

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Construction and Energy Efficiency Legislation Amendment Bill 2013

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
Part 2	Architects Act 2004
4	Eligibility for registration Section 8 (2) (a) (i) 4
5	Section 8 (4) and (5) 4
6	New section 90A 4

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	Page	
Part 3	Architects Regulation 2004	
7	Prescribed qualifications for registration—Act, s 8 (2) (a) (i) Section 4	6
8	Prescribed qualifications Schedule 1	6
Part 4	Building Act 2004	
9	Stages of building work Section 43 (3) (a)	7
10	Stage inspections Section 44 (2), new notes	7
11	New section 44 (7)	7
12	Completion of building work Section 48 (3) (f)	8
13	Section 48 (3) (n)	9
14	Certificates of occupancy Section 69 (1), new note	9
15	Building code Section 136 (1), definition of <i>building code</i> , new notes	9
16	New section 136 (1A)	9
17	Section 136 (4), example and note	10
18	New section 136A	10
19	Section 137	11
20	Dictionary, definition of <i>owner</i> , paragraph (b) (ii)	11
Part 5	Building (General) Regulation 2008	
21	General requirements for application for building approvals—Act, s 26 (3) New section 11 (1) (d)	12
22	New section 11 (3)	12
23	Building erection and alteration—Act, s 26 (3) Section 12 (2) (j) and (3), definition of <i>performance requirement</i>	12
24	General requirements for plans—Act, s 27 (1) (a) New section 16 (2) (h)	13
25	Section 16 (3), new definition of <i>performance requirement</i>	13

	Page
26	13
Exemption from application of Act Schedule 1, part 1.2, item 15, column 2, paragraph (e)	
Part 6	
Construction Occupations (Licensing) Act 2004	
27	14
Decision on licence application New section 19 (3A) and (3B)	
28	15
New section 21A	
29	16
Licence renewal New section 25 (2A) and (2B)	
30	17
Intention to make rectification order New section 34 (2) (d)	
31	18
Rectification orders Section 38 (1) (a)	
32	18
Section 38 (1), new examples	
33	18
Section 38 (2)	
34	19
New section 47A	
35	20
Grounds for occupational discipline Section 55 (1) (a), new examples	
36	20
New section 55A	
37	22
Considerations before making occupational discipline orders New section 57 (2) (h)	
38	22
Section 80 heading	
39	22
New section 80 (1)	
40	23
New section 80 (1A)	
41	23
Section 80 (3) (d)	
42	23
New section 80 (3) (e)	
43	23
New section 80 (3A)	
44	24
New sections 80A and 80B	
45	28
New part 6A	
46	29
Codes of practice Section 104A (2), note	
47	29
New section 104A (4) to (8)	
48	30
New section 104B	

	Page	
49	Deputy registrars Section 106 (2)	31
50	New part 18	31
51	Dictionary, note 2	32
52	Dictionary, new definitions	32
Part 7	Construction Occupations (Licensing) Regulation 2004	
53	Licence applications—Act, s 17 (3) New section 5 (d) (iv)	33
54	Section 5 (e) (iv)	33
55	Section 5 (f) (ii)	33
56	Section 5 (g)	34
57	Term of licences generally—Act, s 24 New section 7 (1) (f)	34
58	Term of licence for asbestos assessors, building assessors, building surveyors, plumbing plan certifiers and works assessors—Act, s 24 Section 8 (2)	34
59	Particulars in register Section 9 (1) (b)	34
60	New section 9 (1) (ca)	35
61	Section 9 (1) (d)	35
62	Qualifications for individuals New section 13 (2A)	35
63	New section 13 (4) to (6)	36
64	Skill assessment of individuals Section 14 (1)	36
65	Eligibility to be nominee—Act, s 28 (4) Section 19 (d), note	37
66	New section 19 (f)	37
67	Services that may be provided without licence New section 35 (2A)	38
68	Section 35 (3), new definition of <i>relevant person</i>	40
69	Short descriptions and demerit points Section 43 (3)	40

	Page
70	New section 43 (4) 40
71	New section 45 40
72	Plumbers Schedule 1, part 1.8, item 2, column 3 42
73	Reviewable decisions Schedule 4, new item 5A 42
74	Schedule 4, item 8, column 2 42
Part 8	Electricity Safety Act 1971
75	Reporting by electricity distributor Section 34 (3) 43
76	Dictionary, definition of <i>regulatory authority</i> 43
Part 9	Energy Efficiency (Cost of Living) Improvement Act 2012
77	Eligible activities New section 10 (6) to (11) 44
Part 10	Water and Sewerage Act 2000
78	Issue of plan approvals Section 8 (2) (e) 45
79	Construction occupations registrar may require rectification of defective work New section 22 (2A) and (2B) 45
80	Powers on entry to premises Section 32 (4) 45
81	Section 32 (4), new examples 46
82	Section 32 (5) 46
83	New part 6 47
84	Sections 45A and 46 50
85	Part 5A (as amended) 50
86	Dictionary, definitions of <i>ACT plumbing code</i> and <i>Australian Standard 3500</i> 50
87	Dictionary, definition of <i>fire sprinkler service</i> 50
88	Dictionary, definition of <i>plumbing code</i> 50

	Page	
89	Dictionary, definition of <i>sanitary drain</i> , paragraph (b) (ii)	51
90	Dictionary, definition of <i>water service</i> , paragraph (c) (ii)	51
Part 11 Water and Sewerage Regulation 2001		
91	Section 6 heading	52
92	Section 6 (1)	52
93	Section 6 (2)	52
94	Section 6 (3) (a)	52
95	Testing of sanitary plumbing and drains Section 9 (1)	53
96	Section 9 (4)	53
97	Notification after completion of work Section 10 (2)	53
98	Requirements for toilets—Act, s 17 (1) (b) Section 16 (1)	53
99	Section 16 (2), definition of <i>dual-flush 6/3L cistern</i>	54
100	Section 16 (2), new definition of <i>dual-flush reduced volume cistern</i>	54
101	Retrofitting backflow prevention devices Section 16D	54
102	Section 18 heading	54
103	Section 18 (1) (a)	55
104	Section 18 (2) (a)	55
105	Testing of water plumbing Section 20 (1)	55
106	Section 20 (4)	55
107	Notification after completion of work—water services Section 21	56
108	Backflow prevention device Section 22 (3)	56
109	Section 22 (7), definition of <i>suitably qualified person</i>	56
110	Application of plumbing code—hot-water system standard—Act, s 45A (2) Section 28	57
111	Hot-water system standard Schedule 2	57

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Construction and Energy Efficiency Legislation Amendment Bill 2013

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

- 6 (1) The following provisions commence on 1 September 2013:
- 7 (a) parts 2 and 3;
- 8 (b) section 9;
- 9 (c) part 5 (other than section 26);
- 10 (d) part 10 (other than sections 79 to 82 and sections 89 and 90);
- 11 (e) part 11 (other than sections 98 to 100);
- 12 (f) schedule 1.
- 13 (2) Section 67 commences on 1 December 2013.
- 14 (3) The remaining provisions commence on the day after this Act's
15 notification day.

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

18 **3 Legislation amended**

19 This Act amends the following legislation:

- 20 • [Architects Act 2004](#)
- 21 • [Architects Regulation 2004](#)
- 22 • [Building Act 2004](#)
- 23 • [Building \(General\) Regulation 2008](#)
- 24 • [Construction Occupations \(Licensing\) Act 2004](#)

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

1 **Part 2 Architects Act 2004**

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

4 *substitute*

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

6 **5 Section 8 (4) and (5)**

7 *substitute*

8 (4) The registrar may declare a qualification for subsection (2) (a) (i).

9 (5) Before making a declaration, the registrar must consult the
10 architects board.

11 (6) The architects board may accredit a course for subsection (2) (a) (ii).

12 (7) A declaration or accreditation is a notifiable instrument.

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

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

16 **6 New section 90A**

17 *insert*

18 **90A Notifiable instruments under s 8 and Legislation Act, s 47**

19 (1) This section applies in relation to a declaration or accreditation
20 made under section 8 (Eligibility for registration).

21 (2) A declaration or accreditation may apply, adopt or incorporate a law
22 of another jurisdiction or instrument as in force from time to time.

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

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

7 (4) In this section:

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

1 **Part 3 Architects Regulation 2004**

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

5 *omit*

6 **8 Prescribed qualifications**
7 **Schedule 1**

8 *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*);

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

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

16 **12 Completion of building work**
17 **Section 48 (3) (f)**

18 *substitute*

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

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

26 *Note 2* A regulation may provide for the giving of copies of certificates
27 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.

1 **17 Section 136 (4), example and note**

2 *substitute*

3 **Examples**

- 4 1 prescribe an area to be a bushfire-prone area
- 5 2 A new edition of the Building Code of Australia comes into effect on
- 6 1 May 2013. A regulation provides that stated provisions of the BCA come
- 7 into effect in the ACT on 1 January 2014.

8 *Note 1* The Australian Capital Territory Appendix to the Building Code of

9 Australia may also amend the date the BCA comes into effect in the

10 ACT.

11 *Note 2* An example is part of the Act, is not exhaustive and may extend, but

12 does not limit, the meaning of the provision in which it appears (see

13 [Legislation Act](#), s 126 and s 132).

14 **18 New section 136A**

15 *insert*

16 **136A Regulation under s 136 (1), def *building code* and**

17 **Legislation Act, s 47**

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

25 *Note* Laws of another jurisdiction and instruments mentioned in s (3) do not

26 need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do

27 not apply (see [Legislation Act](#), s 47 (7)).

1 (4) In this section:

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

4 **19 Section 137**

5 *substitute*

6 **137 Publication and availability of ACT Appendix**

7 (1) The construction occupations registrar must publish, in a daily
8 newspaper, notice of the notification of each Australian Capital
9 Territory Appendix to the Building Code of Australia made by the
10 Minister under section 136.

11 (2) The notice must contain details of where copies of the Australian
12 Capital Territory Appendix to the Building Code of Australia may
13 be inspected or purchased.

14 **20 Dictionary, definition of *owner*, paragraph (b) (ii)**

15 *substitute*

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

1 **Part 5** **Building (General) Regulation**
2 **2008**

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

6 *insert*

7 (d) if a performance requirement of the building code is to be
8 complied with by use of an alternative solution under the code,
9 the application must state—

10 (i) the performance requirement; and

11 (ii) the alternative solution; and

12 (iii) each assessment method used to show that the alternative
13 solution complies with the performance requirement.

14 **22** **New section 11 (3)**

15 *after the note, insert*

16 (3) In this section:

17 *performance requirement*—see the building code.

18 **23** **Building erection and alteration—Act, s 26 (3)**
19 **Section 12 (2) (j) and (3), definition of *performance***
20 ***requirement***

21 *omit*

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

3 *insert*

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

9 **25 Section 16 (3), new definition of *performance requirement***

10 *insert*

11 *performance requirement*—see the building code.

12 **26 Exemption from application of Act**
13 **Schedule 1, part 1.2, item 15, column 2, paragraph (e)**

14 *substitute*

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

1 **Part 6** **Construction Occupations**
2 **(Licensing) Act 2004**

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

5 *insert*

6 (3A) The registrar may refuse to issue a licence for a construction
7 occupation or occupation class to an applicant if—

8 (a) the applicant, a director or nominee of an applicant that is a
9 corporation, or a partner or nominee of an applicant that is a
10 partnership, is a licensee or former licensee (however
11 described) under this Act or a corresponding law who—

12 (i) is prohibited from providing a construction service
13 (however described) under this Act or a corresponding
14 law; or

15 (ii) is subject to occupational discipline (however described)
16 under this Act or a corresponding law; or

17 (iii) the registrar believes on reasonable grounds surrendered
18 a licence (however described) in circumstances that
19 related to a ground for occupational discipline (however
20 described) under this Act or a corresponding law; and

21 (b) the registrar believes on reasonable grounds that the refusal is
22 necessary or desirable to protect the public.

23 (3B) The registrar may issue a licence to an applicant for less than the
24 maximum period for which the licence may be issued if the registrar
25 believes on reasonable grounds that it is necessary or desirable to
26 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

1 (b) if the registrar believes on reasonable grounds that the
2 condition is necessary or desirable to protect the public.

3 (3) This section does not limit the operation of section 21.

4 **29 Licence renewal**
5 **New section 25 (2A) and (2B)**

6 *insert*

7 (2A) However, the registrar may refuse to renew a licence if—

8 (a) the applicant—

9 (i) has contravened, or is contravening, a court order or an
10 order made by ACAT relating to the applicant's licence
11 (including work done by the licensee); or

12 (ii) has contravened, or is contravening, this Act or a
13 condition of the applicant's licence; or

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

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

19 **Examples**

20 1 failing to start the work stated in the rectification order

21 2 failing to finish the work stated in the rectification order in the
22 period within which the order states that the work must be done

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

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

- 1 (v) has a debt owing to the Territory under section 37 (5),
2 section 41 (5) or section 42 (3) and does not have, or is
3 not complying with, a formal arrangement to pay the
4 debt; or
- 5 (vi) is disqualified under a corresponding law from holding a
6 licence (however described) or providing a construction
7 service (however described) in the same, or substantially
8 the same, construction occupation or occupation class
9 applied for; and
- 10 (b) the registrar believes on reasonable grounds that the refusal is
11 necessary or desirable to protect the public.
- 12 (2B) The registrar may renew a licence for less than the maximum period
13 for which the licence may be renewed if the registrar believes on
14 reasonable grounds that it is necessary or desirable to protect the
15 public.

16 **30 Intention to make rectification order**
17 **New section 34 (2) (d)**

18 *insert*

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

1 **31 Rectification orders**
2 **Section 38 (1) (a)**

3 *after*

4 stated action

5 *insert*

6 (including provide written information)

7 **32 Section 38 (1), new examples**

8 *insert*

9 **Example—stated action generally**

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

12 **Examples—written information**

13 1 a structural engineer's report about whether rectified work complies with
14 relevant structural standards

15 2 certification from a building certifier that rectified work complies with this
16 Act

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

20 **33 Section 38 (2)**

21 *substitute*

22 (2) Subsection (2A) applies if—

23 (a) the order requires the entity to do a thing; and

24 (b) the entity—

25 (i) is not licensed, authorised or qualified to do the thing; or

1 (ii) if a licence, authorisation or qualification is not required
 2 to do the thing—does not have appropriate experience
 3 and skill to do the thing.

4 (2A) The entity must arrange, and pay for, the thing to be done by
 5 someone who—

6 (a) is licensed, authorised or qualified to do the thing; or

7 (b) if a licence, authorisation or qualification is not required to do
 8 the thing—has appropriate experience and skill to do the thing.

9 **Examples**

10 1 A rectification order requires Freddie to take stated action to rectify work he
 11 has done. The action includes having to provide written information about
 12 whether the rectified work complies with relevant structural standards.
 13 Freddie is not a structural engineer so he must arrange, and pay for, a
 14 structural engineer to prepare a report about the rectified work.

15 2 A rectification order requires Jo to finish building a dwelling. Jo is no longer
 16 a licensed builder, and she is not able to get a new licence. Jo must arrange,
 17 and pay for, a licensed builder to finish building the dwelling.

18 3 Alex is a licensed plumber who did non-compliant work on a building that
 19 caused extensive water leakage. A rectification order requires him to fix the
 20 damage caused by the leakage, including replacing render on the building's
 21 exterior, replacing wall linings and insulation in the wall cavity, and
 22 repainting walls and replacing carpet in the interior. None of this work
 23 requires a licence or other authorisation under ACT law. Alex is able to
 24 paint the interior walls to an acceptable standard, but he has never done any
 25 of the other kind of work. He must arrange, and pay for, people with
 26 appropriate experience and skill to do the rest of the work.

27 **34 New section 47A**

28 *in part 4, insert*

29 **47A Licensee must comply with determinations about training**

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

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

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

5 **35 Grounds for occupational discipline**
6 **Section 55 (1) (a), new examples**

7 *insert*

8 **Examples**

- 9 1 contravening a rectification order
10 2 failing to complete a skill assessment required by the registrar under
11 s 55A

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

15 **36 New section 55A**

16 *insert*

17 **55A Skill assessment of licensees**

18 (1) This section applies—

19 (a) if the registrar believes on reasonable grounds that—

20 (i) a ground for occupational discipline mentioned in
21 section 55 (1) (a) exists in relation to a licensee; and

22 (ii) requiring the licensee to be assessed as mentioned in
23 subsection (2) would assist the registrar to exercise his or
24 her functions under section 56 (Application to ACAT for
25 occupational discipline); or

26 (b) if—

27 (i) a licensee's licence is suspended under section 52A
28 (Suspension of licence—public safety); and

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

1 (c) anything else in relation to a notice.

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

6 (6) In this section:

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

9 **37** **Considerations before making occupational discipline**
10 **orders**
11 **New section 57 (2) (h)**

12 *insert*

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

16 **38** **Section 80 heading**

17 *substitute*

18 **80** **Functions of compliance auditors—entry to premises**

19 **39** **New section 80 (1)**

20 *omit*

21 (other than residential premises)

40 New section 80 (1A)

2 *insert*

3 (1A) However, subsection (1) does not authorise entry into a part of
4 premises that is being used for residential purposes other than with
5 the consent of the occupier or person apparently in charge of the
6 premises.

41 Section 80 (3) (d)

8 *omit*

9 a computer

10 *substitute*

11 any electronic device

42 New section 80 (3) (e)

13 *before the examples, insert*

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

43 New section 80 (3A)

18 *after the notes, insert*

19 (3A) A person must take reasonable steps to comply with a requirement
20 made of the person under subsection (3) (c), (d) or (e).

21 Maximum penalty: 50 penalty units.

- 1 **44** **New sections 80A and 80B**
- 2 *in part 6, insert*
- 3 **80A** **Consent to entry**
- 4 (1) When seeking the consent of an occupier of premises to enter the
- 5 premises under section 80 (1A), a compliance auditor must—
- 6 (a) produce the compliance auditor’s identity card; and
- 7 (b) tell the occupier—
- 8 (i) the purpose of the entry; and
- 9 (ii) that anything found under this part may be used in
- 10 evidence in court; and
- 11 (iii) that consent may be refused.
- 12 (2) If the occupier consents, the compliance auditor must ask the
- 13 occupier to sign a written acknowledgment (an ***acknowledgement of***
- 14 ***consent***)—
- 15 (a) that the occupier was told—
- 16 (i) the purpose of the entry; and
- 17 (ii) that anything found under this part may be used in
- 18 evidence in court; and
- 19 (iii) that consent may be refused; and
- 20 (b) that the occupier consented to the entry; and
- 21 (c) stating the time and date consent was given.
- 22 (3) If the occupier signs an acknowledgment of consent, the compliance
- 23 auditor must immediately give a copy to the occupier.

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

13 **80B Functions of compliance auditors—production of**
14 **documents**

- 15 (1) A compliance auditor may, by written notice, ask a licensee to
16 produce to the compliance auditor a document that relates to the
17 licensee's activities.
- 18 *Note* The [Legislation Act](#), s 170 and s 171 deal with the application of the
19 privilege against self-incrimination and client legal privilege.
- 20 (2) The notice must state—
- 21 (a) the place where and time when, or the period within which, the
22 licensee must produce the document that the compliance
23 auditor considers on reasonable grounds is reasonable; and
- 24 (b) the consequences under this Act of failing to comply with the
25 notice.

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

- 1 **80C Non-compliance with s 80B notice**
- 2 (1) A licensee commits an offence if the licensee fails to comply with a
- 3 notice given to the licensee under section 80B (Functions of
- 4 compliance auditors—production of documents).
- 5 Maximum penalty: 50 penalty units.
- 6 (2) Each partner in a partnership commits an offence if—
- 7 (a) the partnership is a licensee; and
- 8 (b) the partners, or any of them, fail to comply with a notice given
- 9 to the partnership under section 80B.
- 10 Maximum penalty: 50 penalty units.
- 11 (3) It is a defence to a prosecution for an offence against subsection (2)
- 12 if the partner proves that—
- 13 (a) the partner did not know about the failure to comply; and
- 14 (b) either—
- 15 (i) the partner took reasonable precautions and exercised
- 16 appropriate diligence to avoid the failure to comply; or
- 17 (ii) the partner was not in a position to influence the
- 18 partnership in relation to the failure to comply.
- 19 *Note* The defendant has a legal burden in relation to the matters mentioned in
- 20 s (3) (see [Criminal Code](#), s 59).

1 **45 New part 6A**

2 *insert*

3 **Part 6A Information requirements**

4 **80D Meaning of *information requirement*—pt 6A**

5 In this part:

6 *information requirement*—see section 80E (2).

7 **80E Information requirements**

8 (1) This section applies if the registrar suspects on reasonable grounds
9 that a person—

10 (a) has information (the *required information*) reasonably
11 required by the registrar for the administration or enforcement
12 of this Act; or

13 (b) has possession or control of a document containing the
14 required information.

15 (2) The registrar may give the person a notice (an *information*
16 *requirement*) requiring the person to give the information, or
17 produce the document, to the registrar.

18 (3) The information requirement must be in writing and must include
19 details of the following:

20 (a) the identity of the person to whom it is given;

21 (b) why the information is required;

22 (c) the time by which the notice must be complied with;

23 (d) the operation of section 80G (Contravention of information
24 requirement).

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

4 **80F Treatment of documents provided under information**
5 **requirement**

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

11 **80G Contravention of information requirement**

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

14 Maximum penalty: 50 penalty units.

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

17 **46 Codes of practice**
18 **Section 104A (2), note**

19 *omit*

20 **47 New section 104A (4) to (8)**

21 *after the notes, insert*

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

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

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

10 **48 New section 104B**

11 *insert*

12 **104B Determinations about training**

- 13 (1) The registrar may determine a course of training for a construction
14 occupation or occupation class if the registrar is satisfied on
15 reasonable grounds that the training is reasonably necessary for the
16 development or enhancement of the skills or knowledge of licensees
17 in the construction occupation or class.
- 18 (2) A determination must state—
- 19 (a) the reasons for determining the training; and
- 20 (b) the consequences under this Act of failing to complete the
21 training; and
- 22 (c) information about the training, including who must conduct the
23 training; and
- 24 (d) the latest date by which licensees must complete the training
25 that the registrar considers on reasonable grounds is
26 reasonable.

1 (3) A determination is a disallowable instrument.

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

4 **49 Deputy registrars**
5 **Section 106 (2)**

6 *omit*

7 2

8 *substitute*

9 3

10 **50 New part 18**

11 *insert*

12 **Part 18 Transitional—new licence**
13 **application information**

14 **170 Certain information to be given to registrar**

15 (1) This section applies if a licensee has not given the registrar the
16 following information (the *required information*):

17 (a) if the licensee is an individual—the licensee’s mobile
18 telephone number and email address;

19 (b) if the licensee is a partnership or corporation—the mobile
20 telephone number and email address of each of the licensee’s
21 nominees.

22 (2) The licensee must give the registrar the required information within
23 6 months after the day this section commences.

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

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

8 **51 Dictionary, note 2**

9 *insert*

- 10 • document
11 • State

12 **52 Dictionary, new definitions**

13 *insert*

14 *corresponding law* means—

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

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

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

1 **Part 7** **Construction Occupations**
2 **(Licensing) Regulation 2004**

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

5 *insert*

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

7 **54 Section 5 (e) (iv)**

8 *substitute*

9 (iv) the following for each of the applicant's nominees:

10 (A) the nominee's name, business address, email
11 address and mobile telephone number;

12 (B) the nominee's landline telephone number and fax
13 number (if any);

14 **55 Section 5 (f) (ii)**

15 *substitute*

16 (ii) the following for each of the applicant's nominees:

17 (A) the nominee's name, business address, email
18 address and mobile telephone number;

19 (B) the nominee's landline telephone number and fax
20 number (if any); and

1 **56 Section 5 (g)**

2 *substitute*

3 (g) the applicant's—

4 (i) business telephone number and email address; and

5 (ii) fax number (if any);

6 **57 Term of licences generally—Act, s 24**
7 **New section 7 (1) (f)**

8 *insert*

9 (f) asbestos removalist.

10 **58 Term of licence for asbestos assessors, building**
11 **assessors, building surveyors, plumbing plan certifiers**
12 **and works assessors—Act, s 24**
13 **Section 8 (2)**

14 *after*

15 issued

16 *insert*

17 or renewed

18 **59 Particulars in register**
19 **Section 9 (1) (b)**

20 *substitute*

21 (b) the licensee's—

22 (i) business telephone number and email address; and

23 (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.

Section 63

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

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

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

6 *substitute*

7 **Example**

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

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

14 **66 New section 19 (f)**

15 *insert*

16 (f) the individual's licence is not subject to 1 or more of the
17 following conditions (however described):

- 18 (i) that the individual must not be a nominee for a stated
19 period, and the period in question is within the stated
20 period;
- 21 (ii) that the individual must not supervise trainees or
22 licensees;
- 23 (iii) that the individual must be supervised by someone else.

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

1 **67 Services that may be provided without licence**
2 **New section 35 (2A)**

3 *insert*

4 (2A) Also, subsection (1) (b) applies only if—

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

7 **Example—training arrangement**

8 an approved training contract under the *Training and Tertiary Education*
9 *Act 2003*

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

- 13 (b) the construction service provided by the trainee is covered by
14 the training arrangement; and

15 (c) the trainee's relevant person gives the registrar the following
16 information:

- 17 (i) if the relevant person is the trainee's employer who is an
18 individual—

19 (A) the employer's name, business address and email
20 address; and

21 (B) the employer's landline telephone number or mobile
22 telephone number; and

23 (C) the employer's fax number (if any);

- 24 (ii) if the relevant person is the trainee's employer who is not
25 an individual—

26 (A) the name of the employer and the trainee's
27 manager; and

- 1 (B) the business address and email address of the
2 employer and manager; and
- 3 (C) the landline telephone number or mobile telephone
4 number of the employer and manager; and
- 5 (D) the fax number (if any) of the employer and
6 manager;
- 7 (iii) if the relevant person is the provider of the accredited
8 course that the trainee is undertaking—
- 9 (A) the provider's name, business address and email
10 address; and
- 11 (B) the name of the person nominated by the provider
12 for the trainee (the *nominated person*); and
- 13 (C) the nominated person's email address; and
- 14 (D) the nominated person's landline telephone number
15 or mobile telephone number;
- 16 (iv) the trainee's name and date of birth;
- 17 (v) the name of the accredited course that the trainee is
18 undertaking and its unique identifying number (however
19 described);
- 20 (vi) when the training arrangement begins and ends.
- 21 *Note* If a form is approved under the [Act](#), s 128 for this provision, the
22 form must be used.

1 **68 Section 35 (3), new definition of *relevant person***

2 *insert*

3 *relevant person*, of a trainee, means—

4 (a) the trainee’s employer; or

5 (b) if the trainee does not have an employer—the provider of the
6 accredited course that the trainee is undertaking.

7 **69 Short descriptions and demerit points**
8 **Section 43 (3)**

9 *omit*

10 in relation to a demerit disciplinary notice based on

11 *substitute*

12 for

13 **70 New section 43 (4)**

14 *insert*

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

18 **71 New section 45**

19 *in part 7, insert*

20 **45 Requirements for notices requesting skill assessment of**
21 **licensees—Act, s 55A**

22 The notice must state—

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

- 1 (b) the consequences under the Act of failing to complete the
2 assessment; and
- 3 (c) information about the assessment, including who must conduct
4 the assessment; and
- 5 (d) the latest date by which the licensee must complete the
6 assessment that the registrar considers on reasonable grounds is
7 reasonable; and
- 8 (e) if the licensee is to be given the written results of the
9 assessment by the person conducting the assessment—the
10 latest date by which the licensee must give the results to the
11 registrar; and
- 12 (f) that the licensee may make written representations to the
13 registrar about 1 or more of the following not later than
14 5 business days after the day the notice is given to the licensee:
- 15 (i) the registrar's reasons for requiring the assessment;
- 16 (ii) the proposed assessment;
- 17 (iii) the latest date by which the licensee must complete the
18 assessment stated in the notice;
- 19 (iv) the latest date by which the licensee must give the results
20 to the registrar if the licensee is to be given the written
21 results of the assessment by the person conducting the
22 assessment.

Section 72

1 **72 Plumbers**
2 **Schedule 1, part 1.8, item 2, column 3**
3 *after*
4 less
5 *insert*
6 , but not including backflow prevention device test work within the
7 meaning of section 31

8 **73 Reviewable decisions**
9 **Schedule 4, new item 5A**

10 *insert*
11

5A	Act, 21A	amend licence by putting condition on licence	licensee
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12 **74 Schedule 4, item 8, column 2**

13 *after*
14 25 (2)
15 *insert*
16 or (2A)

1 **Part 8** **Electricity Safety Act 1971**

2 **75 Reporting by electricity distributor**
3 **Section 34 (3)**

4 *omit*

5 relevant distributor

6 *substitute*

7 construction occupations registrar

8 **76 Dictionary, definition of *regulatory authority***

9 *substitute*

10 ***regulatory authority***, for a State, means—

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

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

3 **77 Eligible activities**
4 **New section 10 (6) to (11)**

5 *after the note, insert*

6 (6) A determination may apply, adopt or incorporate a law of another
7 jurisdiction or instrument as in force from time to time.

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

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

14 (8) In this section:

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

17 (9) Subsections (6), (7) and (8) apply in relation to a determination
18 made before the day this subsection commences.

19 (10) Subsection (9) is a law to which the [Legislation Act](#), section 88
20 (Repeal does not end effect of transitional laws etc) applies.

21 (11) Subsections (9) and (10) and this subsection expire 1 year after the
22 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.

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

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

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

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

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

13 **Example**

14 A new edition of the Plumbing Code of Australia comes into effect on
15 1 May 2013. A regulation provides that stated provisions of the PCA come into
16 effect in the ACT on 1 January 2014.

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

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

23 **44D Regulation under s 44C (1), def *plumbing code* and**
24 **Legislation Act, s 47**

25 (1) This section applies in relation to a regulation made under
26 section 44C (1), definition of *plumbing code*, paragraph (b).

27 (2) A regulation may apply, adopt or incorporate a law of another
28 jurisdiction or instrument as in force from time to time.

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

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

7 (4) In this section:

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

10 **44E Publication and availability of ACT Appendix**

11 (1) The construction occupations registrar must publish, in a daily
12 newspaper, notice of the notification of each Australian Capital
13 Territory Appendix to the Plumbing Code of Australia made by the
14 Minister under section 44C.

15 (2) The notice must contain details of where copies of the Australian
16 Capital Territory Appendix to the Plumbing Code of Australia may
17 be inspected or purchased.

18 **44F Inspection of plumbing code**

19 (1) The construction occupations registrar must keep a copy of the
20 plumbing code at his or her office.

21 (2) A person may, on request, inspect the plumbing code kept by the
22 construction occupations registrar whenever the registrar's office is
23 open for business.

1 **44G Certified copies of plumbing code**

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

7 **84 Sections 45A and 46**

8 *omit*

9 **85 Part 5A (as amended)**

10 *renumber as part 7*

11 **86 Dictionary, definitions of ACT plumbing code and**
12 **Australian Standard 3500**

13 *omit*

14 **87 Dictionary, definition of fire sprinkler service**

15 *omit*

16 Australian Standard 3500

17 *substitute*

18 the plumbing code

19 **88 Dictionary, definition of plumbing code**

20 *substitute*

21 *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.

1 **Part 11** **Water and Sewerage Regulation**
2 **2001**

3 **91 Section 6 heading**

4 *substitute*

5 **6 Sanitary plumbing and sanitary drainage—work to**
6 **conform to plumbing code**

7 **92 Section 6 (1)**

8 *omit*

9 Australian Standard 3500

10 *substitute*

11 the plumbing code

12 **93 Section 6 (2)**

13 *omit*

14 MP52

15 *substitute*

16 the plumbing code

17 **94 Section 6 (3) (a)**

18 *substitute*

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

1 **95 Testing of sanitary plumbing and drains**
2 **Section 9 (1)**

3 *omit*

4 Australian Standard 3500

5 *substitute*

6 AS/NZS 3500

7 **96 Section 9 (4)**

8 *omit*

9 Australian Standard 3500

10 *substitute*

11 the plumbing code

12 **97 Notification after completion of work**
13 **Section 10 (2)**

14 *omit*

15 Australian Standard 3500

16 *substitute*

17 the plumbing code

18 **98 Requirements for toilets—Act, s 17 (1) (b)**
19 **Section 16 (1)**

20 *omit*

21 dual-flush 6/3L cistern

22 *substitute*

23 dual-flush reduced volume cistern

1 **99 Section 16 (2), definition of *dual-flush 6/3L cistern***

2 *omit*

3 **100 Section 16 (2), new definition of *dual-flush reduced***
4 ***volume cistern***

5 *insert*

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

8 (a) give an effective full-flush not exceeding 7L and for test
9 purposes 6L; and

10 (b) give an effective half-flush not exceeding 4L and for test
11 purposes 3L.

12 **101 Retrofitting backflow prevention devices**
13 **Section 16D**

14 *omit*

15 Australian Standard 3500

16 *substitute*

17 the plumbing code

18 **102 Section 18 heading**

19 *substitute*

20 **18 Water supply—work to conform to plumbing code**

1 **103 Section 18 (1) (a)**

2 *omit*

3 Australian Standard 3500

4 *substitute*

5 the plumbing code

6 **104 Section 18 (2) (a)**

7 *substitute*

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

10 **105 Testing of water plumbing**
11 **Section 20 (1)**

12 *omit*

13 Australian Standard 3500

14 *substitute*

15 AS/NZS 3500

16 **106 Section 20 (4)**

17 *omit*

18 Australian Standard 3500

19 *substitute*

20 the plumbing code

1 **107 Notification after completion of work—water services**
2 **Section 21**

3 *omit*

4 Australian Standard 3500

5 *substitute*

6 the plumbing code

7 **108 Backflow prevention device**
8 **Section 22 (3)**

9 *omit*

10 Australian Standard 3500

11 *substitute*

12 the plumbing code

13 **109 Section 22 (7), definition of *suitably qualified person***

14 *substitute*

15 *suitably qualified person* means a person who holds a current
16 plumbers licence that is endorsed under the *Construction*
17 *Occupations (Licensing) Regulation 2004*, section 31 (Endorsing
18 plumbers licences for backflow prevention device test work—Act,
19 s 22).

- 1 **110** **Application of plumbing code—hot-water system**
2 **standard—Act, s 45A (2)**
3 **Section 28**
- 4 *omit*
- 5 **111** **Hot-water system standard**
6 **Schedule 2**
- 7 *omit*
- 8 **112** **Dictionary, note 4**
- 9 *omit*
- 10 • Australian Standard 3500
- 11 **113** **Dictionary, new definition of AS/NZS 3500**
- 12 *insert*
- 13 *AS/NZS 3500* means AS/NZS 3500 (Plumbing and drainage set), as
14 in force from time to time.
- 15 *Note* AS/NZS 3500 may be purchased at www.standards.org.au.
- 16 **114** **Dictionary, definitions of *building, class* and *hot-water***
17 ***system standard***
- 18 *omit*

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

4 (see s 3)

5 **[1.1] Schedule 2, part 2.1, item 2.1.32, columns 1 to 3**

6 *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
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7 **[1.2] Schedule 2, part 2.3, items 2.3.1 to 2.3.9, columns 1 to 3**

8 *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
-------	---	---

- | | | |
|-------|---|--|
| 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 |

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

Amendment [1.2]

- | | | |
|-------|--|--|
| 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 |

- | | | |
|-------|--|---|
| 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	[1.3] Schedule 2, part 2.3, item 2.3.13, column 2
2	<i>omit</i>
3	AS 3500
4	<i>substitute</i>
5	AS/NZS 3500

1 **[1.4] Schedule 2, part 2.3, item 2.3.15, column 2**

2 *omit*

3 AS 3500

4 *substitute*

5 the plumbing code

6 **[1.5] Schedule 2, part 2.6, items 2.6.1 to 2.6.7, columns 1 to 3**

7 *substitute*

2.6.1 fail to comply with *Water and Sewerage Regulation 2001*, 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 *Water and Sewerage Regulation 2001*, 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 |

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

Amendment [1.6]

- | | | |
|-------|--|--|
| 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 **[1.6] Schedule 2, part 2.6, item 2.6.9, column 2, paragraph (b)**
- 2 *substitute*
- 3 (b) installed a thing to which the plumbing code, part G applies
- 4 and the thing was not certified under the part

1 **[1.7] Schedule 2, part 2.6, item 2.6.9, column 3**

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

3 **[1.8] Schedule 2, part 2.6, item 2.6.11, column 2**

4 *omit*
5 AS 3500
6 *substitute*
7 AS/NZS 3500

8 **[1.9] Schedule 2, part 2.6, item 2.6.13, column 2**

9 *omit*
10 AS 3500
11 *substitute*
12 the plumbing code

13 **[1.10] Schedule 2, part 2.6, item 2.6.18, column 2**

14 *omit*
15 AS 3500
16 *substitute*
17 AS/NZS 3500

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

Amendment [1.11]

1 **[1.11] Schedule 2, part 2.6, item 2.6.20, column 2**

2 *omit*

3 AS 3500

4 *substitute*

5 the plumbing code

6 **[1.12] Schedule 2, part 2.7, item 2.7.2, column 2**

7 *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 2013.

3 Republications of amended laws

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

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