

2005

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CONSTRUCTION OCCUPATIONS (LICENSING)
AMENDMENT REGULATION 2005 (No 1)

SL2005-18

EXPLANATORY STATEMENT

Circulated by authority of Simon Corbell MLA
Minister for Planning

Provisions of the Determination

Clauses 1 -3

Clauses 1 –3 cover the name of the Regulation, Commencement and Legislation being amended.

The regulation is called the *Construction Occupations (Licensing) Amendment Regulation 2005 (No 1)*.

The regulation commences on the day after notification and amends the *Construction Occupations (Licensing) Regulations 2004*.

Clause 4

Clause 4 provides for the modification of section 149 of the *Construction Occupations (Licensing) Act 2004* (COLA) under section 152 of the Act. The effect of the modification is to insert references to the *Energy and Water Act 1988* and the *Gas Act 1992*.

Background and Outline

The regulation modifies the operation of the *Construction Occupations (Licensing) Act 2004* (“COLA”) to make provision with respect to a matter that is not adequately, dealt with in COLA. The matter is in relation to the entitlement of the registrar under COLA, to exercise the main licence compliance functions provided under COLA. Those functions are under COLA, section 35 (*When rectification order may be made*), section 37 (*Rectification order inappropriate*) and section 54 (*Disciplinary grounds*).

COLA, section 149 (Contraventions before commencement day) provides to the effect that where section 35, section 37 or section 54 refers to a contravention of COLA, that reference includes a reference to a contravention, before COLA commenced, of certain repealed laws specified under section 149.

An intention of section 149 was to entitle rectification orders to be issued and disciplinary action to be taken in respect of relevant laws that were in force during the above-mentioned 10-year period. However, section 149 did not adequately deal with listing all of the relevant laws that were in force during that period in that it fails to mention the 2 relevant laws that regulated the way that licensees must carry out gasfitting, plumbing and drainage work—the *Gas Act 1994* and the *Energy and Water Act 1988*, which was renamed the *Electricity and Water Act 1988*.

This regulation therefore, entitles COLA section 35, section 37 and section 54 to apply in respect of contraventions of the repealed Acts mentioned prior to the commencement of COLA.