislation Act, s 155 and s 156 (1)).

21 [2.23] Section 3

22 *substitute*

23 3 Notes

24 A note included in this Act is explanatory and is not part of this Act.

1 **[2.24] Parts 2 and 3**

2 *omit*

3 **[2.25] Sections 23 to 31**

4 *omit*

5 **[2.26] Section 33**

6 *omit*

7 Australian Standard 3000

8 *substitute*

9 AS/NZS 3000

10 **[2.27] Section 34 (1) (a) (i)**

11 *omit*

12 Australian Standard 3017

13 *substitute*

14 AS/NZS 3017

15 **[2.28] Section 34 (1) (a) (ii)**

16 *omit*

17 Australian Standard 3000

18 *substitute*

19 AS/NZS 3000

20 **[2.29] Section 36 (3)**

21 *insert*

22 *Note* For inspectors' power to disconnect a dangerous installation, see
23 s 105 (1) (b).

1 **[2.30] Parts 5 and 6**

2 *omit*

3 **[2.31] Section 80 (2) (a)**

4 *omit*

5 Australian Standard 3820

6 *substitute*

7 AS/NZS 3820

8 **[2.32] Section 105 heading**

9 *substitute*

10 **105 Disconnecting etc dangerous electrical equipment and**
11 **installations**

12 **[2.33] Section 119**

13 *substitute*

14 **119 Review of decisions**

15 (1) Application may be made to the administrative appeals tribunal for a
16 review of the following decisions of the planning and land authority:

17 (a) under section 65 (1) (a) declaring that an article of electrical
18 equipment is a prescribed article of electrical equipment for
19 part 7;

20 (b) under section 65 (1) (b) declaring that a stated class of articles
21 of electrical equipment is a prescribed class of articles of
22 electrical equipment for part 7;

23 (c) under section 74 (1) refusing to approve premises as a testing
24 laboratory;

- 1 (d) under section 74 (2) cancelling the approval of premises as a
2 testing laboratory;
- 3 (e) under section 82 prohibiting the sale or installation of articles
4 of electrical equipment of a stated class.
- 5 (2) Application may be made to the administrative appeals tribunal for a
6 review of the following decisions of the chief executive:
- 7 (a) under section 68 (3) refusing to register a person as an
8 approved first seller;
- 9 (b) under section 68 (4) cancelling the registration of an approved
10 first seller;
- 11 (c) under section 70 (1) refusing to register a declaration of
12 compliance;
- 13 (d) under section 70 (3) determining the period of registration of a
14 declaration of compliance;
- 15 (e) under section 71 (1) suspending or cancelling the registration
16 of a declaration of compliance;
- 17 (f) under section 71 (3) not to reduce a period of suspension or to
18 rescind the remainder of a suspension;
- 19 (g) under section 76 (2) imposing a requirement on an approved
20 first seller.

21 **[2.34] Sections 122 to 125**

22 *omit*

1 **[2.35] Section 126 (1) (a)**

2 *omit*

3 Australian Standard 3000

4 *substitute*

5 AS/NZS 3000

6 **[2.36] Section 127**

7 *omit*

8 **[2.37] New section 131**

9 *insert*

10 **131 New regulations**

11 (1) The provisions set out in the *Construction Occupations Legislation*
12 *Amendment Act 2003*, schedule 3 are taken, on the commencement
13 of this section, to be regulations made under this Act, section 130
14 (Regulation-making power).

15 (2) To remove any doubt and without limiting subsection (1), the
16 provisions set out in the *Construction Occupations Legislation*
17 *Amendment Act 2003*, schedule 3 may be amended or repealed as if
18 they had been made as regulations by the Executive under this Act,
19 section 130.

20 (3) To remove any doubt, the regulations mentioned in subsection (1)
21 are taken—

22 (a) to have been notified under the Legislation Act on the day this
23 Act is notified; and

24 (b) to have commenced on the day this section commences; and

25 (c) not to be required to be presented to the Legislative Assembly
26 under the Legislation Act, section 64 (1).

- 1 (4) Subsections (1), (2) and (3) are laws to which the Legislation Act,
2 section 88 (Repeal does not end effect of transitional laws etc)
3 applies.
4 (5) This section expires on the day it commences.

5 **[2.38] New dictionary**

6 *insert*

7 **Dictionary**

8 (see s 3)

9 *Note 1* The Legislation Act contains definitions and other provisions relevant to
10 this Act.

11 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 12 • under
13 • function.

14 ***article of electrical equipment*** means—

- 15 (a) a wire, cable, fitting, meter, insulator, switchboard, or
16 apparatus designed or intended for use in an electrical
17 installation; and
18 (b) an appliance, fitting or apparatus operated by electricity and
19 the cable and other things required for its connection to an
20 electrical installation.

21 ***AS/NZS 3000*** means Australian/New Zealand Standard 3000
22 (Wiring Rules) as in force from time to time.

23 ***AS/NZS 3017*** means Australian/New Zealand Standard 3017
24 (Electrical installations—testing and inspection guidelines) as in
25 force from time to time.

- 1 **AS/NZS 3820** means Australian/New Zealand Standards 3820
2 (Essential safety requirements for low voltage electrical equipment)
3 as in force from time to time.
- 4 **electrical installation**—
- 5 (a) means electrical wiring or cable used or for use in carrying or
6 controlling electricity (other than electricity with a voltage of
7 not more than 50V a.c. or 120V ripple-free d.c.); and
- 8 (b) includes—
- 9 (i) a wiring system, switchgear, control gear, electrical
10 accessory, electrical appliance, or fitting, that is used or
11 for use in the conversion, storage, transmission,
12 distribution or use of electrical energy and connected to
13 wiring or cable; and
- 14 (ii) a switch, fuse, plug, socket outlet, lighting outlet,
15 adaptor, ceiling rose or other device associated with
16 wiring, a switchboard, or an appliance, mentioned in
17 subparagraph (i); and
- 18 (iii) a consuming device in which electricity is converted into
19 heat, motion or another form of energy, or is substantially
20 changed in its electrical character; and
- 21 (iv) support for electrical wiring or cable; but
- 22 (c) does not include—
- 23 (i) a generator or storage device supplying, or for the supply
24 of, electricity to the installation; or
- 25 (ii) an appliance that receives, or is intended to receive, its
26 main electricity supply through a socket connection; or
- 27 (iii) a lamp; or
- 28 (iv) an electricity network or part of a network; or

- 1 (v) telecommunications cabling or equipment that operates
2 or is intended to operate at a voltage of 90V a.c. or lower.
- 3 ***electrical wiring work***—
- 4 (a) means the installation, replacement, augmentation, curtailing,
5 maintenance, repair, or alteration of the location of all or part
6 of, an electrical installation, other than—
- 7 (i) an electrical installation that operates at extra low
8 voltage; or
- 9 (ii) telecommunications cabling or equipment that operates at
10 a voltage not greater than 90V a.c.; but
- 11 (b) does not include—
- 12 (i) plugging a plug into a socket outlet, or unplugging it; or
- 13 (ii) fitting a lamp to a lighting outlet or removing it; or
- 14 (iii) fitting, removing or replacing a fuse or fuse wire if the
15 fuse or wire cannot sustainedly conduct more than 30A.
- 16 ***electricity distributor***—see the *Utilities Act 2000*, dictionary.
- 17 ***electricity network***—see the *Utilities Act 2000*, section 7 (Electricity
18 network).
- 19 ***inspector***—see section 95 (Appointment of inspectors).
- 20 ***occupier***, of premises, includes—
- 21 (a) a person believed on reasonable grounds to be an occupier of
22 the premises; and
- 23 (b) a person apparently in charge of the premises.
- 24 ***premises*** means a building, structure or place (whether built on or
25 not and whether enclosed or not), and includes an aircraft, a vessel
26 and a vehicle.

1 ***prescribed article of electrical equipment*** means—

- 2 (a) an article of electrical equipment to which a declaration under
3 section 65 (1) applies; or
- 4 (b) an article of electrical equipment to which an order under the
5 *Electricity Safety Act 1945* (NSW), section 21 applies, other
6 than an article to which a declaration under section 65 (4)
7 applies.

8 ***prohibited***, in relation to an article of electrical equipment—see
9 section 82 (Prohibited articles).

10 ***regulatory authority***, for a State or another Territory, means—

- 11 (a) for New South Wales—the Department of Fair Trading; or
12 (b) for Victoria—the Office of the Chief Electrical Inspector; or
13 (c) for Queensland—the Department of Mines and Energy; or
14 (d) for South Australia—the Office of Energy Policy; or
15 (e) for Western Australia—the Office of Energy; or
16 (f) for Tasmania—the Office of Energy Planning and
17 Conservation; or
18 (g) for the Northern Territory—the Department of Industries and
19 Business; or
20 (h) any other office or body declared by the regulations to be a
21 regulatory authority.

22 ***relevant standard***—

- 23 (a) for a prescribed article of electrical equipment—means a
24 relevant safety standard under part 7 (see s 63); and
25 (b) for an article of electrical equipment to which part 8 (Non-
26 prescribed articles of electrical equipment) applies—see
27 section 80 (Minimum safety standards).

1 *sell* includes—

2 (a) barter or exchange; and

3 (b) let on hire; and

4 (c) offer, expose or advertise for sale, barter, exchange or letting
5 on hire.

6 *serious electrical accident*—see section 86 (Definitions for pt 10).

7 **[2.39] Further amendments, mentions of *chief executive***

8 *omit*

9 chief executive

10 *substitute*

11 construction occupations registrar

12 *in*

- 13 • section 34 (1) (b) (i) (1st mention)
- 14 • section 34 (2) (1st mention)
- 15 • section 68 (1) and (2)
- 16 • section 68 (3) (1st mention)
- 17 • section 68 (4) (1st mention)
- 18 • section 68 (6) and (7)
- 19 • section 69 (1) (1st mention)
- 20 • section 69 (2) (1st mention)
- 21 • section 69 (3)
- 22 • section 70 (1) (1st mention)
- 23 • section 70 (3) (1st mention)
- 24 • section 71 (1) (1st mention)
- 25 • section 71 (2) and (3)
- 26 • section 71 (4) (1st mention)
- 27 • section 72

- 1 • section 75 (1) (1st mention)
- 2 • section 76 (1)
- 3 • section 76 (2) (1st mention)
- 4 • section 76 (4)
- 5 • section 76 (5) (1st mention)
- 6 • section 78
- 7 • section 88
- 8 • section 89
- 9 • section 95 (1) and (2)
- 10 • section 95 (3) (b) (1st mention)
- 11 • section 96
- 12 • section 107 (5)
- 13 • section 110 (3)
- 14 • section 126
- 15 • section 129

[2.40] Further amendments, mentions of *chief executive*

17 *omit*

18 chief executive

19 *substitute*

20 registrar

21 *in*

- 22 • section 34 (b) (i) (2nd mention)
- 23 • section 34 (2) (2nd and 3rd mentions)
- 24 • section 68 (3) (2nd mention)
- 25 • section 68 (4) (a)
- 26 • section 69 (1) (2nd mention)
- 27 • section 69 (2) (2nd mention)
- 28 • section 70 (1) (2nd mention)

Schedule 2 Consequential and technical amendments
Part 2.9 Electricity Safety Act 1971

Amendment [2.41]

- 1 • section 70 (3) (2nd mention)
- 2 • section 71 (1) (2nd mention)
- 3 • section 71 (1) (a) and (b)
- 4 • section 71 (4) (2nd mention)
- 5 • section 75 (1) (a) and (b) (viii)
- 6 • section 76 (2) (a) and (b)
- 7 • section 76 (2) (last mention)
- 8 • section 76 (5) (2nd and 3rd mention)
- 9 • section 95 (3) (b) (2nd mention)
- 10 • section 95 (3) (c)

[2.41] Further amendments, mentions of *chief executive*

12 *omit*

13 chief executive

14 *substitute*

15 planning and land authority

16 *in*

- 17 • section 65 (1)
- 18 • section 65 (2) (1st mention)
- 19 • section 65 (4)
- 20 • section 74 (1) (1st mention)
- 21 • section 74 (2) (1st mention)
- 22 • section 74 (3) (1st mention)
- 23 • section 82
- 24 • section 84 (1)
- 25 • section 84 (2) (1st mention)
- 26 • section 85
- 27 • section 90 (1)
- 28 • section 93 heading

- 1 • section 93 (1) (1st mention)
2 • section 93 (2)
3 • section 93 (3) (1st mention)
4 • section 94 heading

5 **[2.42] Further amendments, mentions of *chief executive***

6 *omit*

7 chief executive

8 *substitute*

9 authority

10 *in*

- 11 • section 65 (2) (2nd mention)
12 • section 74 (1) (2nd mention)
13 • section 74 (2) (2nd mention)
14 • section 74 (3) (f)
15 • section 84 (2) (a)
16 • section 93 (1) (2nd and 3rd mentions)
17 • section 93 (1) (a) and (b)
18 • section 93 (3) (b)

19 **[2.43] Act amended—renumbering**

20 *renumber provisions when Act next republished under Legislation*
21 *Act*

1 **Part 2.10 Environment Protection Act**
2 **1997**

3 **[2.44] Section 149 (2) (b)**

4 *substitute*

5 (b) the application under the *Building Act 2003*, part 3 for a
6 building approval to carry out the relevant building work.

7 **Part 2.11 Environment Protection**
8 **Regulations 1997**

9 **[2.45] Dictionary, definition of *building work***

10 *substitute*

11 *building work* means building work for which a building approval
12 under the *Building Act 2003*, part 3 is required.

13 **Part 2.12 Fire Brigade Act 1957**

14 **[2.46] Section 12 (2)**

15 *substitute*

16 (2) In this section, a reference to a fire door, smoke door or exit door is
17 a reference to a door required under the building code to have a sign
18 on it mentioning an offence under this section.

1 **Part 2.13** **Food Act 2001**

2 **[2.47] Section 92 (5)**

3 *omit*

4 *Building Act 1972*

5 *substitute*

6 *Building Act 2003*

7 **[2.48] Section 97 (6)**

8 *omit*

9 *Building Act 1972*

10 *substitute*

11 *Building Act 2003*

12 **[2.49] New section 154**

13 *insert*

14 **154 Transitional—s 92 (5) and s 97 (6)**

15 (1) In section 92 (5) and section 97 (6):

16 *certificate of regularisation* under the *Building Act 2003* includes a
17 certificate of regularisation under the *Building Act 1972* (repealed).

18 (2) This section expires on 1 July 2005.

1 **Part 2.14 Gas Safety Act 2000**

2 **[2.50] Section 7**

3 *omit*

4 **[2.51] Section 19**

5 *substitute*

6 **19 Public access to records of approved appliances etc**

7 (1) The planning and land authority must keep a record of the following
8 done under this part:

- 9 (a) the appliances approved;
10 (b) any cancellations of approvals
11 (c) any appliances prohibited.

12 (2) The planning and land authority must make the record available for
13 public inspection during ordinary office hours at—

- 14 (a) the office of the planning and land authority; or
15 (b) another place prescribed under the regulations.

16 (3) The planning and land authority may make the record available for
17 public inspection at any other place.

18 **[2.52] Section 65 (5)**

19 *substitute*

20 (5) The planning and land authority must make a copy of each code,
21 and any instrument (or provision of an instrument) applied (with or
22 without change) by the code, available for public inspection during
23 ordinary office hours at—

- 24 (a) the office of the chief planning executive; or

1 (b) another place prescribed under the regulations.

2 **[2.53] Dictionary, note 2**

3 *omit*

- 4 • chief executive

5 **[2.54] Dictionary, definition of *advanced gasfitter***

6 *omit*

7 **[2.55] Dictionary, definition of *approved***

8 *substitute*

9 ***approved***, in relation to an appliance—see section 20 (Approval
10 declared by regulations) and section 21 (Approval by planning and
11 land authority).

12 **[2.56] Dictionary, definition of *gasfitter***

13 *substitute*

14 ***gasfitter*** means a gasfitter licensed in the advanced or general
15 occupation class under the *Construction Occupations (Licensing)*
16 *Act 2003*.

17 **[2.57] Dictionary, definition of *gasfitting work***

18 *substitute*

19 ***gasfitting work***—

20 (a) means—

- 21 (i) work on a consumer piping system, or proposed
22 consumer piping system, including the connection or
23 disconnection of a gas appliance (other than a gas
24 appliance designed to be portable by users) to or from the
25 system; or

1 (ii) the inspection or testing of a consumer piping system;
2 and

3 (b) includes the installation of a flue for a type A appliance.

4 **[2.58] Dictionary, definition of *premises***

5 *insert*

6 **Examples of vehicle**

7 caravan, campertrailer, motor home, mobile catering vehicle

8 **[2.59] Further amendments, mentions of *chief executive***

9 *omit*

10 chief executive

11 *substitute*

12 planning and land authority

13 *in*

- 14 • section 21
- 15 • section 22 (1)
- 16 • section 22 (2) (1st mention)
- 17 • section 23
- 18 • section 27
- 19 • section 29 (1)
- 20 • section 29 (2) (1st mention)
- 21 • section 30
- 22 • section 33
- 23 • section 34 (2) (b)
- 24 • section 35 (1)
- 25 • section 38 heading
- 26 • section 38 (1) (1st mention)
- 27 • section 38 (2)

- 1 • section 38 (3) (1st mention)
- 2 • section 39 heading
- 3 • section 40 (1)
- 4 • section 40 (3) (b) (1st mention)
- 5 • section 41
- 6 • section 54 (5)
- 7 • section 57 (3)
- 8 • section 66 (1)

[2.60] Further amendments, mentions of *chief executive*

10 *omit*

11 chief executive

12 *substitute*

13 authority

14 *in*

- 15 • section 22 (2) (a) and (b)
- 16 • section 22 (2) (last mention)
- 17 • section 29 (2) (a)
- 18 • section 38 (1) (2nd and 3rd mention)
- 19 • section 38 (1) (a) and (b)
- 20 • section 38 (3) (b)
- 21 • section 40 (3) (b) (2nd mention)
- 22 • section 40 (3) (c)

1 **Part 2.15 Gas Safety Regulations 2001**

2 **[2.61] Regulation 4B**

3 *omit*

4 **[2.62] Regulation 5**

5 *omit*

6 **[2.63] Regulation 13 (2)**

7 *omit*

8 unsafe

9 *substitute*

10 safe

11 **[2.64] Regulation 13 (4)**

12 *omit*

13 **[2.65] Regulation 14 (1)**

14 *omit*

15 (1) A person

16 *substitute*

17 A person

18 **[2.66] Regulation 14 (2)**

19 *omit*

1 **[2.67] Regulation 15 (1) (b)**

2 *omit*

3 to on appropriate

4 *substitute*

5 to an appropriate

6 **[2.68] Regulation 16 (4)**

7 *omit*

8 **[2.69] Regulation 17E (6)**

9 *omit*

10 **[2.70] New regulations 23 and 24**

11 *insert*

12 **23 Compliance indicators**

13 (1) In these regulations:

14 *compliance indicator* includes a compliance plate attached in
15 relation to a consumer piping system under the *Gas Supply*
16 *Regulations 1999* (repealed), regulation 15 (2).

17 (2) This regulation expires on 1 July 2005.

18 **24 Defect tags**

19 (1) In these regulations:

20 *defect tag* includes an approved tag attached in relation to a
21 consumer piping system under the *Gas Supply Regulations 1999*
22 (repealed), regulation 14 (2).

23 (2) This regulation expires on 1 July 2005.

1 **[2.71] Dictionary heading**

2 *substitute*

3 **Dictionary**

4 (see reg 3)

5 *Note 1* The Legislation Act contains definitions and other provisions relevant to
6 this Act.

7 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 8 • under
9 • function.

10 *Note 3* Terms used in these regulations have the same meaning that they have
11 in the *Gas Safety Act 2000* (see Legislation Act, s 148). For example,
12 the following terms are defined in the *Gas Safety Act 2000*, dict:

- 13 • premises.

14 **[2.72] Dictionary, definition of *repealed Gas Supply Regulations***

15 *omit*

16 **Part 2.16 Land (Planning and**
17 **Environment) Act 1991**

18 **[2.73] Section 222, definition of *building work***

19 *substitute*

20 *building work*—see the *Building Act 2003*, section 6.

1 **Part 2.17** **Land (Planning and**
2 **Environment) (Bushfire**
3 **Emergency) Regulations 2003**

4 **[2.74] Regulation 7 (3) (a)**

5 *substitute*

- 6 (a) a building surveyor licensed under the *Construction*
7 *Occupations (Licensing) Act 2003* endorses a plan of works in
8 relation to the work included in the development; and

9 **[2.75] Section 9**

10 *substitute*

11 **9 Endorsement of plans**

12 A building surveyor licensed under the *Construction Occupations*
13 *(Licensing) Act 2003* may endorse a plan of works if satisfied that—

- 14 (a) the plan complies with regulation 8; and
15 (b) the plan relates to land that is mentioned in a declaration under
16 regulation 7 (Fire-caused clearing developments exempted
17 from Act, div 6.2).

1 **Part 2.18 Land (Planning and**
2 **Environment) Regulations**
3 **1992**

4 **[2.76] Regulation 2, note 1**

5 *substitute*

6 *Note 1* The dictionary at the end of these regulations defines certain terms used
7 in these regulations, and includes references (*signpost definitions*) to
8 other terms defined elsewhere.

9 For example, the signpost definition '*subdivision*—see the Act,
10 section 159.' means that the term 'subdivision' is defined in that section
11 and applies to this Act.

12 **[2.77] Dictionary, definition of *building code***

13 *omit*

14 **Part 2.19 Leases (Commercial and**
15 **Retail) Act 2001**

16 **[2.78] Dictionary, definition of *certificate of occupancy***

17 *substitute*

18 *certificate of occupancy*—see the *Building Act 2003*, dictionary.

19 **Part 2.20 Legislation Act 2001**

20 **[2.79] Dictionary, part 1, new definition of *building code***

21 *insert*

22 *building code* means the building code under the *Building Act 2003*,
23 section 136.

1 **[2.80] Dictionary, part 1, new definition of *construction***
2 ***occupations registrar***

3 *insert*

4 *construction occupations registrar* means the registrar under the
5 *Construction Occupations (Licensing) Act 2003*.

6 **Part 2.21 Liquor Act 1975**

7 **[2.81] Section 2, note 1**

8 *substitute*

9 *Note 1* The dictionary at the end of these regulations defines certain terms used
10 in these regulations, and includes references (*signpost definitions*) to
11 other terms defined elsewhere.

12 For example, the signpost definition '*standards manual*—see
13 section 33.' means that the term 'standards manual' is defined in that
14 section.

15 **[2.82] Section 39**

16 *substitute*

17 **39 Saving of operation of Building Act**

18 Nothing in this Act affects the operation of the *Building Act 2003*.

19 **[2.83] Section 56 (1)**

20 *omit*

21 *Building Act 1972*, part 5 in respect of the premises

22 *substitute*

23 *Building Act 2003*, part 5 for the premises

24 **[2.84] Dictionary, definition of *building code***

25 *omit*

1 **Part 2.22 Occupational Health and**
2 **Safety Regulations 1991**

3 **[2.85] Regulation 14 (2) (h) (i)**

4 *substitute*

5 (i) its class under the building code; and

6 **Part 2.23 Public Health Regulations**
7 **2000**

8 **[2.86] Division 6.3**

9 *after division heading, insert*

10 *Note* The *Water and Sewerage Act 2000* applies to the installation of a
11 chemical toilet, a flushing toilet discharging to a septic system and a
12 connection to a septic system (see *Water and Sewerage Act 2000*, s 4).

13 **[2.87] Section 71**

14 *omit*

15 **[2.88] Sections 74 and 75**

16 *omit*

1 **Part 2.24 Residential Tenancies Act**
2 **1997**

3 **[2.89] Section 12 (3) (c) (ii) (A)**

4 *omit*

5 within the meaning of the *Building Act 1972*

6 *substitute*

7 under the *Building Act 2003*, section 6

8 **Part 2.25 Scaffolding and Lifts Act 1912**

9 **[2.90] Section 6 (5)**

10 *substitute*

11 (5) In this section:

12 *cost*, of building work—see the *Building Act 2003*, section 84.

13 **Part 2.26 Utility Networks (Public**
14 **Safety) Regulations 2001**

15 **[2.91] Regulation 18 (2) (a)**

16 *substitute*

17 (a) the holder of an electricians licence under the *Construction*
18 *Occupations (Licensing) Act 2003* that authorises work on the
19 line; or

1 **Part 2.27 Water and Sewerage Act 2000**

2 **[2.92] Section 3**

3 *omit*

4 **[2.93] Section 4**

5 *renumber as section 3*

6 **[2.94] New section 4**

7 *in part 1, insert*

8 **4 Application of Act to certain installations**

9 (1) To remove any doubt, this Act applies, as far as possible, to the
10 installation of the following:

11 (a) a chemical toilet;

12 (b) a flushing toilet that will, or is intended to, discharge into a
13 septic system;

14 (c) a connection to a septic system.

15 (2) This section does not limit the application of this Act.

16 **[2.95] Section 5 (1)**

17 *omit*

18 plumbing or

19 *substitute*

20 sanitary plumbing work, water supply plumbing work or

1 **[2.96] Section 8 (1)**

2 *omit everything before paragraph (a), substitute*

- 3 (1) A certifier must not approve a plan in relation to sanitary drainage
4 work, sanitary plumbing work, or water supply plumbing work
5 unless the following approvals have been obtained for the result of
6 the work:

7 **[2.97] New section 8 (2) (aa)**

8 *insert*

- 9 (aa) the plan that accompanies the application complies with any
10 requirements prescribed under the regulations; and

11 **[2.98] Section 8 (3)**

12 *substitute*

- 13 (3) If the certifier issues a plan approval—
14 (a) the approval must be marked on, attached to or partly marked
15 on and partly attached to, each page of the plan it relates to;
16 and
17 (b) the certifier must initial and mark his or her licence number on
18 each page of the plan.

19 *Note* If a form is approved under s 48 for a plumbing plan approval, the form
20 must be used.

- 21 (4) However, if, because of the size of the plans, it is impractical to
22 mark the plumbing plan approval on each page of the plans, instead
23 of marking the approval under subsection (3) (a), the certifier may
24 mark each page of the plans with an indication that the approval, or
25 part of the approval, is in a separate document instead.

- 26 (5) A certifier who issues a plan approval must—

- 27 (a) give a copy of the approval and the relevant plans—

- 1 (i) as soon as practicable, to the applicant; and
2 (ii) within 7 days after the day the plans are approved, to the
3 construction occupations registrar; and
4 (b) if the consequence of work in accordance with the plan would
5 be the discharge of raw or treated sewage, or a by-product of
6 sewage, to somewhere other than the sewerage network—give
7 notice as prescribed under the regulations to the chief health
8 officer and the chief executive, Environment ACT.

9 *Note* If a form is approved under s 48 for this section, the form must be used.

10 **[2.99] Section 8**

11 *renumber paragraphs when Act next republished under Legislation*
12 *Act*

13 **[2.100] New section 9 (2A)**

14 *insert*

15 (2A) The regulations may prescribe when the proposed amendment of a
16 plan does, or does not, require reconsideration of the plan approval.

17 **[2.101] Section 9**

18 *renumber subsections when Act next republished under Legislation*
19 *Act*

20 **[2.102] New section 9A**

21 *insert*

22 **9A Marking approval of amendment**

- 23 (1) If a certifier approves a plan as amended under section 9—
24 (a) the amended plan approval must be marked on, attached to or
25 partly marked on and partly attached to, each page of the plan
26 it relates to; and

1 (b) the certifier must initial and mark his or her licence number on
2 each page of the plan.

3 *Note* If a form is approved under s 48 for a plumbing plan approval, the form
4 must be used.

5 (3) However, if, because of the size of the plans, it is impractical to
6 mark the amended plumbing plan approval on each page of the plan,
7 instead of marking the amended plan approval under
8 subsection (2) (a), the certifier may mark each page of the plan with
9 an indication that the approval, or part of the approval, is in a
10 separate document instead.

11 (4) The certifier must—

12 (a) give a copy of the amended approval and the amended plan as
13 soon as practicable to the person who applied for the approval;
14 and

15 (b) within 7 days after the issue give to the construction
16 occupations registrar—

17 (i) a copy of the amended approval; and

18 (ii) a copy of the amended plan.

19 *Note 1* If a form is approved under s 48 for a notification of appointment, the
20 form must be used.

21 *Note 2* A fee may be determined under s 45 for this section.

22 **[2.103] Section 11**

23 *substitute*

24 **11 Notice of fire sprinkler work by licensee**

25 *Note* Under the *Construction Occupations (Licensing) Act 2003*, unlicensed
26 people must not provide certain services.

27 A licensee commits an offence if the licensee installs or fits a
28 sprinkler system or any part of a fire sprinkler service without

1 giving the construction occupations registrar written notice of the
2 licensee's intention to provide the service at least 2 business days
3 before the day the licensee intends to start to provide the service

4 Maximum penalty: 20 penalty units.

5 **[2.104] Sections 12 to 14**

6 *omit*

7 **[2.105] Section 15 heading**

8 *substitute*

9 **15 Notice of water supply plumbing work by licensee**

10 **[2.106] Section 15 (1)**

11 *substitute*

12 *Note* Under the *Construction Occupations (Licensing) Act 2003*, unlicensed
13 people must not provide certain services.

14 (1) A licensee commits an offence if the licensee provides a water
15 supply plumbing service without—

16 (a) giving the construction occupations registrar written notice of
17 the licensee's intention to provide the service at least 2 days
18 before the day the licensee intends to start to provide the
19 service; and

20 (b) if approval is required for a plan under the regulations—getting
21 the approval.

22 Maximum penalty: 20 penalty units.

1 (1A) A licensee commits an offence if, while providing a water supply
2 plumbing service, the licensee contravenes any direction given by
3 the construction occupations registrar about how the service is to be
4 provided.

5 Maximum penalty: 20 penalty units.

6 (1B) A licensee commits an offence if—

7 (a) the licensee does water supply plumbing work that includes the
8 installation of a thing to which MP52 applies; and

9 (b) the thing is not certified under the MP52 procedure.

10 Maximum penalty: 20 penalty units.

11 **[2.107] Section 15 (4)**

12 *substitute*

13 (4) An offence against this section is a strict liability offence.

14 **[2.108] Section 15**

15 *renumber subsections when Act next republished under Legislation*
16 *Act*

17 **[2.109] Section 16 (1)**

18 *substitute*

19 *Note* Under the *Construction Occupations (Licensing) Act 2003*, unlicensed
20 people must not provide certain services.

21 (1) A licensee commits an offence if the licensee provides a sanitary
22 plumbing service or a sanitary drainage service without—

23 (a) giving the construction occupations registrar written notice of
24 the licensee's intention to provide the service at least 2 days
25 before the day the licensee intends to start to provide the
26 service; or

1 (b) if the service is minor sanitary plumbing work—giving the
2 registrar a minor works notice within 7 days after the day the
3 licensee completes the work; or

4 (c) if the service is minor drainage work—giving the registrar a
5 minor works notice within 7 days after the day the licensee
6 completes the work.

7 Maximum penalty: 20 penalty units.

8 (1A) An offence against this section is a strict liability offence.

9 **[2.110] Section 16 (4) (a)**

10 *omit*

11 journeyman plumber's licence

12 *substitute*

13 journeyperson plumbers licence

14 **[2.111] Section 26**

15 *substitute*

16 **26 Delegation—construction occupations registrar**

The construction occupations registrar may delegate the registrar's functions under this part (other than section 23 (Appointment of inspectors)) to an inspector or public servant.

Note For the making of delegations and the exercise of delegated functions, see Legislation Act, pt 19.4.

17 **[2.112] Section 49 (5)**

18 *insert*

19 (5) The Legislation Act, section 47 (6) does not apply in relation to an
20 Australian Standard applied, adopted or incorporated as in force
21 from time to time under the regulations.

1 **[2.113] Dictionary, note 2**

2 *omit*

- chief executive

3 *insert*

- construction occupations registrar

4 **[2.114] Dictionary, new definition of *backflow prevention***
5 ***device***

6 *insert*

7 *backflow prevention device* means a device to prevent the reverse
8 flow from a potentially polluted source into a water supply system
9 for water suitable for human consumption.

10 **[2.115] Dictionary, definitions of *drain* and *fire sprinkler***
11 ***service***

12 *substitute*

13 *fire sprinkler service* means the part of water supply pipework from
14 fire sprinklers to the place where a backflow prevention device must
15 be installed to comply with Australian Standard 3500 to prevent
16 backflow from the pipework directly serving the fire sprinklers.

17 *fire sprinkler work* means the installation, replacement,
18 augmentation, curtailing, maintenance, repair, or alteration of the
19 location of all or part, of a fire sprinkler service.

20 *grey water*—

- 21 (a) means domestic waste from baths, basins, showers and
22 laundries; and
- 23 (b) includes floor waste from areas mentioned in paragraph (a);
24 but
- 25 (c) does not include kitchen waste or waste containing
26 gastrointestinal products or other bodily waste.

1 ***hot-water system*** means—

- 2 (a) a water heater connected to a water service; and
3 (b) the equipment and materials connected to a water service that
4 are necessary to provide a supply of hot water.

5 **[2.116] Dictionary, definition of *licence***

6 *substitute*

7 ***irrigation*** means the supplying of water for—

- 8 (a) growth, cooling, treating, humidifying and frost protection of
9 vegetation; and
10 (b) water replenishment of the soil.

11 ***irrigation system***—

- 12 (a) means the part of water supply pipework from a water network
13 to outlets for irrigation; but
14 (b) does not include part of a water network.

15 ***licence*** of a stated kind, means a licence of that kind under the
16 *Construction Occupations (Licensing) Act 2003*.

17 ***licence number***—see *Construction Occupations (Licensing) Act*
18 *2003*, section 23 (1) (c).

19 ***licensee***, in relation to a service, means a person licensed under the
20 *Construction Occupations (Licensing) Act 2003* to provide the
21 service.

1 **[2.117] Dictionary, new definitions of *sanitary drainage***
2 ***work and sanitary plumbing work***

3 *insert*

4 *sanitary drainage work*—

5 (a) means the installation, replacement, augmentation, curtailing,
6 maintenance, repair, or alteration of the location of all or part,
7 of a sanitary drain; but

8 (b) does not include—

9 (i) inspecting a sanitary drain, clearing a blockage or
10 obstruction of the drain, or cleaning the drain, unless the
11 inspecting, clearing or cleaning involves damage to, or
12 removal of part of, the sanitary drain or is done for
13 reward; or

14 (ii) the operation of a grey-water diverter.

15 *sanitary plumbing work*—

16 (a) means the installation, replacement, augmentation, curtailing,
17 maintenance, repair, or alteration of the location of all or part,
18 of sanitary plumbing; but

19 (b) does not include—

20 (i) inspecting sanitary plumbing, clearing a blockage or
21 obstruction of the plumbing or cleaning the plumbing
22 unless the inspecting, clearing or cleaning involves
23 damage to, or removal of part of, the sanitary plumbing
24 or is done for reward; or

25 (ii) the operation of a grey-water diverter.

1 **[2.118] Dictionary, definition of sewer**

2 *substitute*

3 *sewage*—

- 4 (a) means waste water from the community, including faecal
5 matter, urine and household and commercial waste water that
6 contains human waste; but
7 (b) does not include stormwater.

8 **[2.119] Dictionary, definition of water network**

9 *substitute*

10 *stormwater* means surface water, subsoil water and runoff caused by
11 rainfall on roof areas.

12 *water appliance*—

- 13 (a) means an apparatus or machine that—
14 (i) is connected to a water service outlet or hot-water system
15 outlet; and
16 (ii) has an outlet to drain waste water, or to draw off water
17 processed, heated or cooled by the apparatus or machine;
18 but
19 (b) does not include an apparatus or machine if—
20 (i) the connection is to a water service outlet that is a tap;
21 and
22 (ii) the connection is a temporary hand connection.

23 *water network*—see the *Utilities Act 2000*, section 12.

1 ***water service***—

- 2 (a) means the part of the water supply pipework used, or for use,
3 for water supply from a primary water source up to and
4 including outlet valves at fixtures and water appliances; and
- 5 (b) includes an irrigation system; but
- 6 (c) does not include a fire sprinkler system or part of a water
7 network.

8 ***water supply plumbing work***—

- 9 (a) means the installation, replacement, augmentation, curtailing,
10 maintenance, repair, or alteration of the location of all or part,
11 of a water service or a hot-water system; and
- 12 (b) includes fire sprinkler work; but
- 13 (c) does not include removing a washer or something similar from
14 a tap or valve, or repairing or fitting the washer or the similar
15 thing, unless the removal, repair or fitting involves damage to
16 part of—
- 17 (i) a water service; or
- 18 (ii) a hot-water system; or
- 19 (iii) an irrigation system; or
- 20 (iv) a fire sprinkler system.

1 **[2.120] Further amendments, mentions of *chief executive***

2 *omit*

3 chief executive

4 *substitute*

5 construction occupations registrar

6 *in*

- 7 • section 10
- 8 • section 20 heading
- 9 • section 20 (1) (1st mention)
- 10 • section 20 (2) (a)
- 11 • section 20 (3) (1st mention)
- 12 • section 21
- 13 • section 22 heading
- 14 • section 22 (1)
- 15 • section 22 (2) (1st mention)
- 16 • section 22 (3) and (4)
- 17 • section 23 (1) and (2)
- 18 • section 23 (3) (b) (1st mention)
- 19 • section 23 (3) (c) (1st mention)
- 20 • section 24
- 21 • section 25
- 22 • section 34 (5)
- 23 • section 37 (3)
- 24 • section 44 (1) (a)
- 25 • section 48

1 **[2.121] Further amendments, mentions of *chief executive***

2 *omit*

3 chief executive

4 *substitute*

5 registrar

6 *in*

- 7 • section 20 (1) (2nd and 3rd mention)
- 8 • section 20 (1) (a) and (b)
- 9 • section 20 (3) (b)
- 10 • section 22 (2) (2nd mention)
- 11 • section 23 (3) (b) (2nd mention)
- 12 • section 23 (3) (c) (2nd mention)

13 **Part 2.28 Water and Sewerage**

14 **Regulations 2001**

15 **[2.122] Regulation 6 (2)**

16 *omit*

17 use plumbing

18 *substitute*

19 install plumbing

20 **[2.123] New regulation 7A**

21 *insert*

22 **7A Notice of plan approval—Act, s 8 (3) (b)**

23 (1) The notice must contain the following information:

- 1 (a) the address of the land from which the raw or treated sewage,
2 or by-product, is to be discharged;
- 3 (b) the kind of discharge and how much is expected to be
4 discharged;
- 5 (c) the number and kind of sanitary fixtures that are likely to
6 contribute to the discharge;
- 7 (d) a description of any treatment or storage of the discharge
8 before its discharge;
- 9 (e) details of where and how the sewage will discharge, including
10 details of any irrigation system, water reuse system, septic
11 tanking system, absorption system, discharge into drainage
12 systems or other discharge system.

13 **[2.124] Regulation 11**

14 *omit*

15 **[2.125] Regulation 16**

16 *substitute*

17 **16 Requirements for toilets—Act, s 17**

- 18 (1) The following requirements are prescribed:
- 19 (a) if a closet pan and cistern are to be installed—the pan must be
20 a reduced-flush closet pan and the cistern a dual-flush 6/3L
21 cistern;
- 22 (b) if a closet pan only is to be installed—the pan must be a
23 reduced-flush closet pan;
- 24 (c) if a cistern is to be installed that is connected to an existing
25 full-flush closet pan—the cistern must be a separate dual-flush
26 cistern that—
- 27 (i) is of at least 11L capacity; and

-
- 1 (ii) gives an effective full-flush not larger than 10L, and for
2 test purposes, 9L; and
- 3 (iii) gives an effective half-flush not larger than 5.5L, and for
4 test purposes, 4.5L;
- 5 (d) if a cistern is to be installed that is connected to an existing
6 reduced-flush closet pan—the cistern must be a dual-flush 6/3L
7 cistern;
- 8 (e) if a closet pan is to be flushed with water drawn from a central
9 storage cistern installed before 1 January 1994 and—
- 10 (i) the pan is a full-flush closet pan—the pan must be
11 flushed with an effective full-flush not exceeding 10L
12 and for test purposes, 9L; or
- 13 (ii) the pan is a reduced-flush closet pan—the pan must be
14 flushed with an effective full-flush not exceeding 10L
15 and for test purposes, either 6L or 9L;
- 16 (f) the pan may be flushed with a half-flush of at least 4.5L and
17 not exceeding 5.5L if a full-flush closet pan is to be flushed—
- 18 (i) with water drawn from a central storage cistern; and
- 19 (ii) by control fittings that allow the user to decide whether to
20 give a full-flush or half-flush;
- 21 (g) the pan may be flushed with a half-flush of at least 3L and not
22 exceeding 4L if a reduced-flush closet pan is to be flushed—
- 23 (i) with water drawn from a central storage cistern; and
- 24 (ii) by control fittings that allow the user to decide whether to
25 give a full-flush or half-flush;
- 26 (h) if a central storage cistern installation is to be installed—
- 27 (i) reduced-flush closet pans must be installed; and

- 1 (ii) control fittings must be installed that automatically
2 control the amount of water used in a way that each flush
3 uses—
4 (A) on a full-flush—at least 6L and not exceeding 7L;
5 or
6 (B) on a half-flush—at least 3L and not exceeding 4L.
- 7 (2) In this regulation:
8 *dual-flush 6/3L cistern* means a cistern that is at least 8L capacity—
9 (a) giving an effective full-flush not exceeding 7L and for test
10 purposes 6L; and
11 (b) giving an effective half-flush not exceeding 4L and for test
12 purposes 3L.
13 *full-flush closet pan* means a closet pan that is a full-flush pan
14 under AS 1172, as in force from time to time.
15 *reduced-flush closet pan* means a closet pan that is a reduced-flush
16 pan under AS 1172, as in force from time to time.

17 **[2.126] Regulation 18 (2)**

18 *omit*

19 **[2.127] Regulation 18 (3)**

20 *omit*

21 (3) Subregulations (1) and (2) do

22 *substitute*

23 (2) Subregulation (1) does

24 **[2.128] Regulation 22 (3)**

25 *omit*

1 **[2.129] Regulation 22 (8), definition of *appropriate***
2 ***backflow prevention device***

3 *substitute*

4 *appropriate backflow prevention device* means a backflow
5 prevention device that complies with AS/NZS 2845, as in force
6 from time to time.

7 **[2.130] Regulation 22**

8 *renumber subregulations when Act next republished under*
9 *Legislation Act*

10 **[2.131] Further amendments, mentions of *chief executive***

11 *omit*

12 chief executive

13 *substitute*

14 construction occupations registrar

15 *in*

- 16 • regulation 8
- 17 • regulation 10 (2)
- 18 • regulation 10 (2), note (1st mention)
- 19 • regulation 12 (2)
- 20 • regulation 19
- 21 • regulation 21
- 22 • regulation 21, note (1st mention)
- 23 • regulation 22 (5) (a)
- 24 • regulation 22 (6)
- 25 • regulations 25, 26 and 27.

1 **[2.132] Further amendments, mentions of *chief executive***

2 *omit*

3 chief executive

4 *substitute*

5 registrar

6 *in*

- 7 • regulation 10 (2), note (2nd mention)
8 • regulation 21, note (2nd mention)
9 • regulation 22 (5) (c)

1 **Schedule 3** **New Electricity Safety**
2 **Regulations**

3 (see sch 2, amdt 2.37)



Australian Capital Territory

4 **Electricity Safety Regulations 2003**

5 **Subordinate Law SL2003-**

6 made under the

7 *Electricity Safety Act 1971*

1 **1 Name of regulations**

2 These regulations are the *Electricity Safety Regulations 2003*.

3 **2 Exemption from inspection etc—Act, s 32**

4 Electrical work that consists of the installation of the wiring or a
5 component of an electrical installation for a lift or escalator on the
6 load side of a circuit breaker in the motor room for the lift or
7 escalator is prescribed.

8 **3 Exemption from AS/NZS 3000—Act, s 33 (2) (b)**

9 The Act, section 33 (1) (a) does not apply if the construction
10 occupations registrar is satisfied that—

11 (a) the electrical wiring work—

12 (i) is begun before the day on which a revised edition of
13 AS/NZS 3000 is published and is finished after that day;
14 or

15 (ii) is finished before the end of the period of 6 months
16 commencing on the day on which a revised edition of
17 AS/NZS 3000 is published; and

18 (b) the electrical wiring work complies with AS/NZS 3000 as in
19 effect before the publication of the revised edition.

20 **4 Exemption from Act, s 33 and s 34—Act, s 35 (a)**

21 Electrical wiring work consisting of the installation of the wiring or
22 a component of an electrical installation for a lift or escalator on the
23 load side of a circuit breaker in the motor room for the lift or
24 escalator is prescribed.

1 **5 Articles of electrical equipment to bear registration**
2 **number—Act, s 73**

3 Each article of electrical equipment to which a registered declaration
4 of compliance relates must be marked, stamped or labelled by
5 attaching the registration number of the declaration to, or writing
6 that number indelibly on, the article.

7 **6 Energy efficiency standards—Act, s 81 (5) (a) and (7)**

8 The *Electricity Safety Act 1998* (Vic) is a corresponding law.

9 *Note 1* At the commencement of this regulation, energy efficiency standards
10 are prescribed under the *Electricity Safety Act 1998* (Vic) (see the
11 *Electricity Safety (Equipment Efficiency) Regulations 1999* (Vic)) for
12 the following articles of electrical equipment:

- 13 • clothes washing machines
- 14 • dishwashers
- 15 • refrigerating appliances
- 16 • single-phase refrigerative airconditioners and heat pumps
- 17 • rotary clothes dryers
- 18 • storage water heaters
- 19 • three-phase cage induction motors
- 20 • three-phase airconditioners and heat pumps.

21 *Note 2* The text of Victorian Acts and regulations is available at
22 www.dms.dpc.vic.gov.au

23 **8 Articles of electrical equipment—labelling**

- 24 (1) Articles of electrical equipment mentioned in the *Electricity Safety*
25 *(Equipment Efficiency) Regulations 1999* (Vic), regulation 16
26 (Electrical equipment labels) or schedule 3 (Standards for electrical
27 equipment that requires registration and labelling), as in force from
28 time to time, must be labelled as required under those provisions.

29 *Note 1* At the commencement of this regulation, the articles of electrical
30 equipment mentioned in the *Electricity Safety (Equipment Efficiency)*
31 *Regulations 1999* (Vic), reg 16 and sch 3 are the following:

Schedule 3 New Electricity Safety Regulations

- 1 • clothes washing machines
2 • dishwashers
3 • refrigerating appliances
4 • single-phase refrigerative airconditioners and heat pumps
5 • rotary clothes dryers
6 • three-phase cage induction motors
7 • three-phase airconditioners and heat pumps.
- 8 *Note 2* The text of Victorian Acts and regulations is available at
9 www.dms.dpc.vic.gov.au
- 10 (2) The Legislation Act, section 47 (6) does not apply to this regulation.
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Endnote

Republications of amended laws

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

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