

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

SUPPLEMENTARY EXPLANATORY MEMORANDUM

AMENDMENTS TO THE
PUBLIC HEALTH AMENDMENT BILL 2000

Distributed by Authority of the Minister for Health and
Community Care

Michael Moore MLA

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This amendment, moved by the Minister for Health and Community Care, inserts clause 11A after clause 11 in the Public Health Amendment Bill 2000.

Clause 11A Substitution

Clause 11A repeals section 6 of the *Public Health (Miscellaneous Provisions) Act 1997* and substitutes a new section 6 that amends section 6A of the *Building Act 1972* by:

- omitting the heading and substituting a new heading '6A Application of the Act to the Territory';
- omitting the words 'Subject to subsection (2), this Act does not bind the Territory Crown in its application in relation to—' in subsection 6A(1) and substituting the words 'This Act does not bind the Territory in its application in relation to—' in subsection 6A(1); and
- omitting the whole of subsection 6A(2) and substituting a new subsection 6A(2) that binds the Territory to compliance with section 40A (Compliance with building code).

The purpose of this Assembly Amendment overcomes the following inconsistencies caused by differing amendments to the legislation:

- section 6 of the Act incorrectly refers to section 26 (Inspection) of the *Building Act 1972*. It should refer to section 29 (Compliance with building code) of the *Building Act 1972* as this section was relocated to section 40A by Act 52 of 1998; and
- section 6 incorrectly refers to section 43 (Stop notices) of the *Building Act 1972*. It should refer to section 46 (Building notices) of the *Building Act 1972*. The effect of this amendment was to allow building notices to be issued to the Territory in relation to the installation and construction of specialised systems (ie. Cooling Towers). In practice, ACT Building, Electrical and Plumbing Control have never issued and do not intend to issue section 46 notices to the Territory in relation to the installation and construction of specialised systems.