



Australian Capital Territory

Construction and Energy Efficiency Legislation Amendment Act 2013

A2013-31

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Australian Capital Territory

Construction and Energy Efficiency Legislation Amendment Act 2013

A2013-31

An Act to amend legislation relating to construction and energy efficiency, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Construction and Energy Efficiency Legislation Amendment Act 2013*.

2 Commencement

- (1) The following provisions commence on 1 September 2013:
 - (a) parts 2 and 3;
 - (b) section 9;
 - (c) part 5 (other than section 26);
 - (d) part 10 (other than sections 79 to 82 and sections 89 and 90);
 - (e) part 11 (other than sections 97 to 99);
 - (f) schedule 1.
- (2) Section 67 commences on 1 December 2013.
- (3) The remaining provisions commence on the day after this Act's notification day.

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

3 Legislation amended

This Act amends the following legislation:

- [Architects Act 2004](#)
- [Architects Regulation 2004](#)
- [Building Act 2004](#)
- [Building \(General\) Regulation 2008](#)
- [Construction Occupations \(Licensing\) Act 2004](#)

- *Construction Occupations (Licensing) Regulation 2004*
- *Electricity Safety Act 1971*
- *Energy Efficiency (Cost of Living) Improvement Act 2012*
- *Water and Sewerage Act 2000*
- *Water and Sewerage Regulation 2001.*

Part 2 Architects Act 2004

4 Eligibility for registration Section 8 (2) (a) (i)

substitute

- (i) a qualification declared by the registrar; or

5 Section 8 (4) and (5)

substitute

- (4) The registrar may declare a qualification for subsection (2) (a) (i).
- (5) Before making a declaration, the registrar must consult the architects board.
- (6) The architects board may accredit a course for subsection (2) (a) (ii).
- (7) A declaration or accreditation is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the [Legislation Act](#).

Note 2 See also s 90A (Notifiable instruments under s 8 and [Legislation Act](#), s 47).

6 New section 90A

insert

90A Notifiable instruments under s 8 and Legislation Act, s 47

- (1) This section applies in relation to a declaration or accreditation made under section 8 (Eligibility for registration).
- (2) A declaration or accreditation may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.

- (3) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a declaration or accreditation.

Note Laws of another jurisdiction and instruments mentioned in s (3) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (4) In this section:

law of another jurisdiction—see the [Legislation Act](#), section 47 (10).

Part 3 Architects Regulation 2004

**7 Prescribed qualifications for registration—Act,
s 8 (2) (a) (i)
Section 4**

omit

**8 Prescribed qualifications
Schedule 1**

omit

Part 4 Building Act 2004

9 Stages of building work Section 43 (3) (a)

substitute

- (a) the licensee has given to the certifier written notice dated the date it is given to the certifier that—
- (i) states that the stage has been reached; and
 - (ii) includes a statement that the building work done for the stage was carried out in accordance with approved plans, including, if the building work involved handling asbestos or disturbing friable asbestos, plans that comply with this Act in relation to the asbestos; and

Note The licensee may give the notice electronically (see [Electronic Transactions Act 2001](#), s 8).

10 Stage inspections Section 44 (2), new notes

insert

Note 1 Section 42 includes the requirement that building work must be carried out in accordance with approved plans.

Note 2 If a form is approved under s 151 for a certificate under this provision, the form must be used.

11 New section 44 (7)

insert

- (7) A regulation may prescribe when a certifier must give the construction occupations registrar the following for building work:
- (a) a copy of each certificate for the building work issued under subsection (2) (b) or (5) (a *relevant certificate*);

- (b) a copy of the following documents relating to the building work:
- (i) the notice given to the certifier by the building licensee under section 43 (3) (a);
 - (ii) any notice given to the licensee by the certifier under subsection (2) (a) or (6);
 - (iii) a plan or drawing;
 - (iv) any certificate or other document given or prepared by someone else that the certifier has relied on for the purpose of giving a relevant certificate;
 - (v) the certifier's working papers and calculations that are relevant to the giving of a relevant certificate.

Note If no time is prescribed under this subsection, the certifier must give the copies to the construction occupations registrar under s 48 (Completion of building work).

12 Completion of building work

Section 48 (3) (f)

substitute

- (f) a copy of each certificate issued for the building work under section 44 (2) (b) or (5), unless the certifier has already given the construction occupations registrar the copy in accordance with this Act;

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 2 A regulation may provide for the giving of copies of certificates at other times (see s 44 (7)).

13 Section 48 (3) (n)

omit everything before subparagraph (i), substitute

- (n) a copy of the following documents relating to the building work, unless the certifier has already given the construction occupations registrar the copy in accordance with this Act:

**14 Certificates of occupancy
Section 69 (1), new note**

insert

Note If the building work only involved erecting part of a building, see s (3).

**15 Building code
Section 136 (1), definition of *building code*, new notes**

insert

Note 1 The date that each version of the BCA comes into effect in the ACT can be found in the ‘History of Amendments’ or ‘History of BCA Adoption’ parts in the BCA itself. However, a different date of effect may be prescribed by regulation or in an amendment of the BCA made by an Australian Capital Territory Appendix to the Building Code of Australia.

Note 2 See also s 136A (Regulation under s 136 (1), def *building code* and [Legislation Act](#), s 47).

16 New section 136 (1A)

insert

- (1A) To remove any doubt, the Building Code of Australia includes the variations, additions and exclusions for the ACT contained in the code, including in an appendix to the code.

Note The BCA does **not** include the *Guide to Volume One* published by the Australian Building Codes Board.

17 Section 136 (4), example and note

substitute

Examples

- 1 prescribe an area to be a bushfire-prone area
- 2 A new edition of the Building Code of Australia comes into effect on 1 May 2013. A regulation provides that stated provisions of the BCA come into effect in the ACT on 1 January 2014.

Note 1 The Australian Capital Territory Appendix to the Building Code of Australia may also amend the date the BCA comes into effect in the ACT.

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

18 New section 136A

insert

136A Regulation under s 136 (1), def *building code* and Legislation Act, s 47

- (1) This section applies in relation to a regulation made under section 136 (1), definition of *building code*, paragraph (b).
- (2) A regulation may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.
- (3) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a regulation.

Note Laws of another jurisdiction and instruments mentioned in s (3) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

(4) In this section:

law of another jurisdiction—see the [Legislation Act](#), section 47 (10).

19 Section 137

substitute

137 Publication and availability of ACT Appendix

- (1) The construction occupations registrar must publish, in a daily newspaper, notice of the notification of each Australian Capital Territory Appendix to the Building Code of Australia made by the Minister under section 136.
- (2) The notice must contain details of where copies of the Australian Capital Territory Appendix to the Building Code of Australia may be inspected or purchased.

20 Dictionary, definition of *owner*, paragraph (b) (ii)

substitute

- (ii) if building work has been, is being or is to be carried out on the land for the proprietor of a unit in a units plan for the land—the proprietor; or

Part 5 Building (General) Regulation 2008

21 General requirements for application for building approvals—Act, s 26 (3) New section 11 (1) (d)

insert

- (d) if a performance requirement of the building code is to be complied with by use of an alternative solution under the code, the application must state—
- (i) the performance requirement; and
 - (ii) the alternative solution; and
 - (iii) each assessment method used to show that the alternative solution complies with the performance requirement.

22 New section 11 (3)

after the note, insert

- (3) In this section:
performance requirement—see the building code.

23 Building erection and alteration—Act, s 26 (3) Section 12 (2) (j) and (3), definition of *performance requirement*

omit

**24 General requirements for plans—Act, s 27 (1) (a)
New section 16 (2) (h)**

insert

- (h) if a performance requirement of the building code is to be complied with by use of an alternative solution under the building code—identify the alternative solution and include a statement that it is an alternative solution under the building code.

25 Section 16 (3), new definition of *performance requirement*

insert

performance requirement—see the building code.

**26 Exemption from application of Act
Schedule 1, part 1.2, item 15, column 2, paragraph (e)**

substitute

- (e) the provider of a utility service within the meaning of the *Utilities Act 2000*, section 6 (Electricity services) if the pole or mast is part of the electricity network (within the meaning of that Act) for the provision of the service; or
- (f) the owner of a telecommunications network or part of a telecommunications network that is used to supply a standard telephone service within the meaning of the *Telecommunications Act 1997* (Cwlth) if the pole or mast is or will be part of the network or part.

Part 6 Construction Occupations (Licensing) Act 2004

27 Decision on licence application New section 19 (3A) and (3B)

insert

- (3A) The registrar may refuse to issue a licence for a construction occupation or occupation class to an applicant if—
- (a) the applicant, a director or nominee of an applicant that is a corporation, or a partner or nominee of an applicant that is a partnership, is a licensee or former licensee (however described) under this Act or a corresponding law who—
 - (i) is prohibited from providing a construction service (however described) under this Act or a corresponding law; or
 - (ii) is subject to occupational discipline (however described) under this Act or a corresponding law; or
 - (iii) the registrar believes on reasonable grounds surrendered a licence (however described) in circumstances that related to a ground for occupational discipline (however described) under this Act or a corresponding law; and
 - (b) the registrar believes on reasonable grounds that the refusal is necessary or desirable to protect the public.
- (3B) The registrar may issue a licence to an applicant for less than the maximum period for which the licence may be issued if the registrar believes on reasonable grounds that it is necessary or desirable to protect the public.

28 New section 21A*insert***21A Licence conditions—licensee’s previous licence cancelled for longer than 1 year etc**

- (1) This section applies if—
 - (a) an individual held a licence (however described) under this Act or a corresponding law in a construction occupation or occupation class (however described) that—
 - (i) was cancelled, and the individual was disqualified from applying for a licence (however described) for at least 1 year; or
 - (ii) the registrar believes on reasonable grounds was surrendered by the individual in circumstances that related to a ground for occupational discipline (however described); and
 - (b) the individual has applied for a licence for the same or substantially the same construction occupation or occupation class.
- (2) The registrar may issue the licence to the individual—
 - (a) subject to 1 or more of the following conditions:
 - (i) that the licensee must not be a nominee for a stated period;
 - (ii) that the licensee must not supervise trainees or other licensees;
 - (iii) that the licensee must be supervised by someone else;
 - (iv) any other condition that the registrar considers appropriate; and

- (b) if the registrar believes on reasonable grounds that the condition is necessary or desirable to protect the public.
- (3) This section does not limit the operation of section 21.

29 Licence renewal
New section 25 (2A) and (2B)

insert

- (2A) However, the registrar may refuse to renew a licence if—
- (a) the applicant—
 - (i) has contravened, or is contravening, a court order or an order made by ACAT relating to the applicant’s licence (including work done by the licensee); or
 - (ii) has contravened, or is contravening, this Act or a condition of the applicant’s licence; or

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

- (iii) has contravened, or is contravening, a rectification order; or

Examples

- 1 failing to start the work stated in the rectification order
- 2 failing to finish the work stated in the rectification order in the period within which the order states that the work must be done

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

- (iv) was required by the registrar under section 55A (Skill assessment of licensees) to be assessed and the applicant has not completed the assessment; or

- (v) has a debt owing to the Territory under section 37 (5), section 41 (5) or section 42 (3) and does not have, or is not complying with, a formal arrangement to pay the debt; or
 - (vi) is disqualified under a corresponding law from holding a licence (however described) or providing a construction service (however described) in the same, or substantially the same, construction occupation or occupation class applied for; and
- (b) the registrar believes on reasonable grounds that the refusal is necessary or desirable to protect the public.
- (2B) The registrar may renew a licence for less than the maximum period for which the licence may be renewed if the registrar believes on reasonable grounds that it is necessary or desirable to protect the public.

30 **Intention to make rectification order**
New section 34 (2) (d)

insert

- (d) states that—
- (i) the registrar will not make a rectification order if the registrar is not satisfied that it is appropriate to make a rectification order in relation to the entity, because of the relationship between the entity and the land owner; and
 - (ii) if the registrar does not make a rectification order the Territory may authorise someone else to do the things stated in this notice, and the entity will have to pay for the things to be done.

**31 Rectification orders
Section 38 (1), new example and note**

insert

Example—stated action

rectified work must comply with a stated performance requirement of the Building Code of Australia

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

32 New section 38 (1A)

insert

- (1A) The rectification order may also require the entity to give the registrar written information about a thing required to be done under the order.

Examples

- 1 a structural engineer's report about whether rectified work complies with relevant structural standards
- 2 certification from a building certifier that finished work complies with this Act

33 Section 38 (2)

substitute

- (2) Subsection (2A) applies if—
- (a) the order requires the entity to do a thing; and
 - (b) the entity—
 - (i) is not licensed, authorised or qualified to do the thing; or
 - (ii) if a licence, authorisation or qualification is not required to do the thing—does not have appropriate experience and skill to do the thing.

- (2A) The entity must arrange, and pay for, the thing to be done by someone who—
- (a) is licensed, authorised or qualified to do the thing; or
 - (b) if a licence, authorisation or qualification is not required to do the thing—has appropriate experience and skill to do the thing.

Examples

- 1 A rectification order requires Freddie to take stated action to rectify work he has done. The action includes having to provide written information about whether the rectified work complies with relevant structural standards. Freddie is not a structural engineer so he must arrange, and pay for, a structural engineer to prepare a report about the rectified work.
- 2 A rectification order requires Jo to finish building a dwelling. Jo is no longer a licensed builder, and she is not able to get a new licence. Jo must arrange, and pay for, a licensed builder to finish building the dwelling.
- 3 Alex is a licensed plumber who did non-compliant work on a building that caused extensive water leakage. A rectification order requires him to fix the damage caused by the leakage, including replacing render on the building's exterior, replacing wall linings and insulation in the wall cavity, and repainting walls and replacing carpet in the interior. None of this work requires a licence or other authorisation under ACT law. Alex is able to paint the interior walls to an acceptable standard, but he has never done any of the other kind of work. He must arrange, and pay for, people with appropriate experience and skill to do the rest of the work.

34 New section 47A

in part 4, insert

47A Licensee must comply with determinations about training

- (1) This section applies if the registrar makes a determination under section 104B (Determinations about training) that applies to a licensee.

- (2) The licensee must comply with the determination.

Note Failure to comply with a determination is a ground for occupational discipline (see s 55 (1) (a)) and may result in a refusal to renew a licence (see s 25 (2A)).

35 Grounds for occupational discipline Section 55 (1) (a), new examples

insert

Examples

- 1 contravening a rectification order
- 2 failing to complete a skill assessment required by the registrar under s 55A

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

36 New section 55A

insert

55A Skill assessment of licensees

- (1) This section applies—
- (a) if the registrar believes on reasonable grounds that—
 - (i) a ground for occupational discipline mentioned in section 55 (1) (a) exists in relation to a licensee; and
 - (ii) requiring the licensee to be assessed as mentioned in subsection (2) would assist the registrar to exercise his or her functions under section 56 (Application to ACAT for occupational discipline); or
 - (b) if—
 - (i) a licensee's licence is suspended under section 52A (Suspension of licence—public safety); and

- (ii) the registrar believes on reasonable grounds that requiring the licensee to be assessed as mentioned in subsection (2) would assist the registrar to exercise his or her functions under section 52A (3) or section 53 (End of licence suspension).
- (2) The registrar may, by written notice, require the licensee to be assessed to find out whether the licensee has a skill that is reasonably necessary to satisfactorily exercise the functions of a construction occupation or class of construction occupation under the licensee's licence.
- (3) An assessment may consist of 1 or more of the following:
 - (a) an assessment by a person who the registrar is satisfied on reasonable grounds is competent to make the assessment;
 - (b) an examination, which may have practical, written and oral aspects, by a registered training organisation that the registrar is satisfied on reasonable grounds is competent to set and assess the examination;
 - (c) an examination of a record of the licensee's experience provided by the licensee;
 - (d) the undertaking of a test, or a series of tests, approved by the registrar.
- (4) The licensee must pay to the Territory the reasonable costs incurred by the Territory in arranging or carrying out an assessment.
- (5) A regulation may prescribe the following:
 - (a) what a notice mentioned in subsection (2) must or may contain;
 - (b) any document or thing that must accompany a notice;

(c) anything else in relation to a notice.

Note The registrar may withdraw a notice given to a licensee (see [Legislation Act](#), s 180). The withdrawal does not affect the registrar's belief about whether a ground for occupational discipline under s 55 (1) (a) exists in relation to the licensee.

(6) In this section:

registered training organisation—see the [Training and Tertiary Education Act 2003](#), dictionary.

37 Considerations before making occupational discipline orders
New section 57 (2) (h)

insert

(h) if the licensee has completed an assessment mentioned in section 55A (Skill assessment of licensees)—the results of the assessment.

38 Section 80 heading

substitute

80 Functions of compliance auditors—entry to premises

39 New section 80 (1)

omit

(other than residential premises)

40 New section 80 (1A)

insert

- (1A) However, subsection (1) does not authorise entry into a part of premises that is being used for residential purposes other than with the consent of the occupier or person apparently in charge of the premises.

41 Section 80 (3) (d)

omit

a computer

substitute

any electronic device

42 New section 80 (3) (e)

before the examples, insert

- (e) require the occupier, person apparently in charge of the premises or anyone at the premises to give the compliance auditor reasonable help to exercise a function under this section.

43 New section 80 (3A)

after the notes, insert

- (3A) A person must take reasonable steps to comply with a requirement made of the person under subsection (3) (c), (d) or (e).

Maximum penalty: 50 penalty units.

44 New sections 80A and 80B

in part 6, insert

80A Consent to entry

- (1) When seeking the consent of an occupier of premises to enter the premises under section 80 (1A), a compliance auditor must—
 - (a) produce the compliance auditor's identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and
 - (ii) that anything found under this part may be used in evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the compliance auditor must ask the occupier to sign a written acknowledgment (an ***acknowledgement of consent***)—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything found under this part may be used in evidence in court; and
 - (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time and date consent was given.
- (3) If the occupier signs an acknowledgment of consent, the compliance auditor must immediately give a copy to the occupier.

- (4) A court must find that an occupier did not consent to entry to premises by the compliance auditor under this part if—
- (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
 - (b) an acknowledgment of consent is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.
- (5) In this section:
- occupier*, of premises, includes—
- (a) a person a compliance auditor believes on reasonable grounds to be an occupier of the premises; and
 - (b) a person apparently in charge of the premises.

80B Functions of compliance auditors—production of documents

- (1) A compliance auditor may, by written notice, ask a licensee to produce to the compliance auditor a document that relates to the licensee's activities.

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (2) The notice must state—
- (a) the place where and time when, or the period within which, the licensee must produce the document that the compliance auditor considers on reasonable grounds is reasonable; and
 - (b) the consequences under this Act of failing to comply with the notice.

- (3) A compliance auditor may do 1 or more of the following in relation to the document:
- (a) inspect it;
 - (b) take an extract from or make a copy of the document;
 - (c) require the licensee to give the compliance auditor information about the document;
 - (d) take possession of the document for the period that the compliance auditor considers on reasonable grounds is reasonable.
- (4) If a compliance auditor takes possession of a document under subsection (3) (d), the compliance auditor must—
- (a) allow a person who would be entitled to inspect the document, if it were not in the compliance auditor's possession, to inspect the document at any reasonable time; and
 - (b) give a receipt for the document to the licensee.
- (5) The receipt must include the following:
- (a) a brief description of the document;
 - (b) the compliance auditor's name, and information about how to contact the compliance auditor;
 - (c) the address of the place where the compliance auditor will keep the document while it is in the compliance auditor's possession.

80C Non-compliance with s 80B notice

- (1) A licensee commits an offence if the licensee fails to comply with a notice given to the licensee under section 80B (Functions of compliance auditors—production of documents).

Maximum penalty: 50 penalty units.

- (2) Each partner in a partnership commits an offence if—
- (a) the partnership is a licensee; and
 - (b) the partners, or any of them, fail to comply with a notice given to the partnership under section 80B.

Maximum penalty: 50 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the partner proves that—
- (a) the partner did not know about the failure to comply; and
 - (b) either—
 - (i) the partner took reasonable precautions and exercised appropriate diligence to avoid the failure to comply; or
 - (ii) the partner was not in a position to influence the partnership in relation to the failure to comply.

Note The defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

45 New part 6A

insert

Part 6A Information requirements

80D Meaning of *information requirement*—pt 6A

In this part:

information requirement—see section 80E (2).

80E Information requirements

- (1) This section applies if the registrar suspects on reasonable grounds that a person—
 - (a) has information (the *required information*) reasonably required by the registrar for the administration or enforcement of this Act; or
 - (b) has possession or control of a document containing the required information.
- (2) The registrar may give the person a notice (an *information requirement*) requiring the person to give the information, or produce the document, to the registrar.
- (3) The information requirement must be in writing and must include details of the following:
 - (a) the identity of the person to whom it is given;
 - (b) why the information is required;
 - (c) the time by which the notice must be complied with;
 - (d) the operation of section 80G (Contravention of information requirement).

- (4) A person does not incur any civil or criminal liability only because the person gives information, or produces a document, to the registrar in accordance with an information requirement.

80F Treatment of documents provided under information requirement

- (1) The registrar must return a document produced in accordance with an information requirement to the person who produced the document as soon as practicable.
- (2) Before returning the document, the registrar may make copies of, or take extracts from, the document.

80G Contravention of information requirement

A person commits an offence if the person contravenes an information requirement.

Maximum penalty: 50 penalty units.

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

**46 Codes of practice
Section 104A (2), note**

omit

47 New section 104A (4) to (8)

after the notes, insert

- (4) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to a law or instrument mentioned in subsection (2).

Note Laws and instruments mentioned in s (2) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (5) In this section:
law of another jurisdiction—see the [Legislation Act](#), section 47 (10).
- (6) Subsections (4) and (5) apply in relation to an approved code of practice made before the day this subsection commences.
- (7) Subsection (6) is a law to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.
- (8) Subsections (6) and (7) and this subsection expire 1 year after the day this subsection commences.

48 New section 104B

insert

104B Determinations about training

- (1) The registrar may determine a course of training for a construction occupation or occupation class if the registrar is satisfied on reasonable grounds that the training is reasonably necessary for the development or enhancement of the skills or knowledge of licensees in the construction occupation or class.
- (2) A determination must state—
- the reasons for determining the training; and
 - the consequences under this Act of failing to complete the training; and
 - information about the training, including who must conduct the training; and
 - the latest date by which licensees must complete the training that the registrar considers on reasonable grounds is reasonable.

- (3) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**49 Deputy registrars
Section 106 (2)**

omit

2

substitute

3

50 New part 18

insert

Part 18 Transitional—new licence application information

170 Certain information to be given to registrar

- (1) This section applies if a licensee has not given the registrar the following information (the *required information*):
- (a) if the licensee is an individual—the licensee’s mobile telephone number and email address;
 - (b) if the licensee is a partnership or corporation—the mobile telephone number and email address of each of the licensee’s nominees.
- (2) The licensee must give the registrar the required information within 6 months after the day this section commences.

Note If a form is approved under s 128 for this provision, the form must be used.

- (3) If the licensee's licence is due for renewal within 6 months after the day this section commences, the licensee may include the required information in the application for renewal instead of an approved form for this provision (if any).
- (4) This section is a law to which the [Legislation Act](#), s 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) This section expires 1 year after the day it commences.

51 Dictionary, note 2

insert

- document
- State

52 Dictionary, new definitions

insert

corresponding law means—

- (a) a law of a State corresponding, or substantially corresponding, to this Act; or
- (b) a law of a State prescribed by regulation as a corresponding law for this Act.

information requirement, for part 6A (Information requirements)—see section 80D.

occupier, of premises, includes a person believed on reasonable grounds to be an occupier of the premises.

Part 7 Construction Occupations (Licensing) Regulation 2004

53 Licence applications—Act, s 17 (3) New section 5 (d) (iv)

insert

- (iv) the applicant's mobile telephone number;

54 Section 5 (e) (iv)

substitute

- (iv) the following for each of the applicant's nominees:
 - (A) the nominee's name, business address, email address and mobile telephone number;
 - (B) the nominee's landline telephone number and fax number (if any);

55 Section 5 (f) (ii)

substitute

- (ii) the following for each of the applicant's nominees:
 - (A) the nominee's name, business address, email address and mobile telephone number;
 - (B) the nominee's landline telephone number and fax number (if any); and

56 Section 5 (g)

substitute

- (g) the applicant's—
- (i) business telephone number and email address; and
 - (ii) fax number (if any);

**57 Term of licences generally—Act, s 24
New section 7 (1) (f)**

insert

- (f) asbestos removalist.

**58 Term of licence for asbestos assessors, building assessors, building surveyors, plumbing plan certifiers and works assessors—Act, s 24
Section 8 (2)**

after

issued

insert

or renewed

**59 Particulars in register
Section 9 (1) (b)**

substitute

- (b) the licensee's—
- (i) business telephone number and email address; and
 - (ii) fax number (if any);

60 New section 9 (1) (ca)

insert

- (ca) if the licensee is an individual—the licensee’s mobile telephone number;

61 Section 9 (1) (d)

substitute

- (d) if the licensee is a corporation or partnership—
- (i) the name, business address, email address and mobile telephone number of each of the licensee’s nominees; and
 - (ii) the landline telephone number and fax number (if any) of each of the licensee’s nominees;

**62 Qualifications for individuals
New section 13 (2A)**

insert

- (2A) However, the registrar need not consult the advisory board for a construction occupation or occupation class if—
- (a) the declaration makes minor, technical changes to an earlier declaration; or
 - (b) it would be necessary for the registrar to disclose commercially sensitive or confidential information to the board and the registrar believes on reasonable grounds that the disclosure is not appropriate; or
 - (c) the declaration is necessary because of a decision (however described) of the Legislative Assembly; or
 - (d) the registrar believes on reasonable grounds that he or she needs to act promptly to protect the health or safety of people, property or the environment.

63 New section 13 (4) to (6)

after the note, insert

- (4) A declaration may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.
- (5) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a declaration.

Note Laws of another jurisdiction and instruments mentioned in s (7) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (6) In this section:

law of another jurisdiction—see the [Legislation Act](#), section 47 (10).

**64 Skill assessment of individuals
Section 14 (1)**

substitute

- (1) This section applies if—
 - (a) the registrar is not satisfied that an applicant has a qualification required to be eligible for the licence applied for; or
 - (b) the registrar—
 - (i) is satisfied that an applicant has a qualification required to be eligible for the licence applied for; and
 - (ii) is not satisfied on reasonable grounds that the applicant has a skill reasonably necessary to satisfactorily exercise the functions of a construction occupation or class of construction occupation under the licence applied for; and

- (iii) believes on reasonable grounds that requiring the applicant to be assessed under this section is necessary or desirable to protect the public.

**65 Eligibility to be nominee—Act, s 28 (4)
Section 19 (d), note**

substitute

Example

A licensee is not able to exercise the functions of a nominee on a daily basis if the licensee is the nominee for another corporation that has no other nominees and is doing a lot of construction work.

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

66 New section 19 (f)

insert

- (f) the individual's licence is not subject to 1 or more of the following conditions (however described):
- (i) that the individual must not be a nominee for a stated period, and the period in question is within the stated period;
 - (ii) that the individual must not supervise trainees or licensees;
 - (iii) that the individual must be supervised by someone else.

Note For functions of nominees, see the [Act](#), s 31.

**67 Services that may be provided without licence
New section 35 (2A)**

insert

(2A) Also, subsection (1) (b) applies only if—

- (a) there is a training arrangement (however described) between the trainee's relevant person and the trainee; and

Example—training arrangement

an approved training contract under the [Training and Tertiary Education Act 2003](#)

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

- (b) the construction service provided by the trainee is covered by the training arrangement; and
- (c) the trainee's relevant person gives the registrar the following information:
- (i) if the relevant person is the trainee's employer who is an individual—
- (A) the employer's name, business address and email address; and
- (B) the employer's landline telephone number or mobile telephone number; and
- (C) the employer's fax number (if any);
- (ii) if the relevant person is the trainee's employer who is not an individual—
- (A) the name of the employer and the trainee's manager; and

- (B) the business address and email address of the employer and manager; and
 - (C) the landline telephone number or mobile telephone number of the employer and manager; and
 - (D) the fax number (if any) of the employer and manager;
- (iii) if the relevant person is the provider of the accredited course that the trainee is undertaking—
- (A) the provider's name, business address and email address; and
 - (B) the name of the person nominated by the provider for the trainee (the *nominated person*); and
 - (C) the nominated person's email address; and
 - (D) the nominated person's landline telephone number or mobile telephone number;
- (iv) the trainee's name and date of birth;
- (v) the name of the accredited course that the trainee is undertaking and its unique identifying number (however described);
- (vi) when the training arrangement begins and ends.

Note If a form is approved under the [Act](#), s 128 for this provision, the form must be used.

68 Section 35 (3), new definition of *relevant person*

insert

relevant person, of a trainee, means—

- (a) the trainee’s employer; or
- (b) if the trainee does not have an employer—the provider of the accredited course that the trainee is undertaking.

**69 Short descriptions and demerit points
Section 43 (3)**

omit

in relation to a demerit disciplinary notice based on

substitute

for

70 New section 43 (4)

insert

- (4) For a demerit ground for occupational discipline that is not mentioned in subsection (3), the demerit points for the ground is one.

71 New section 45

in part 7, insert

45 Requirements for notices requesting skill assessment of licensees—Act, s 55A

The notice must state—

- (a) the reasons for requiring the assessment; and

- (b) the consequences under the Act of failing to complete the assessment; and
- (c) information about the assessment, including who must conduct the assessment; and
- (d) the latest date by which the licensee must complete the assessment that the registrar considers on reasonable grounds is reasonable; and
- (e) if the licensee is to be given the written results of the assessment by the person conducting the assessment—the latest date by which the licensee must give the results to the registrar; and
- (f) that the licensee may make written representations to the registrar about 1 or more of the following not later than 5 business days after the day the notice is given to the licensee:
 - (i) the registrar's reasons for requiring the assessment;
 - (ii) the proposed assessment;
 - (iii) the latest date by which the licensee must complete the assessment stated in the notice;
 - (iv) the latest date by which the licensee must give the results to the registrar if the licensee is to be given the written results of the assessment by the person conducting the assessment.

**72 Plumbers
Schedule 1, part 1.8, item 2, column 3**

after

less

insert

, but not including backflow prevention device test work within the meaning of section 31

**73 Reviewable decisions
Schedule 4, new item 5A**

insert

5A	Act , 21A	amend licence by putting condition on licence	licensee
----	---------------------------	---	----------

74 Schedule 4, item 8, column 2

after

25 (2)

insert

or (2A)

Part 8 Electricity Safety Act 1971

75 Reporting by electricity distributor Section 34 (3)

omit

relevant distributor

substitute

construction occupations registrar

76 Dictionary, definition of *regulatory authority*

substitute

regulatory authority, for a State, means—

- (a) an entity that carries out functions similar to the functions that the construction occupations registrar carries out under part 3 (Prescribed articles of electrical equipment) under a law of the State that corresponds, or substantially corresponds, to that part; or
- (b) an entity prescribed by regulation.

Part 9 Energy Efficiency (Cost of Living) Improvement Act 2012

77 Eligible activities New section 10 (6) to (11)

after the note, insert

- (6) A determination may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.
- (7) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a determination.

Note Laws of another jurisdiction and instruments mentioned in s (7) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (8) In this section:
law of another jurisdiction—see the [Legislation Act](#), section 47 (10).
- (9) Subsections (6), (7) and (8) apply in relation to a determination made before the day this subsection commences.
- (10) Subsection (9) is a law to which the [Legislation Act](#), section 88 (Repeal does not end effect of transitional laws etc) applies.
- (11) Subsections (9) and (10) and this subsection expire 1 year after the day this subsection commences.

Part 10 Water and Sewerage Act 2000

78 Issue of plan approvals Section 8 (2) (e)

substitute

- (e) the proposed plumbing or sanitary drainage work complies with the plumbing code.

79 Construction occupations registrar may require rectification of defective work New section 22 (2A) and (2B)

insert

- (2A) Subsection (2B) applies if—
- (a) the direction requires the owner to do a thing (including provide written information); and
 - (b) the owner is not licensed, authorised or qualified to do the thing.
- (2B) The owner must arrange, and pay for, the thing to be done by someone who is licensed, authorised or qualified to do the thing.

80 Powers on entry to premises Section 32 (4)

after

stated action

insert

(including provide written information)

81 Section 32 (4), new examples

insert

Examples—written information

- 1 a written report about a test required in the direction by the person who did the test
- 2 a hydraulic engineer's report about whether work complies with relevant standards
- 3 certification from a plumbing plan certifier that work complies with this Act

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

82 Section 32 (5)

substitute

- (5) Subsection (5A) applies if—
- (a) the direction requires the person to whom it is given to do a thing; and
 - (b) the person—
 - (i) is not licensed, authorised or qualified to do the thing; or
 - (ii) if a licence, authorisation or qualification is not required to do the thing—does not have appropriate experience and skill to do the thing.
- (5A) The person must arrange, and pay for, the thing to be done by someone who—
- (a) is licensed, authorised or qualified to do the thing; or
 - (b) if a licence, authorisation or qualification is not required to do the thing—has appropriate experience and skill to do the thing.

83 New part 6

after part 5, insert

Part 6 Plumbing code**44C Plumbing code**

(1) In this Act:

plumbing code means—

- (a) the Plumbing Code of Australia prepared and published by the Australian Building Codes Board as amended from time to time by—
 - (i) the Australian Building Codes Board; and
 - (ii) the Australian Capital Territory Appendix to the Plumbing Code of Australia; and
- (b) a document prescribed by regulation.

Note 1 The date that each version of the PCA comes into effect in the ACT can be found in the ‘History of PCA Adoption’ part in the PCA itself. However, a different date of effect may be prescribed by regulation or in an amendment of the PCA made by an Australian Capital Territory Appendix to the Plumbing Code of Australia.

Note 2 See also s 44D (Regulation under s 44C (1), def *plumbing code* and [Legislation Act](#), s 47).

(2) The Plumbing Code of Australia includes the variations, additions and exclusions for the ACT contained in the code, including in an appendix to the code.

- (3) The Minister may make an Australian Capital Territory Appendix to the Plumbing Code of Australia.

Note The power to make an instrument includes the power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument (see [Legislation Act](#), s 46).

- (4) The Australian Capital Territory Appendix to the Plumbing Code of Australia is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) A regulation may make provision in relation to the application of the plumbing code.

Example

A new edition of the Plumbing Code of Australia comes into effect on 1 May 2013. A regulation provides that stated provisions of the PCA come into effect in the ACT on 1 January 2014.

Note 1 The Australian Capital Territory Appendix to the Plumbing Code of Australia may also amend the date the PCA comes into effect in the ACT.

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

44D Regulation under s 44C (1), def *plumbing code* and Legislation Act, s 47

- (1) This section applies in relation to a regulation made under section 44C (1), definition of *plumbing code*, paragraph (b).
- (2) A regulation may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.

- (3) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a regulation.

Note Laws of another jurisdiction and instruments mentioned in s (3) do not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (4) In this section:

law of another jurisdiction—see the [Legislation Act](#), section 47 (10).

44E Publication and availability of ACT Appendix

- (1) The construction occupations registrar must publish, in a daily newspaper, notice of the notification of each Australian Capital Territory Appendix to the Plumbing Code of Australia made by the Minister under section 44C.
- (2) The notice must contain details of where copies of the Australian Capital Territory Appendix to the Plumbing Code of Australia may be inspected or purchased.

44F Inspection of plumbing code

- (1) The construction occupations registrar must keep a copy of the plumbing code at his or her office.
- (2) A person may, on request, inspect the plumbing code kept by the construction occupations registrar whenever the registrar's office is open for business.

44G Certified copies of plumbing code

In a proceeding before a court or the ACAT, evidence of the plumbing code as in force on a stated date or during a stated period may be given by the production of a copy of the plumbing code certified by the construction occupations registrar as a true copy as at the date or during the period.

84 Sections 45A and 46

omit

85 Part 5A (as amended)

renumber as part 7

86 Dictionary, definitions of *ACT plumbing code* and *AS/NZS 3500*

omit

87 Dictionary, definition of *fire sprinkler service*

omit

AS/NZS 3500

substitute

the plumbing code

88 Dictionary, definition of *plumbing code*

substitute

plumbing code—see section 44C.

89 Dictionary, definition of *sanitary drain*, paragraph (b) (ii)

substitute

- (ii) a thing mentioned in paragraph (a)—
 - (A) that is part of a sewerage network for which there is a responsible utility; or
 - (B) that is intended by a utility, or by an entity that has an arrangement (however described) with a utility in relation to the thing, to become part of a sewerage network for which the utility is the responsible utility.

90 Dictionary, definition of *water service*, paragraph (c) (ii)

substitute

- (ii) part of a water network; or
- (iii) water supply pipework that is intended by either of the following to become part of a water network, if the water network is a water network for which there is a responsible utility:
 - (A) the responsible utility;
 - (B) an entity that has an arrangement (however described) with the responsible utility in relation to the pipework.

Part 11 Water and Sewerage Regulation 2001

91 Section 6 heading

substitute

6 Sanitary plumbing and sanitary drainage—work to conform to plumbing code

92 Section 6 (1)

omit

AS/NZS 3500

substitute

the plumbing code

93 Section 6 (2)

omit

MP52

substitute

the plumbing code

94 Section 6 (3) (a)

substitute

- (a) the requirements of the plumbing code are inconsistent with standards mentioned in this regulation; and

95 Section 9 (4)

omit

AS/NZS 3500

substitute

the plumbing code

**96 Notification after completion of work
Section 10 (2)**

omit

AS/NZS 3500

substitute

the plumbing code

**97 Requirements for toilets—Act, s 17 (1) (b)
Section 16 (1)**

omit

dual-flush 6/3L cistern

substitute

dual-flush reduced volume cistern

98 Section 16 (2), definition of *dual-flush 6/3L cistern*

omit

99 Section 16 (2), new definition of *dual-flush reduced volume cistern*

insert

dual-flush reduced volume cistern means a cistern that has the capacity to—

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

**100 Retrofitting backflow prevention devices
Section 16D**

omit

AS/NZS 3500

substitute

the plumbing code

101 Section 18 heading

substitute

18 Water supply—work to conform to plumbing code**102 Section 18 (1) (a)**

omit

AS/NZS 3500

substitute

the plumbing code

103 Section 18 (2) (a)

substitute

- (a) the requirements of the plumbing code are inconsistent with standards mentioned in this regulation; and

104 Section 20 (4)

omit

AS/NZS 3500

substitute

the plumbing code

**105 Notification after completion of work—water services
Section 21**

omit

AS/NZS 3500

substitute

the plumbing code

**106 Backflow prevention device
Section 22 (3)**

omit

AS/NZS 3500

substitute

the plumbing code

107 Section 22 (7), definition of *suitably qualified person*

substitute

suitably qualified person means a person who holds a current plumbers licence that is endorsed under the [Construction Occupations \(Licensing\) Regulation 2004](#), section 31 (Endorsing plumbers licences for backflow prevention device test work—Act, s 22).

**108 Application of plumbing code—hot-water system standard—Act, s 45A (2)
Section 28**

omit

**109 Hot-water system standard
Schedule 2**

omit

110 Dictionary, note 4

omit

- AS/NZS 3500

111 Dictionary, new definition of *AS/NZS 3500*

insert

AS/NZS 3500 means AS/NZS 3500 (Plumbing and drainage set), as in force from time to time.

Note AS/NZS 3500 may be purchased at www.standards.org.au.

112 Dictionary, definitions of *building, class and hot-water system standard*

omit

Schedule 1 Construction Occupations (Licensing) Regulation 2004—Consequential amendments

(see s 3)

[1.1] Schedule 2, part 2.1, item 2.1.32, columns 1 to 3

substitute

- | | | |
|--------|---|--|
| 2.1.32 | fail to comply with <i>Building Act 2004</i> , s 43 (3)—proceeded beyond stage of building work without giving written notice to certifier or without certifier’s written permission to proceed | failure to give written notice to certifier about reaching inspection stage or obtain written permission before proceeding |
|--------|---|--|

[1.2] Schedule 2, part 2.3, items 2.3.1 to 2.3.9, columns 1 to 3

substitute

- | | | |
|-------|---|---|
| 2.3.1 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (a)—sanitary drainage system designed, constructed or installed in way that failed to convey sewage from sanitary plumbing system to approved disposal system or in manner that creates undue noise | creation of sanitary drainage system that fails to convey sewage from sanitary plumbing system to approved disposal system or in way that creates undue noise |
|-------|---|---|

Schedule 1 Construction Occupations (Licensing) Regulation 2004—Consequential amendments

Amendment [1.2]

- | | | |
|-------|---|--|
| 2.3.2 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (b)—sanitary drainage system designed, constructed or installed in way that failed to avoid likelihood of blockage or leakage | creation of sanitary drainage system with likelihood of blockage or leakage |
| 2.3.3 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (c)—sanitary drainage system designed, constructed or installed in way that failed to avoid likelihood of root penetration | creation of sanitary drainage system with likelihood of root penetration |
| 2.3.4 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (d)—sanitary drainage system designed, constructed or installed in way that failed to provide adequate access for maintenance or clearing blockages | creation of sanitary drainage system without adequate access for maintenance or clearing blockages |

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|-------|--|--|
| 2.3.5 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (e)—sanitary drainage system designed, constructed or installed in way that failed to provide ventilation to avoid likelihood of foul air or gases accumulating in the sanitary drainage system or sewerage system | creation of sanitary drainage system without adequate ventilation of foul air or gases |
| 2.3.6 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (f)—sanitary drainage system designed, constructed or installed in way that failed to avoid likelihood of damage from superimposed loads or ground movement | creation of sanitary drainage system with likelihood of damage from loads or ground movement |
| 2.3.7 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (h)—sanitary drainage system designed, constructed or installed in way that failed to protect against internal contamination | creation of sanitary drainage system without protection from contamination |

Schedule 1 Construction Occupations (Licensing) Regulation 2004—Consequential amendments

Amendment [1.3]

- | | | |
|-------|--|---|
| 2.3.8 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (i)—sanitary drainage system designed, constructed or installed in way that failed to avoid likelihood of ingress of surface water, sub-surface water or stormwater into sewerage system | creation of sanitary drainage system with likelihood of allowing entry of surface water, sub-surface water or stormwater into sewerage system |
| 2.3.9 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP2.1 (k) or (l)—sanitary drainage system designed, constructed or installed in way that failed to avoid likelihood of damage to existing buildings, site works, the sewerage system or other approved disposal system | creation of sanitary drainage system with likelihood of damaging existing building, site works, sewerage system or other approved disposal system |

[1.3] Schedule 2, part 2.3, item 2.3.13, column 2

omit

AS 3500

substitute

AS/NZS 3500

[1.4] Schedule 2, part 2.3, item 2.3.15, column 2

omit

AS 3500

substitute

the plumbing code

[1.5] Schedule 2, part 2.6, items 2.6.1 to 2.6.7, columns 1 to 3

substitute

- | | | |
|-------|--|---|
| 2.6.1 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP1.1 (b)—sanitary plumbing system designed, constructed or installed in way that failed to avoid likelihood of loss of amenity because of blockage or leakage | creation of sanitary plumbing system with likelihood of loss of amenity because of blockage or leakage |
| 2.6.2 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP1.1 (c)—sanitary plumbing system designed, constructed or installed in way that failed to avoid likelihood of ingress of inappropriate water, sewage, sullage, foul air or gases from the system into a building | creation of sanitary plumbing system with likelihood of inappropriate water, sewage, sullage, foul air or gas entering a building |

- | | | |
|-------|--|---|
| 2.6.3 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP1.1 (d)—sanitary plumbing system designed, constructed or installed in way that failed to provide adequate access for maintenance of mechanical components, operational controls or for clearing blockages | creation of sanitary plumbing system without adequate access for maintenance of mechanical components, operational controls or clearing blockages |
| 2.6.4 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 6 (1), performance requirement under plumbing code cl CP1.1 (e)—sanitary plumbing system designed, constructed or installed in way that failed to avoid likelihood of damage from superimposed loads, ground movement or root penetration | creation of sanitary plumbing system with likelihood of damage from loads, ground movement or root penetration |
| 2.6.5 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 18 (1), performance requirement under plumbing code cl B1.2 (a)—cold water service designed, constructed or installed in way that failed to avoid likelihood of contamination of drinking water within the water service or water network | creation of cold water service with likelihood of contamination of drinking water in cold water service or water network |

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|-------|--|--|
| 2.6.6 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 18 (1), performance requirement under plumbing code cl B1.2 (f)—cold water service designed, constructed or installed in way that failed to allow the system, appliances or backflow prevention devices to be isolated for testing or maintenance where required | creation of cold water service without allowance for system, appliances or backflow prevention devices to be isolated for testing or maintenance |
| 2.6.7 | fail to comply with <i>Water and Sewerage Regulation 2001</i> , s 18 (1), performance requirement under plumbing code cl B1.2 (c)—cold water service designed, constructed or installed in way that failed to avoid likelihood of leakage or failure, including uncontrolled discharges | creation of cold water service with likelihood of leakage or failure |

[1.6] Schedule 2, part 2.6, item 2.6.9, column 2, paragraph (b)

substitute

- (b) installed a thing to which the plumbing code, part G applies and the thing was not certified under the part

[1.7] Schedule 2, part 2.6, item 2.6.9, column 3

substitute

failure to provide
service as directed by
registrar or installed
thing not certified under
plumbing code, part G

[1.8] Schedule 2, part 2.6, item 2.6.11, column 2

omit

AS 3500

substitute

AS/NZS 3500

[1.9] Schedule 2, part 2.6, item 2.6.13, column 2

omit

AS 3500

substitute

the plumbing code

[1.10] Schedule 2, part 2.6, item 2.6.18, column 2

omit

AS 3500

substitute

AS/NZS 3500

[1.11] Schedule 2, part 2.6, item 2.6.20, column 2

omit

AS 3500

substitute

the plumbing code

[1.12] Schedule 2, part 2.7, item 2.7.2, column 2

substitute

fail to comply with *Water and Sewerage Act 2000*, s 8 (2) (e)—certifier issued plan approval for proposed plumbing or sanitary drainage work, or approved amendment plan, where design of work did not comply with the plumbing code

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2013.

2 Notification

Notified under the [Legislation Act](#) on 26 August 2013.

3 Republications of amended laws

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

I certify that the above is a true copy of the Construction and Energy Efficiency Legislation Amendment Bill 2013, which was passed by the Legislative Assembly on 13 August 2013.

Clerk of the Legislative Assembly

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