



Australian Capital Territory

# Construction Occupations Legislation Amendment Act 2004

A2004-13

## Contents

---

|  | Page     |
|--|----------|
| 1 Name of Act                              | 2        |
| 2 Commencement                             | 2        |
| 3 Legislation repealed                     | 2        |
| 4 Legislation amended—schs 1 and 2         | 2        |
| <b>Schedule 1</b>                          |          |
| <b>Legislation amended</b>                 | <b>3</b> |
| <b>Part 1.1</b>                            |          |
| <b>Gas Safety Act 2000</b>                 | <b>3</b> |
| <b>Part 1.2</b>                            |          |
| <b>Gas Safety Regulations 2001</b>         | <b>5</b> |
| <b>Part 1.3</b>                            |          |
| <b>Water and Sewerage Act 2000</b>         | <b>5</b> |
| <b>Part 1.4</b>                            |          |
| <b>Water and Sewerage Regulations 2001</b> | <b>7</b> |

---

2002 054B

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

|                   | Page  |
|-------------------|---|
| <b>Schedule 2</b> | <b>Consequential and technical amendments</b> 9                                 |
| <b>Part 2.1</b>   | <b>Administrative Decisions (Judicial Review) Act 1989</b> 9                    |
| <b>Part 2.2</b>   | <b>Building and Construction Industry Training Levy Act 1999</b> 10             |
| <b>Part 2.3</b>   | <b>Civil Law (Sale of Residential Property) Act 2003</b> 11                     |
| <b>Part 2.4</b>   | <b>Civil Law (Wrongs) Act 2002</b> 12   |
| <b>Part 2.5</b>   | <b>Common Boundaries Act 1981</b> 13  |
| <b>Part 2.6</b>   | <b>Dangerous Goods Regulations 1978</b> 14                                      |
| <b>Part 2.7</b>   | <b>Discrimination Act 1991</b> 14   |
| <b>Part 2.8</b>   | <b>Duties Act 1999</b> 15   |
| <b>Part 2.9</b>   | <b>Electricity Safety Act 1971</b> 15   |
| <b>Part 2.10</b>  | <b>Environment Protection Act 1997</b> 28                                       |
| <b>Part 2.11</b>  | <b>Environment Protection Regulations 1997</b> 28                               |
| <b>Part 2.12</b>  | <b>Fire Brigade Act 1957</b> 28   |
| <b>Part 2.13</b>  | <b>Food Act 2001</b> 29   |
| <b>Part 2.14</b>  | <b>Gas Safety Act 2000</b> 30   |
| <b>Part 2.15</b>  | <b>Gas Safety Regulations 2001</b> 34   |
| <b>Part 2.16</b>  | <b>Land (Planning and Environment) Act 1991</b> 36                              |
| <b>Part 2.17</b>  | <b>Land (Planning and Environment) (Bushfire Emergency) Regulations 2003</b> 37 |
| <b>Part 2.18</b>  | <b>Land (Planning and Environment) Regulations 1992</b> 38                      |
| <b>Part 2.19</b>  | <b>Leases (Commercial and Retail) Act 2001</b> 38                               |
| <b>Part 2.20</b>  | <b>Legislation Act 2001</b> 38  |
| <b>Part 2.21</b>  | <b>Liquor Act 1975</b> 39   |
| <b>Part 2.22</b>  | <b>Occupational Health and Safety Regulations 1991</b> 40                       |
| <b>Part 2.23</b>  | <b>Public Health Regulations 2000</b> 40  |

---

|                   |  | Contents |
|-------------------|--|----------|
|                   |  | Page     |
| <b>Part 2.24</b>  | <b>Residential Tenancies Act 1997</b>                    | 41       |
| <b>Part 2.25</b>  | <b>Scaffolding and Lifts Act 1912</b>                    | 41       |
| <b>Part 2.26</b>  | <b>Utility Networks (Public Safety) Regulations 2001</b> | 41       |
| <b>Part 2.27</b>  | <b>Water and Sewerage Act 2000</b>                       | 42       |
| <b>Part 2.28</b>  | <b>Water and Sewerage Regulations 2001</b>               | 55       |
| <br>              |  |          |
| <b>Schedule 3</b> | <b>New Electricity Safety Regulations</b>                | 61       |





Australian Capital Territory

# Construction Occupations Legislation Amendment Act 2004

**A2004-13**

---

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:

**1 Name of Act**

This Act is the *Construction Occupations Legislation Amendment Act 2004*.

**2 Commencement**

This Act commences on the commencement of the *Construction Occupations (Licensing) Act 2004*, section 7.

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

**3 Legislation repealed**

The following legislation is repealed:

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

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

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

## **Schedule 1      Legislation amended**

(see s 4)

### **Part 1.1              Gas Safety Act 2000**

#### **[1.1] Section 31**

*substitute*

#### **31      Meaning of *relevant supplier***

In this part:

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

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

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

*omit*

relevant utility

*substitute*

relevant supplier

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

*substitute*

*consumer piping system*—

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

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

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

*substitute*

***gas*** means—

- (a) natural gas to which the Gas Pipeline Access (A.C.T.) Law applies; or
- (b) a gas (***LPG***) in its vapour phase composed predominantly of 1 or more of the following hydrocarbons:
  - (i) propane;
  - (ii) propene (propylene);
  - (iii) butane;
  - (iv) butene (butylene).

*Note*      For the Gas Pipeline Access (A.C.T.) Law, see the *Gas Pipelines Access Act 1998*, s 6.

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

*substitute*

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



---

## **Part 1.2 Gas Safety Regulations 2001**

### **[1.6] New regulation 21**

*in part 4, insert*

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

The office of ACT Workcover is prescribed.

## **Part 1.3 Water and Sewerage Act 2000**

### **[1.7] Section 17**

*substitute*

#### **17 Installation of toilets**

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

- (1) A licensee commits an offence if—
- (a) the licensee installs a toilet; and
  - (b) the toilet does not comply with the requirements prescribed under the regulations.

Maximum penalty: 10 penalty units.

- (2) An offence under subsection (1) is a strict liability offence.
- (3) To remove any doubt, in this section:

*toilet*—

- (a) means the bowl or cistern; and
- (b) includes a urinal.

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

*insert*

***sanitary drain***—

- (a) means a pipe, conduit or fitting, or device directly connected to 1 or more of them, that—
  - (i) is installed in or on the ground (or partly in and partly on the ground) and is used, or for use, in relation to the drainage of a single building, or the drainage of 2 or more buildings by a combined drainage operation; and
  - (ii) is, or is to be, indirectly or directly connected to a sewerage network, a septic tank, on-site sewerage treatment unit or other receptacle for sewage; but
- (b) does not include—
  - (i) a grey-water irrigation hose used, or for use, in relation to the carrying of grey water directly to a grey-water irrigation area; or
  - (ii) part of a sewerage network.

***sanitary plumbing***—

- (a) means a pipe, fitting, fixture or water appliance that is not in or in contact with the ground and that is used, or for use, in relation to the collecting or carrying of sewage to a sanitary drain; and
- (b) includes a fitting used, or for use, in the diversion of grey water, or for the direct connection of a grey-water irrigation hose; but
- (c) does not include a grey-water irrigation hose used, or for use, in relation to the carrying of grey water directly to a grey-water irrigation area.

---

## **Part 1.4**                      **Water and Sewerage Regulations 2001**

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

*insert*

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

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

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

*insert*

- (2A) However, subregulation (2) does not apply to the covering of uninspected sanitary drainage work if—
  - (a) the licensee responsible for the sanitary drainage work is satisfied on reasonable grounds that part of the work is being, or is about to be, significantly damaged by flooding caused by a storm; and
  - (b) the part of the work is temporarily covered by the minimum amount of soil necessary to avoid the damage; and

- (c) if, during an inspection, the inspector requires any part of the temporary covering to be removed to assist inspection—the licensee—
  - (i) removes the covering to the inspector’s satisfaction; or
  - (ii) arranges for another inspection to take place after the covering is removed.

**[1.11] Regulation 8**

*renumber subregulations when regulations next republished under Legislation Act*

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

*insert*

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

## **Schedule 2            Consequential and technical amendments**

(see s 4)

### **Part 2.1                    Administrative Decisions (Judicial Review) Act 1989**

#### **[2.1] New section 22**

*insert*

#### **22 Transitional—sch 1, clause 5**

- (1) A reference in schedule 1, clause 5 to a decision under the *Building Act 2004*, section 96 (Approval of fidelity fund schemes) or section 107 (Suspension or cancellation of approval of approved scheme) includes a reference to a decision made under the *Building Act 1972* (repealed), section 67 (Approval of fidelity fund schemes) or section 78 (Suspension or cancellation of approval of approved scheme).
- (2) This section expires on 1 July 2005.

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

*substitute*

- 5 This Act does not apply to a decision under the *Building Act 2004*, section 96 (Approval of fidelity fund schemes) or section 107 (Suspension or cancellation of approval of approved scheme).

## Part 2.2 Building and Construction Industry Training Levy Act 1999

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

*substitute*

*Building Act* means the *Building Act 2004*.

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

*omit*

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

*substitute*

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

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

*substitute*

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

### [2.7] Section 17 (3)

*omit*

building controller

*substitute*

construction occupations registrar

### [2.8] Schedule 1, clauses 16 and 17

*substitute*

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

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

*omit*

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

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

*substitute*

*unapproved structure* means a structure—

- (a) that is required to be approved under the *Building Act 2004* but has not been approved; or
- (b) the building of which is required to be approved under the *Land (Planning and Environment) Act 1991* but for which an unqualified certificate of occupancy has not been issued under the *Building Act 2004*.

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

*substitute*

- (h) premises in relation to which a notice requiring that they be demolished has been given under the *Building Act 2004*, section 62;

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

*substitute*

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

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

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

*insert*

*building work*—see the *Building Act 2004*, section 6.

**[2.14] New section 43**

*insert*

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

- (1) In section 23 (5):

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

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

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

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

*substitute*

- (2) This part has effect subject to the *Building Act 2004*, part 9 (Limitation of liability).



## Part 2.5 Common Boundaries Act 1981

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

*substitute*

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

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

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

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

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

*substitute*

- (b) includes any wall that is completely or partly used to support 2 or more buildings, if the wall was erected in connection with a building for which there is a certificate of occupancy under the *Building Act 2004*.

**[2.18] Section 28**

*omit everything before paragraph (a), substitute*

**28 Erection of party walls**

If, in a building approval under the *Building Act 2004* for a building to be erected on land that is leased Territory land, a party wall is shown or provided for on the common boundary, or part of that boundary, between 2 parcels of land that are leased Territory land—

**Part 2.6 Dangerous Goods Regulations  
1978**

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

*substitute*

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

**Part 2.7 Discrimination Act 1991**

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

*omit*

*Building Act 1972*

*substitute*

*Building Act 2004*

---

## Part 2.8 Duties Act 1999

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

*substitute*

- (d) a certificate of occupancy has been issued under the *Building Act 2004* for the building to which the agreement relates.

## Part 2.9 Electricity Safety Act 1971

### [2.22] New section 2

*insert*

#### 2 Dictionary

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

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

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

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

### [2.23] Section 3

*substitute*

#### 3 Notes

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

**[2.24] Parts 2 and 3**

*omit*

**[2.25] Sections 23 to 31**

*omit*

**[2.26] Section 33**

*omit*

Australian Standard 3000

*substitute*

AS/NZS 3000

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

*omit*

Australian Standard 3017

*substitute*

AS/NZS 3017

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

*omit*

Australian Standard 3000

*substitute*

AS/NZS 3000

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

*insert*

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

**[2.30] Parts 5 and 6**

*omit*

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

*omit*

Australian Standard 3820

*substitute*

AS/NZS 3820

**[2.32] Section 105 heading**

*substitute*

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

**[2.33] Section 119**

*substitute*

**119 Review of decisions**

- (1) Application may be made to the administrative appeals tribunal for a review of the following decisions of the planning and land authority:
  - (a) under section 65 (1) (a) declaring that an article of electrical equipment is a prescribed article of electrical equipment for part 7;
  - (b) under section 65 (1) (b) declaring that a stated class of articles of electrical equipment is a prescribed class of articles of electrical equipment for part 7;
  - (c) under section 74 (1) refusing to approve premises as a testing laboratory;

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

**[2.34] Sections 122 to 125**

*omit*

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

*omit*

Australian Standard 3000

*substitute*

AS/NZS 3000

**[2.36] Section 127**

*omit*

**[2.37] New section 131**

*insert*

**131 New regulations**

- (1) The provisions set out in the *Construction Occupations Legislation Amendment Act 2004*, schedule 3 are taken, on the commencement of this section, to be regulations made under this Act, section 130 (Regulation-making power).
- (2) To remove any doubt and without limiting subsection (1), the provisions set out in the *Construction Occupations Legislation Amendment Act 2004*, schedule 3 may be amended or repealed as if they had been made as regulations by the Executive under this Act, section 130.
- (3) To remove any doubt, the regulations mentioned in subsection (1) are taken—
  - (a) to have been notified under the Legislation Act on the day this Act is notified; and
  - (b) to have commenced on the day this section commences; and
  - (c) not to be required to be presented to the Legislative Assembly under the Legislation Act, section 64 (1).

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

### **[2.38] New dictionary**

*insert*

## **Dictionary**

(see s 3)

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

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

- under
- function.

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

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

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

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



*AS/NZS 3820* means Australian/New Zealand Standards 3820 (Essential safety requirements for low voltage electrical equipment) as in force from time to time.

***electrical installation***—

- (a) means electrical wiring or cable used or for use in carrying or controlling electricity (other than electricity with a voltage of not more than 50V a.c. or 120V ripple-free d.c.); and
- (b) includes—
  - (i) a wiring system, switchgear, control gear, electrical accessory, electrical appliance, or fitting, that is used or for use in the conversion, storage, transmission, distribution or use of electrical energy and connected to wiring or cable; and
  - (ii) a switch, fuse, plug, socket outlet, lighting outlet, adaptor, ceiling rose or other device associated with wiring, a switchboard, or an appliance, mentioned in subparagraph (i); and
  - (iii) a consuming device in which electricity is converted into heat, motion or another form of energy, or is substantially changed in its electrical character; and
  - (iv) support for electrical wiring or cable; but
- (c) does not include—
  - (i) a generator or storage device supplying, or for the supply of, electricity to the installation; or
  - (ii) an appliance that receives, or is intended to receive, its main electricity supply through a socket connection; or
  - (iii) a lamp; or
  - (iv) an electricity network or part of a network; or

- (v) telecommunications cabling or equipment that operates or is intended to operate at a voltage of 90V a.c. or lower.

***electrical wiring work***—

- (a) means the installation, replacement, augmentation, curtailing, maintenance, repair, or alteration of the location of all or part of, an electrical installation, other than—
  - (i) an electrical installation that operates at extra low voltage; or
  - (ii) telecommunications cabling or equipment that operates at a voltage not greater than 90V a.c.; but
- (b) does not include—
  - (i) plugging a plug into a socket outlet, or unplugging it; or
  - (ii) fitting a lamp to a lighting outlet or removing it; or
  - (iii) fitting, removing or replacing a fuse or fuse wire if the fuse or wire cannot sustainably conduct more than 30A.

***electricity distributor***—see the *Utilities Act 2000*, dictionary.

***electricity network***—see the *Utilities Act 2000*, section 7 (Electricity network).

***inspector***—see section 95 (Appointment of inspectors).

***occupier***, of premises, includes—

- (a) a person believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

***premises*** means a building, structure or place (whether built on or not and whether enclosed or not), and includes an aircraft, a vessel and a vehicle.

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

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

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

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

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

***relevant standard***—

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

*sell* includes—

- (a) barter or exchange; and
- (b) let on hire; and
- (c) offer, expose or advertise for sale, barter, exchange or letting on hire.

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

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

*omit*

chief executive

*substitute*

construction occupations registrar

*in*

- section 34 (1) (b) (i) (1st mention)
- section 34 (2) (1st mention)
- section 68 (1) and (2)
- section 68 (3) (1st mention)
- section 68 (4) (1st mention)
- section 68 (6) and (7)
- section 69 (1) (1st mention)
- section 69 (2) (1st mention)
- section 69 (3)
- section 70 (1) (1st mention)
- section 70 (3) (1st mention)
- section 71 (1) (1st mention)
- section 71 (2) and (3)
- section 71 (4) (1st mention)
- section 72

- section 75 (1) (1st mention)
- section 76 (1)
- section 76 (2) (1st mention)
- section 76 (4)
- section 76 (5) (1st mention)
- section 78
- section 88
- section 89
- section 95 (1) and (2)
- section 95 (3) (b) (1st mention)
- section 96
- section 107 (5)
- section 110 (3)
- section 126
- section 129

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

*omit*

chief executive

*substitute*

registrar

*in*

- section 34 (b) (i) (2nd mention)
- section 34 (2) (2nd and 3rd mentions)
- section 68 (3) (2nd mention)
- section 68 (4) (a)
- section 69 (1) (2nd mention)
- section 69 (2) (2nd mention)
- section 70 (1) (2nd mention)

- section 70 (3) (2nd mention)
- section 71 (1) (2nd mention)
- section 71 (1) (a) and (b)
- section 71 (4) (2nd mention)
- section 75 (1) (a) and (b) (viii)
- section 76 (2) (a) and (b)
- section 76 (2) (last mention)
- section 76 (5) (2nd and 3rd mention)
- section 95 (3) (b) (2nd mention)
- section 95 (3) (c)

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

*omit*

chief executive

*substitute*

planning and land authority

*in*

- section 65 (1)
- section 65 (2) (1st mention)
- section 65 (4)
- section 74 (1) (1st mention)
- section 74 (2) (1st mention)
- section 74 (3) (1st mention)
- section 82
- section 84 (1)
- section 84 (2) (1st mention)
- section 85
- section 90 (1)
- section 93 heading

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

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

*omit*

chief executive

*substitute*

authority

*in*

- section 65 (2) (2nd mention)
- section 74 (1) (2nd mention)
- section 74 (2) (2nd mention)
- section 74 (3) (f)
- section 84 (2) (a)
- section 93 (1) (2nd and 3rd mentions)
- section 93 (1) (a) and (b)
- section 93 (3) (b)

**[2.43] Act amended—renumbering**

*renumber provisions when Act next republished under Legislation Act*

## Part 2.10 Environment Protection Act 1997

### [2.44] Section 149 (2) (b)

*substitute*

- (b) the application under the *Building Act 2004*, part 3 for a building approval to carry out the relevant building work.

## Part 2.11 Environment Protection Regulations 1997

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

*substitute*

***building work*** means building work for which a building approval under the *Building Act 2004*, part 3 is required.

## Part 2.12 Fire Brigade Act 1957

### [2.46] Section 12 (2)

*substitute*

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



---

## **Part 2.13**                      **Food Act 2001**

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

*omit*

*Building Act 1972*

*substitute*

*Building Act 2004*

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

*omit*

*Building Act 1972*

*substitute*

*Building Act 2004*

### **[2.49] New section 154**

*insert*

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

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

*certificate of regularisation* under the *Building Act 2004* includes a certificate of regularisation under the *Building Act 1972* (repealed).

(2) This section expires on 1 July 2005.

## Part 2.14 Gas Safety Act 2000

### [2.50] Section 7

*omit*

### [2.51] Section 19

*substitute*

#### 19 Public access to records of approved appliances etc

- (1) The planning and land authority must keep a record of the following done under this part:
  - (a) the appliances approved;
  - (b) any cancellations of approvals
  - (c) any appliances prohibited.
- (2) The planning and land authority must make the record available for public inspection during ordinary office hours at—
  - (a) the office of the planning and land authority; or
  - (b) another place prescribed under the regulations.
- (3) The planning and land authority may make the record available for public inspection at any other place.

### [2.52] Section 65 (5)

*substitute*

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

(b) another place prescribed under the regulations.

**[2.53] Dictionary, note 2**

*omit*

- chief executive

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

*omit*

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

*substitute*

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

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

*substitute*

***gasfitter*** means a gasfitter licensed in the advanced or general occupation class under the *Construction Occupations (Licensing) Act 2004*.

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

*substitute*

***gasfitting work***—

(a) means—

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

- (ii) the inspection or testing of a consumer piping system;  
and
- (b) includes the installation of a flue for a type A appliance.

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

*insert*

**Examples of vehicle**

caravan, campertrailer, motor home, mobile catering vehicle

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

*omit*

chief executive

*substitute*

planning and land authority

*in*

- section 21
- section 22 (1)
- section 22 (2) (1st mention)
- section 23
- section 27
- section 29 (1)
- section 29 (2) (1st mention)
- section 30
- section 33
- section 34 (2) (b)
- section 35 (1)
- section 38 heading
- section 38 (1) (1st mention)
- section 38 (2)

- section 38 (3) (1st mention)
- section 39 heading
- section 40 (1)
- section 40 (3) (b) (1st mention)
- section 41
- section 54 (5)
- section 57 (3)
- section 66 (1)

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

*omit*

chief executive

*substitute*

authority

*in*

- section 22 (2) (a) and (b)
- section 22 (2) (last mention)
- section 29 (2) (a)
- section 38 (1) (2nd and 3rd mention)
- section 38 (1) (a) and (b)
- section 38 (3) (b)
- section 40 (3) (b) (2nd mention)
- section 40 (3) (c)

## Part 2.15 Gas Safety Regulations 2001

### [2.61] Regulation 4B

*omit*

### [2.62] Regulation 5

*omit*

### [2.63] Regulation 13 (2)

*omit*

unsafe

*substitute*

safe

### [2.64] Regulation 13 (4)

*omit*

### [2.65] Regulation 14 (1)

*omit*

(1) A person

*substitute*

A person

### [2.66] Regulation 14 (2)

*omit*

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

*omit*

to on appropriate

*substitute*

to an appropriate

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

*omit*

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

*omit*

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

*insert*

**23 Compliance indicators**

- (1) In these regulations:

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

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

**24 Defect tags**

- (1) In these regulations:

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

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

**[2.71] Dictionary heading**

*substitute*

## Dictionary

(see reg 3)

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

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

- under
- function.

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

- premises.

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

*omit*

## Part 2.16 Land (Planning and Environment) Act 1991

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

*substitute*

***building work***—see the *Building Act 2004*, section 6.



---

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

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

*substitute*

- (a) a building surveyor licensed under the *Construction Occupations (Licensing) Act 2004* endorses a plan of works in relation to the work included in the development; and

**[2.75] Section 9**

*substitute*

**9 Endorsement of plans**

A building surveyor licensed under the *Construction Occupations (Licensing) Act 2004* may endorse a plan of works if satisfied that—

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

## Part 2.18 Land (Planning and Environment) Regulations 1992

### [2.76] Regulation 2, note 1

*substitute*

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

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

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

*omit*

## Part 2.19 Leases (Commercial and Retail) Act 2001

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

*substitute*

*certificate of occupancy*—see the *Building Act 2004*, dictionary.

## Part 2.20 Legislation Act 2001

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

*insert*

*building code* means the building code under the *Building Act 2004*, section 136.

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

*insert*

*construction occupations registrar* means the registrar under the *Construction Occupations (Licensing) Act 2004*.

## **Part 2.21                      Liquor Act 1975**

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

*substitute*

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

For example, the signpost definition ‘*standards manual*—see section 33.’ means that the term ‘standards manual’ is defined in that section.

**[2.82] Section 39**

*substitute*

### **39 Saving of operation of Building Act**

Nothing in this Act affects the operation of the *Building Act 2004*.

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

*omit*

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

*substitute*

*Building Act 2004*, part 5 for the premises

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

*omit*

## Part 2.22 Occupational Health and Safety Regulations 1991

### [2.85] Regulation 14 (2) (h) (i)

*substitute*

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

## Part 2.23 Public Health Regulations 2000

### [2.86] Division 6.3

*after division heading, insert*

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

### [2.87] Section 71

*omit*

### [2.88] Sections 74 and 75

*omit*

## Part 2.24 Residential Tenancies Act 1997

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

*omit*

within the meaning of the *Building Act 1972*

*substitute*

under the *Building Act 2004*, section 6

## Part 2.25 Scaffolding and Lifts Act 1912

### [2.90] Section 6 (5)

*substitute*

(5) In this section:

*cost*, of building work—see the *Building Act 2004*, section 84.

## Part 2.26 Utility Networks (Public Safety) Regulations 2001

### [2.91] Regulation 18 (2) (a)

*substitute*

(a) the holder of an electricians licence under the *Construction Occupations (Licensing) Act 2004* that authorises work on the line; or

## Part 2.27 Water and Sewerage Act 2000

### [2.92] Section 3

*omit*

### [2.93] Section 4

*renumber as section 3*

### [2.94] New section 4

*in part 1, insert*

#### 4 Application of Act to certain installations

- (1) To remove any doubt, this Act applies, as far as possible, to the installation of the following:
  - (a) a chemical toilet;
  - (b) a flushing toilet that will, or is intended to, discharge into a septic system;
  - (c) a connection to a septic system.
- (2) This section does not limit the application of this Act.

### [2.95] Section 5 (1)

*omit*

plumbing or

*substitute*

sanitary plumbing work, water supply plumbing work or

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

*omit everything before paragraph (a), substitute*

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

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

*insert*

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

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

*substitute*

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

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

- (4) However, if, because of the size of the plans, it is impractical to mark the plumbing plan approval on each page of the plans, instead of marking the approval under subsection (3) (a), the certifier may mark each page of the plans with an indication that the approval, or part of the approval, is in a separate document instead.
- (5) A certifier who issues a plan approval must—
  - (a) give a copy of the approval and the relevant plans—

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

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

**[2.99] Section 8**

*renumber paragraphs when Act next republished under Legislation Act*

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

*insert*

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

**[2.101] Section 9**

*renumber subsections when Act next republished under Legislation Act*

**[2.102] New section 9A**

*insert*

**9A Marking approval of amendment**

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



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

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

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

- (4) The certifier must—

- (a) give a copy of the amended approval and the amended plan as soon as practicable to the person who applied for the approval; and
- (b) within 7 days after the issue give to the construction occupations registrar—
- (i) a copy of the amended approval; and
- (ii) a copy of the amended plan.

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

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

## **[2.103] Section 11**

*substitute*

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

*Note* Under the *Construction Occupations (Licensing) Act 2004*, unlicensed people must not provide certain services.

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

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

Maximum penalty: 20 penalty units.

**[2.104] Sections 12 to 14**

*omit*

**[2.105] Section 15 heading**

*substitute*

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

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

*substitute*

*Note* Under the *Construction Occupations (Licensing) Act 2004*, unlicensed people must not provide certain services.

- (1) A licensee commits an offence if the licensee provides a water supply plumbing service without—
- (a) giving the construction occupations registrar written notice of the licensee's intention to provide the service at least 2 days before the day the licensee intends to start to provide the service; and
  - (b) if approval is required for a plan under the regulations—getting the approval.

Maximum penalty: 20 penalty units.

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

Maximum penalty: 20 penalty units.

- (1B) A licensee commits an offence if—
- (a) the licensee does water supply plumbing work that includes the installation of a thing to which MP52 applies; and
  - (b) the thing is not certified under the MP52 procedure.
- Maximum penalty: 20 penalty units.

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

*substitute*

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

**[2.108] Section 15**

*renumber subsections when Act next republished under Legislation Act*

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

*substitute*

*Note* Under the *Construction Occupations (Licensing) Act 2004*, unlicensed people must not provide certain services.

- (1) A licensee commits an offence if the licensee provides a sanitary plumbing service or a sanitary drainage service without—
- (a) giving the construction occupations registrar written notice of the licensee's intention to provide the service at least 2 days before the day the licensee intends to start to provide the service; or
  - (b) if the service is minor sanitary plumbing work—giving the registrar a minor works notice within 7 days after the day the licensee completes the work; or

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

Maximum penalty: 20 penalty units.

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

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

*omit*

journeyman plumber's licence

*substitute*

journey person plumbers licence

**[2.111] Section 26**

*substitute*

**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.

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

*insert*

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

**[2.113] Dictionary, note 2**

*omit*

- chief executive

*insert*

- construction occupations registrar

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

*insert*

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

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

*substitute*

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

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

***grey water***—

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

***hot-water system*** means—

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

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

*substitute*

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

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

***irrigation system***—

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

***licence*** of a stated kind, means a licence of that kind under the *Construction Occupations (Licensing) Act 2004*.

***licence number***—see *Construction Occupations (Licensing) Act 2004*, section 23 (1) (c).

***licensee***, in relation to a service, means a person licensed under the *Construction Occupations (Licensing) Act 2004* to provide the service.

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

*insert*

***sanitary drainage work***—

- (a) means the installation, replacement, augmentation, curtailing, maintenance, repair, or alteration of the location of all or part, of a sanitary drain; but
- (b) does not include—
  - (i) inspecting a sanitary drain, clearing a blockage or obstruction of the drain, or cleaning the drain, unless the inspecting, clearing or cleaning involves damage to, or removal of part of, the sanitary drain or is done for reward; or
  - (ii) the operation of a grey-water diverter.

***sanitary plumbing work***—

- (a) means the installation, replacement, augmentation, curtailing, maintenance, repair, or alteration of the location of all or part, of sanitary plumbing; but
- (b) does not include—
  - (i) inspecting sanitary plumbing, clearing a blockage or obstruction of the plumbing or cleaning the plumbing unless the inspecting, clearing or cleaning involves damage to, or removal of part of, the sanitary plumbing or is done for reward; or
  - (ii) the operation of a grey-water diverter.

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

*substitute*

*sewage*—

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

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

*substitute*

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

*water appliance*—

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

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



***water service—***

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

***water supply plumbing work—***

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

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

*omit*

chief executive

*substitute*

construction occupations registrar

*in*

- section 10
- section 20 heading
- section 20 (1) (1st mention)
- section 20 (2) (a)
- section 20 (3) (1st mention)
- section 21
- section 22 heading
- section 22 (1)
- section 22 (2) (1st mention)
- section 22 (3) and (4)
- section 23 (1) and (2)
- section 23 (3) (b) (1st mention)
- section 23 (3) (c) (1st mention)
- section 24
- section 25
- section 34 (5)
- section 37 (3)
- section 44 (1) (a)
- section 48

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

*omit*

chief executive

*substitute*

registrar

*in*

- section 20 (1) (2nd and 3rd mention)
- section 20 (1) (a) and (b)
- section 20 (3) (b)
- section 22 (2) (2nd mention)
- section 23 (3) (b) (2nd mention)
- section 23 (3) (c) (2nd mention)

**Part 2.28 Water and Sewerage  
Regulations 2001**

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

*omit*

use plumbing

*substitute*

install plumbing

**[2.123] New regulation 7A**

*insert*

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

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

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

**[2.124] Regulation 11**

*omit*

**[2.125] Regulation 16**

*substitute*

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

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

- (ii) gives an effective full-flush not larger than 10L, and for test purposes, 9L; and
  - (iii) gives an effective half-flush not larger than 5.5L, and for test purposes, 4.5L;
- (d) if a cistern is to be installed that is connected to an existing reduced-flush closet pan—the cistern must be a dual-flush 6/3L cistern;
- (e) if a closet pan is to be flushed with water drawn from a central storage cistern installed before 1 January 1994 and—
  - (i) the pan is a full-flush closet pan—the pan must be flushed with an effective full-flush not exceeding 10L and for test purposes, 9L; or
  - (ii) the pan is a reduced-flush closet pan—the pan must be flushed with an effective full-flush not exceeding 10L and for test purposes, either 6L or 9L;
- (f) the pan may be flushed with a half-flush of at least 4.5L and not exceeding 5.5L if a full-flush closet pan is to be flushed—
  - (i) with water drawn from a central storage cistern; and
  - (ii) by control fittings that allow the user to decide whether to give a full-flush or half-flush;
- (g) the pan may be flushed with a half-flush of at least 3L and not exceeding 4L if a reduced-flush closet pan is to be flushed—
  - (i) with water drawn from a central storage cistern; and
  - (ii) by control fittings that allow the user to decide whether to give a full-flush or half-flush;
- (h) if a central storage cistern installation is to be installed—
  - (i) reduced-flush closet pans must be installed; and

- (ii) control fittings must be installed that automatically control the amount of water used in a way that each flush uses—
  - (A) on a full-flush—at least 6L and not exceeding 7L;  
or
  - (B) on a half-flush—at least 3L and not exceeding 4L.

(2) In this regulation:

***dual-flush 6/3L cistern*** means a cistern that is at least 8L capacity—

- (a) giving an effective full-flush not exceeding 7L and for test purposes 6L; and
- (b) giving an effective half-flush not exceeding 4L and for test purposes 3L.

***full-flush closet pan*** means a closet pan that is a full-flush pan under AS 1172, as in force from time to time.

***reduced-flush closet pan*** means a closet pan that is a reduced-flush pan under AS 1172, as in force from time to time.

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

*omit*

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

*omit*

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

*substitute*

(2) Subregulation (1) does

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

*omit*

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

*substitute*

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

**[2.130] Regulation 22**

*renumber subregulations when Act next republished under Legislation Act*

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

*omit*

chief executive

*substitute*

construction occupations registrar

*in*

- regulation 8
- regulation 10 (2)
- regulation 10 (2), note (1st mention)
- regulation 12 (2)
- regulation 19
- regulation 21
- regulation 21, note (1st mention)
- regulation 22 (5) (a)
- regulation 22 (6)
- regulations 25, 26 and 27.

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

*omit*

chief executive

*substitute*

registrar

*in*

- regulation 10 (2), note (2nd mention)
- regulation 21, note (2nd mention)
- regulation 22 (5) (c)



---

## Schedule 3      New Electricity Safety Regulations

(see sch 2, amdt 2.37)



Australian Capital Territory

# Electricity Safety Regulations 2004

Subordinate Law SL2004-

made under the

*Electricity Safety Act 1971*

**1 Name of regulations**

These regulations are the *Electricity Safety Regulations 2004*.

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

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

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

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

- (a) the electrical wiring work—
  - (i) is begun before the day on which a revised edition of AS/NZS 3000 is published and is finished after that day; or
  - (ii) is finished before the end of the period of 6 months commencing on the day on which a revised edition of AS/NZS 3000 is published; and
- (b) the electrical wiring work complies with AS/NZS 3000 as in effect before the publication of the revised edition.

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

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

---

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

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

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

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

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

- clothes washing machines
- dishwashers
- refrigerating appliances
- single-phase refrigerative airconditioners and heat pumps
- rotary clothes dryers
- storage water heaters
- three-phase cage induction motors
- three-phase airconditioners and heat pumps.

*Note 2* The text of Victorian Acts and regulations is available at [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au)

**8 Articles of electrical equipment—labelling**

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

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

**Schedule 3**      New Electricity Safety Regulations

---

- clothes washing machines
- dishwashers
- refrigerating appliances
- single-phase refrigerative airconditioners and heat pumps
- rotary clothes dryers
- three-phase cage induction motors
- three-phase airconditioners and heat pumps.

*Note 2* The text of Victorian Acts and regulations is available at [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au)

(2) The Legislation Act, section 47 (6) does not apply to this regulation.

---

**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 20 November 2003.

**2 Notification**

Notified under the Legislation Act on 26 March 2004.

**3 Republications of amended laws**

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

---

I certify that the above is a true copy of the Construction Occupations Legislation Amendment Bill 2004, which originated in the Assembly as the Construction Occupations Legislation Amendment Bill 2003 and was passed by the Legislative Assembly on 11 March 2004.

Clerk of the Legislative Assembly

© Australian Capital Territory 2004

---