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LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

CONSTRUCTION OCCUPATIONS LEGISLATION AMENDMENT BILL 2003

EXPLANATORY STATEMENT

Circulated by authority of the  
Minister for Planning  
Mr Simon Corbell MLA

## CONSTRUCTION OCCUPATIONS LEGISLATION AMENDMENT BILL 2003

### OUTLINE

The Construction Occupations Legislation Amendment Bill 2003 (“the Bill”) amends various Acts and regulations in connection with the Construction Occupations (Licensing) Bill 2003. That bill sets up a single system of licensing for the construction occupations of builders, electricians, plumbers, drainers, gasfitters, building surveyors (certifiers) and plumbing plan certifiers.

The Bill repeals legislation or parts of legislation that deal with licensing and are no longer required, corrects references to construction legislation in other legislation that are affected by the new licensing legislation and complements the updating of the licensing legislation by enhancements to construction legislation that deals with matters like standards and approval requirements for licensed construction workers, the *Electricity Safety Act 1971*, the *Gas Safety Act 2000* and the *Water and Sewerage Act 2000*, including the regulations made under those acts. These enhancements include modernisation of drafting style and changes to provisions that were ambiguous or intrusive. Related changes appear in the Building Bill 2003, and Building Regulations 2003, which unlike present legislation do not deal with licensing and modernise other provisions of the *Building Act 1972*, and the Building Regulations 1972.

The Bill modifies the regulatory regime to a more significant extent by:

- Amendment of the *Gas Safety Act 2000* to regulate Liquid Petroleum Gas installations
- Deregulation of changing electrical fuses and electrical fuse wires under the *Electricity Safety Act 1971*
- Deregulation of changing sealing devices in taps other than traditional washers under the *Water and Sewerage Act 2000*
- Amendments to the Water and Sewerage Act to facilitate the reuse of grey water and rainwater. Complementary changes appear in the Construction Occupations (Licensing) Bill

### NOTES ON CLAUSES

**Clause 1** provides for the name of the Bill.

**Clause 2** provides that the commencement date of the Bill is same as that for clause 7 of the Construction Occupations (Licensing) Bill 2003, which is set by the Minister.

**Clause 3** repeals the following pieces of legislation in their entirety:

- Electricity Safety Regulations 1971
- Plumbers, Drainers and Gasfitters Board Act 1982

These pieces of legislation provide for licensing or registration schemes for construction occupations and are replaced by the licensing scheme set out in the Construction Occupations (Licensing) Bill 2003.

**Clause 4** provides that the legislation set out in Schedules 1 to 3 to the Bill is amended.

## **Schedule 1**

This schedule sets out key amendments to Acts and Regulations, which introduce significant change to existing legislation. This includes provisions for the regulation of vapour phase liquid petroleum gas, and deregulation of certain grey water and rainwater uses.

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

**Amendment 1.1** revises a definition and the defined term in Section 31 of the Act. The change removes any implication that the supply of liquid petroleum gas is a service under the *Utilities Act 2000*. **Amendment 1.2** inserts the new defined term, “relevant supplier”, in sections 32 and 33 of the Act. **Amendment 1.3** replaces the definition of “consumer piping system” and **Amendment 1.4** replaces the definition of “gas”. The effect of these changes is to bring fixed liquid petroleum gas installations as well as natural gas installations within the scope of the Act. The standards for gas installation work are not affected by the difference between the gases. The definition of “gas” includes the term “LPG”. **Amendment 1.5** replaces the definition of “relevant supplier” to refer to section 31, where the definition is in relation to a serious gas accident.

### **Part 1.2 Gas Safety Regulations 2000**

**Amendment 1.6** inserts **new Regulation 21**, which is part of a scheme for making documents available to the public in a way consistent with administrative arrangements that is described for amendment 1.51.

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

**Amendment 1.7** removes section 17 of the Act as it is redundant under the new licensing regime. It relates to licence requirements for plumbing and drainage work. However, amendment 1.7 also adds **new section 17**. The new provision creates a strict liability offence for a person if the person installs a **toilet**, and the **toilet** does not comply with any requirements prescribed under the regulations. It defines for section 17 the meaning of the term **toilet** thus—**toilet** means the bowl and cistern; and includes a urinal. An intention in creating the new offence is to replace the concept in the regulations that endeavoured to ensure all such toilets complied with the relevant requirements of the regulations. Those requirements relate to ensuring that toilets minimise water usage through measures such as dual flush cisterns. That concept was replaced because it was difficult to effectively implement in that it required the chief executive to approve water

closets in all buildings. It prevented that approval occurring where the dual flushing cistern requirements, etc, were not met. A potentially detrimental consequence of committing the offence is that over the full life of toilets, significantly more water will be used than would otherwise have been the case, which has a fiscal cost in terms of water supply costs, a detrimental community impact in unnecessarily depleting municipal water resources and a detrimental environmental impact in unnecessarily increasing the volume of sewage that has to be treated and disposed of. For those reasons strict liability is warranted to encourage the exercise of due skill care and diligence in ensuring toilets are manufactured, installed and function as required by new section 17.

**Amendment 1.8** provides a new dictionary definition for “sanitary drain” and “sanitary plumbing”. The definition it replaces was inadequate in that it relied on a definition in an Australian Standards that were too technical and required further cross-referencing of other definitions in that standard. The new definition also caters for the deregulation of the use of a grey water hose, which under the existing definition counted as regulated plumbing or drainage pipework. An intention is to allow unlicensed people to use, but not install, grey water diverter valves and hoses for irrigation.

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

**Amendment 1.9** adds a **new regulation 7B** which sets out the information referred to in the Act, s 9 (2A) (see amendment 2.100). The regulation sets out a list of criteria that must be used to determine if a proposed amendment to a plan requires an amendment or not. The alternative to amendment, for cases where reconsideration is required, is a fresh plan approval. The regulation provides that a proposed amendment to a plan does not require reconsideration of the plan approval if the only amendment to the plan is to the length and alignment of pipework only. However, it lists certain other circumstances that prevent the regulation from applying. The intention is to clarify the previous concept in the Act that relied on determining if or not a plan approval required reconsideration, but it was silent on the method or criteria to be used in making that determination.

**Amendment 1.10** adds a **new Regulation 8 (2A)** which entitles the licensee responsible in certain circumstances to temporarily bury certain sanitary drainage pipework to avoid damage to it by storm flooding. However it requires that the covering soil be removed if the inspector requires it to be removed for inspection.

**Amendment 1.11** directs renumbering of the subregulations for regulation 8 when the Act is next republished under Legislation Act, to account for the removal or addition of various provisions.

**Amendment 1.12** adds a new subregulation, 15 (6) Regulation 15 creates an offence if a person discharges, or allows to be discharged, rainwater, surface water or stormwater into a sewerage network or a drain connected to it or certain things connected to such a drain, like a toilet cistern or washing machine. The intention of amendment 1.12 is to allow those kinds of water to be used in a cold water service or a hot water system, to wash clothes, or flush toilets, for example. Typically such water would be supplied by a

rain water tank. The intention of regulation 15 is to reduce the volume of sewerage that needs to be treated and prevent the sewerage treatment system from being overtaken in a storm, by preventing rainwater etc from being drained into the sewerage network. However, amendment 1.12 allows rainwater etc to be used where it would be likely to replace the use of other water, so there is unlikely to be any significant additional volume of sewerage. It will have the benefit of reducing the amount of other water used, which will reduce the demand on community water supplies.

## **Schedule 2**

The schedule sets out further amendments to Acts and Regulations.

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

**Amendments 2.1 and 2.2** provide for certain changes to be made to that Act to provide a continuance of references to the *Building Act 1972* so they can be taken as referring to the corresponding items in the new legislation.

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

The Act relied on terminology in the repealed legislation. **Amendments 2.3, 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9** make appropriate changes including adding new terminology where appropriate to correspond with the required meanings in the new legislation. For example references to the *Building Act 1972* are changed to the *Building Act 2003*.

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

The Act relied on terminology in the repealed legislation. **Amendments 2.10, 2.11, 2.12 and 2.13** make appropriate changes including adding new terminology where appropriate to correspond with the required meanings in the new legislation. For example references to the *Building Act 1972* are changed to *the Building Act 2003*.

**Amendment 2.14** provides for a new section 43 which provides a transitional arrangement to ensure building work done before the commencement of the new legislation is taken to be building work for the purposes of section 23 (5). The transitional provision expires on 1 July 2005.

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

**Amendment 2.15** updates a reference from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

### **Part 2.5 Common Boundaries Act 1981**

The Act referred to repealed legislation for definitions of the terms “basic rural fence” and “basic urban fence”. **Amendment 2.16** replaces those references with the text of the

definitions. **Amendments 2.17** and **2.18** provide amend the provision relating to “party wall” to make reference to the *Building Act 2003*.

### **Part 2.6 Dangerous Goods Regulations 1978**

The regulations referred to the building code as referred to in the *Building Act 1972*.

**Amendment 2.19** removes the reference to the *Building Act 1972* as under amendment 79 in this Bill, the term **building code** is defined in the Legislation Act.

### **Part 2.7 Discrimination Act 1991**

**Amendment 2.20** updates a reference from the *Building Act 1972* to the proposed *Building Act 2003*.

### **Part 2.8 Duties Act 1999**

**Amendment 2.21** updates a reference from the *Building Act 1972* to the proposed *Building Act 2003*.

### **Part 2.9 Electricity Safety Act 1971**

There is currently no section 2 in the Act. **Amendment 2.22** inserts **new section 2**, which explains that the dictionary contained at the end of the Bill is a part of the Bill, and provides notes to explain how the definitions are structured and how they apply to the Act.

**Amendment 2.23** inserts a new **section 3** which explains that the “notes” that appear in the Act are aids to interpretation but not part of the Act **Amendment 2.24** removes Parts 2 and 3 of the Act and **Amendment 2.25** removes sections 23-31 of Part 4 of the Act. All of these deal with the superseded scheme of electrical licensing.

**Amendments 2.26, 2.27 and 2.28** replace the form of reference to Australian standards in sections 33, 34(1)(a)(i) and 34(1)(a)(ii) with abbreviations in accordance with section 164 [References to Australian Standards] of the *Legislation Act 2001*. For joint Australian and New Zealand standards it uses the abbreviation “AS/NZS” following a proposed amendment to the Legislation Act.

**Amendment 2.29** inserts a note in section 36(3) of the Act. The section deals with inspectors’ powers to disconnect or isolate part of an electrical installation in the course of inspection of electrical installations. The note provides a cross-reference to section 105, where comparable general powers of inspectors are dealt with.

**Amendment 2.30** removes Parts 5 and 6 of the Act, which deal with the superseded scheme of electrical licensing.

**Amendment 2.31** makes to section 80 (2)(a) the same kind of change as is described for amendments 1.28 to 1.30.

**Amendment 2.32** replaces the heading for section 105 of the Act with one that more fully describes its contents.

**Amendment 2.33** replaces the list of reviewable decisions under the Act in section 119 with one that omits decisions in relation to the superseded scheme of electrical licensing.

**Amendment 2.39 to 2.41 Further amendments, mentions of *chief executive*** makes certain decisions under the Act decisions of the planning and land authority and references to the makers of reviewable decisions are changed accordingly.

**Amendment 2.34** removes sections 122-5 of the Act, which deal with the superseded scheme of electrical licensing.

**Amendment 2.35** makes to section 126 of the Act the same kind of change as is described for amendments 1.28 to 1.30.

**Amendment 2.36** removes section 127 [Service of notices] of the Act, which is made unnecessary by Part 19.5 [Service of documents] of the *Legislation Act 2001*.

**Amendment 2.37** makes the regulations that are set out in schedule 3 and provides certain administrative provisions to facilitate and clarify the application of that making. The regulations at schedule 3 are the *Electricity Safety Regulations 2003*.

**Amendment 2.38** inserts in the Act a Dictionary heading and revised definitions including “electrical installation” and “electrical wiring work”. The changed definition of “electrical installation” makes technical improvements. This changed definition and the changed definition of “electrical wiring work” exclude from the scope of the Act the removal or replacement of electrical fuses and electrical fuse wire in domestic switchboards, insertion, removal or replacement of light bulbs or similar lighting devices, and plugging or unplugging electrical equipment or extension cords.

**Amendments 2.39** and **2.40** change references in the Act to “chief executive” to references to the “construction occupations registrar” and “registrar” respectively, as provided for under the Construction Occupations Licensing Bill.

**Amendments 2.41** and **2.42** change references to “chief executive” to the “planning and land authority” and “authority” respectively, as provided for by the *Planning and Land Act 2002*. These changes reflect that the Act is administered within the ACT Planning and Land Authority. Routine matters are assigned to the registrar.

**Amendment 2.43** provides for the *Electricity Safety Act 1971* to be renumbered when next republished under the Legislation Act.

### **Part 2.10 Environment Protection Act 1997**

**Amendment 2.44** updates a reference from the *Building Act 1972* to the proposed *Building Act 2003*.

### **Part 2.11 Environment Protection Regulations 1997**

**Amendment 2.45** updates a reference from the *Building Act 1972* to the proposed *Building Act 2003*.

### **Part 2.12 Fire Brigade Act 1957**

**Amendment 2.46** removes a reference in the Act that cross referenced the building code for definitions of the terms fire door, smoke door and exit door, and defines them within the Act. That is because the building code did not adequately define those terms.

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

**Amendments 2.47** and **2.48** update references from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package. **Amendment 2.49** is a transitional arrangement that clarifies the meaning of “certificate of regularisation”. The transitional provision expires on 1 July 2005.

### **Part 2.14 Gas Safety Act 2000**

**Amendment 2.50** removes section 7 of the Act, which contained matters now provided for in the construction occupations licensing legislation.

**Amendment 2.51** replaces section 19 of the Act. The effect is to allow public access to documents not only at the office of the chief planning executive, who has policy responsibility for the Act, but also at the office of the gas inspectors, which under present arrangements is that of ACT WorkCover.

**Amendment 2.52** changes section 65 (5) of the Act, which deals with making copies of codes of practices under the Act available to the public, in the way described for amendment 2.53.

A group of amendments deals with the definitions in the dictionary of the Act.

**Amendment 2.53** omits reference to the chief executive. **Amendment 2.54** omits the definition of “advanced gasfitter” as a consequence of the introduction of the construction occupations licensing legislation. **Amendment 2.55** replaces the definition of “approved” to take account of amendments requiring approval by the planning and land authority. **Amendment 2.56** replaces the definition of “gasfitter” with a definition consistent with the new construction occupations legislation. **Amendment 2.57** provides a new definition of “gasfitting work”. It omits the power to declare activities to be declared to be, or not be, gasfitting work. Activities that are regulated are now provided for in the construction occupations licensing legislation. **Amendment 2.58** inserts an example in the definition of “premises”. **Amendments 2.59** and **2.60** replaces references to “chief executive” with references to the “planning and land authority” and “authority” respectively, as provided for by the *Planning and Land Act 2002*. The Act is administered within the ACT Planning and Land Authority.

### **Part 2.15 Gas Safety Regulations 2000**

**Amendment 2.61** removes Regulation 4B [Work declared to be gasfitting work—Act, dict, def gasfitting work, par (c)] and **amendment 2.62** removes Regulation 5 [People qualified to do gasfitting work—Act, s 7]. Activities that are regulated and qualifications for them are now provided for in the construction occupations licensing legislation.

**Amendments 2.63, 2.64, 2.65, 2.66, 2.67, 2.68, 2.69** correct typographical errors in the existing legislation, and also remove the definitions of “compliance indicator” and “defect tags”, which are now provided for by **amendment 2.70**, which inserts new regulations 23 and 24.

**Amendment 2.71** inserts notes at the beginning of the dictionary of the Regulations. The notes explain how the *Legislation Act 2001* applies to the regulations and that the Legislation Act makes definitions in the *Gas Safety Act 2000* apply in the Regulations. **Amendment 2.72** omits the definition of “repealed Gas supply Regulations” from the Dictionary.

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

**Amendment 2.73** updates a reference from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

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

The regulations referred to construction practitioners registered under the *Construction Practitioners Registration Act 1998*, which is to be repealed. **Amendment 2.74** and **2.75** updates the references to the appropriate corresponding references in the new legislation.

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

**Amendment 2.76** updates Note 1 for regulation 2. The note is about the dictionary at the end of the regulations.

**Amendment 2.77** removes the definition of the term ***building code*** from the dictionary, as that term is defined in the Legislation Act by amendment 79 in this Bill.

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

**Amendment 2.78** updates a reference from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

### **Part 2.20 Legislation Act 2001**

**Amendments 2.79** and **2.80** add new definitions of the terms “building code” and “registrar” to the Act’s dictionary, part 1. They refer to the proposed *Building Act 2003* and the proposed Construction Occupations (Licensing) Act 2003 respectively.

### **Part 2.21 Liquor Act 1995**

**Amendment 2.81** updates Note 1 for section 2. The note is about the dictionary at the end of the regulations.

**Amendments 2.82** and **2.83** update references from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

**Amendment 2.84** removes the definition of the term ***building code*** from the dictionary as that term is defined in the Legislation Act by amendment 79.

### **Part 2.22 Occupational Health and Safety Regulations 1991**

**Amendment 2.85** removes a cross reference to the *Building Act 1972* that was used to define the term “building code” as that term is defined in the Legislation Act by amendment 79.

### **Part 2.23 Public Health Regulations 2000**

**Amendment 2.86** inserts a note to clarify that the *Water and Sewerage Act 2000* applies to installations of chemical toilets and septic systems. **Amendments 2.87** and **2.88** omit sections 71, 74 and 75 of the Act, consistent with the note provided for by amendment 2.88.

### **Part 2.24 Residential Tenancies Act 1997**

**Amendment 2.89** updates a reference from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

### **Part 2.25 Scaffolding and Lifts Act 1912**

**Amendment 2.90** updates a reference from “the *Building Act 1972*” to “the *Building Act 2003*” that is part of this legislative package.

### **Part 2.26 Utility Network (Public Safety) Regulations 2001**

Regulation 18 (2) (a) referred to a licence under *The Electricity Safety Act 1971*. The licensing provisions of that Act are to be repealed and catered for in the new legislation. **Amendment 2.91** updates a reference in that regulation to cater for that repeal and new terminology used in the new legislation.

### **Part 2.27 Water and Sewerage Act 2000**

**Amendment 2.92** removes section 3 of the Act, which provided that where an expression used in the Act is defined in Australian Standard 3500 [National plumbing and drainage] the term had the same meaning the Act. The provision is redundant as all such terms are now defined in the legislation or are individually cross-referenced to another document.

**Amendment 2.93** rennumbers the existing section 4 as section 3.

**Amendment 2.94** inserts a new section 4, which clarifies that the *Water and Sewerage Act 2000* also applies to the installation of chemical toilets, flushing toilets that discharge into a septic system, and connection to a septic system. These references were previously in the *Public Health Act 2000*, to which amendments have been made [2.86 to 2.88].

**Amendment 2.95** removes from section 5 (1) of the Act the term “plumbing or” and replaces it with the term “sanitary plumbing work, water supply plumbing work or” to make the relevant terminology consistent with the new licensing terminology. **Amendment 2.**

**96** changes the superseded references in the preamble to subsection 8 (1) of the Act to “plumbing or sanitary drainage work” to the corresponding new terms.

**Amendment 2.97** inserts a **new paragraph, 8 (2) (aa)**, after paragraph 8 (2) (a) of the Act, which adds a criterion to the criteria listed in that subsection—the plan that accompanies the application complies with any requirements prescribed under the regulations. That is to facilitate the listing of such criteria in the regulations.

**Amendment 2.98** inserts in the Act **new subsections 8 (3), 8 (4) and 8 (5)**, which stipulate how plans are required to be marked to indicate that they are approved under the Act. It also clarifies that the applicant for a plan approval must be given a copy of the approval when granted. The Act had previously been silent on that matter. A new requirement requires a certifier who issues a plan approval to give notice as prescribed under the regulations to the chief health officer and the chief executive, Environment ACT if the consequence of work in accordance with the plan would be the discharge of raw or treated sewage, or a by-product of sewage, to somewhere other than the sewerage network.

The intention is to alert the chief health officer and the chief executive, Environment ACT of those matters so that they can monitor public health and environmental matters that may arise from such discharges. It recognises that the reuse of waste water, particularly grey water, is increasing. It is not intended that those officers be required to do anything under the Act in response to receiving the notifications.

The amendment also adds a note that if a form is approved under s 48 for section 8, the form must be used.

**Amendment 2.99** directs renumbering of the subsections and paragraphs for section 8 when the Act is next republished under the Legislation Act, to account for the removal or addition of various provisions.

**Amendment 2.100** adds to the Act a **new subsection 9 (2A)**, which entitles the regulations to prescribe when the proposed amendment of a plan does, or does not, require reconsideration of the plan approval. The intention is to clarify what the concept of “requiring reconsideration of the plan approval” means for section 9, as that was not sufficiently clear.

**Amendment 2.101** directs renumbering of the subsections and paragraphs for section 9 when the Act is next republished under Legislation Act, to account for the removal or addition of various provisions.

**Amendment 2.102** adds to the Act a **new section 9A**, which requires the same procedure to be following in marking amendments to plan approvals on plans and subsequently giving copies of related documents as the Act requires if the approval was a fresh approval rather than an amendment. The Act had previously been silent on those matters but implied that that procedure applied.

**Amendment 2.103** substitutes the existing section 11 with a new provision that requires a licensee to provide 2 business days notices to the registrar where they are installing or fitting a sprinkler system or part of a fire sprinkler system. Failure to provide notice is an offence under the Act.

**Amendment 2.104** removes sections 12-14 of the Act, which contain superseded licensing requirements for sprinkler fitting work, sanitary plumbing work, sanitary drainage work, and water supply plumbing work.

**Amendment 2.105** changes the heading of section 15 of the Act from “Notice of interference with certain pipes communicating with water network” to “Notice of water supply plumbing work by licensee”. The intention is to clarify the meaning through the use of plain language.

**Amendment 2.106** changes section 15 (1) of the Act so that its terminology relates to the relevant corresponding terminology in the new licensing provisions without changing the general concept of the provision. The concept created three grounds for offences against a person in relation to doing water supply plumbing work. The amendment separates each of those three grounds so that instead of one offence being able to be committed three different ways in relation to three possible grounds, one offence is created per separated ground. The intention is to clarify the individual grounds for the offences without changing their nature. However **amendment 2.107** makes all of those offences strict liability offences. A potentially detrimental ramification from committing the offences is the contamination of a municipal water supply, so strict liability is warranted to encourage the exercise of due skill, care and diligence in doing water supply plumbing work as required or directed and obtaining the required approvals before that work is done.

**Amendment 2.108** directs renumbering of the subsections and paragraphs for section 15 when the Act is next republished under Legislation Act, to account for the removal or addition of various provisions.

**Amendment 2.109** changes section 16 (1) of the Act so that its terminology relates to the relevant corresponding terminology in the new licensing provisions without changing the general concept of the provision. It relates to certain requirements for doing sanitary plumbing or sanitary drainage work. It makes the offence it creates a strict liability offence. A potentially detrimental ramification from committing the offences is that the septic content of sewage could leak into habitable rooms or unknowingly discharge into the urban environment, ground water, lakes or water courses, so strict liability is warranted to encourage the exercise of due skill care and diligence in doing such work as required or directed and obtaining the required approvals before that work is done.

**Amendment 2.110** removes from paragraph 16 (4) (a) of the Act the term “journeyman plumber’s licence” and replaces it with the relevant terminology of with the new licensing legislation.

**Amendment 2.111** substitutes a new section 26 to enable the construction occupations registrar to delegate the registrar functions to an inspector or public servant.

**Amendment 2.112** adds a new subsection 49(5) that disapplies subsection 47(6) of the Legislation Act 2001. This relates to the notification requirements for standards adopted by legislation. Section 49 of the Water and Sewerage Act enable the adoption of Australian standards by regulation. The “time to time” provision ensures that as new standards are introduced, they come into force in the ACT without the need to adopt and notify each new standard by instrument. This is important for maintaining the appropriate standards of work in the industry. The standards are copyright and cannot be placed on the legislation register, but the licensees for which the standards are relevant are able to purchase copies from Standards Australia over the internet or in person.

**Amendments 2.113, 2.114, 2.115, 2. 116, 2. 117, 2. 118 and 2. 119** change the dictionary at the end of the Act so that terms and their definitions that are redundant or superseded because of the new licensing regime are removed and where appropriate replaced with the corresponding new terms and definitions. In doing so it is not intended that the concepts provided for by the dictionary, that are retained, are changed in their nature, except with respect to grey water diverters and unblocking certain pipes. Previously, the Act implied that it was unlawful in some circumstances to operate a grey water diverter or clear certain pipe blockages. The intended effect is that it will not be unlawful in certain circumstances to operate a grey water diverter or clear certain sewerage blockages, as set out in the definition of *sanitary drainage work* under amendment 2.115. It was considered that the community benefit derived from partly deregulating those matters outweighed the justification for that regulation.

**Amendment 2.120 and 2.121** removes various references to “chief executive” and replaces them with references to the “construction occupations registrar” and “registrar” respectively, under the Construction Occupations Licensing Bill. The intention is to facilitate the interaction of the Act with the new licensing regime. The functions had been carried out by the plumbers, drainers and gasfitters board, which is abolished by clause 3 of the Bill.

### **Part 2.28 Water and Sewerage Regulations 2001**

**Amendment 2.122** substitutes the words “use plumbing” with “install plumbing” in regulation 6(2), to clarify the intent of the provision.

**Amendment 2.123** adds a **new Regulation 7A** which sets out the information referred to in the Act, s 8 (3) (b) (see amendment 1.99). It sets out the list of matters that a s 8 (3) (b) notice must contain. The list relates to the particulars of certain proposed sewage discharges where the discharge is not into the sewerage network. The notice is required to be given to the chief health officer and the chief executive, Environment ACT.

**Amendment 2.124** removes regulation 11 [Unblocking of drain by owner of land]. The provision was made redundant through a new definition of *sanitary drainage work* under amendment 1.117.

**Amendment 2.125** changes regulation 16, which sets out the information referred to in the Act, s 9 (2A) (see amendment 2.100). The regulation sets out a list of criteria in respect of certain toilets. Section 9 (2A) of the Act requires certain toilets to comply with the criteria. The criteria deal with water saving measures, such as dual flush cisterns. The change to the regulation removed the concept that enforced the criteria, as explained in the notes above in respect of amendment 2.100.

**Amendment 2.126** removes regulation 18 (2) because it was made redundant by changes arising from the new licensing regime. It dealt with the use of plumbing and drainage products. **Amendment 2.127** removes from regulation 18 (3) the term “Subregulations (1) and (2) do” and replaces it with the term “Subregulation (1) does” as subregulation (2) was removed.

**Amendment 2.128** removes regulation 22 (3) because it was made redundant by changes arising from the new licensing regime.

**Amendment 2.129** changes the definition of appropriate backflow prevention device provided at regulation 22 (8) so that instead of referring to AS 3500 it refers to AS 2845, which in that case is the more appropriate standard of the two. **Amendment 2.130** directs renumbering of the sub regulations when the Act is next republished under Legislation Act, to account for the removal or addition of various provisions.

**Amendment 2.131** and **2.132** removes various references to “chief executive” and replaces them with references to the “construction occupations registrar” and “registrar” under the Construction Occupations (Licensing) Bill. The intention is to facilitate the interaction of the regulations with the new licensing regime. The functions had been carried out by the plumbers, drainers and gasfitters board, which is abolished by clause 3 of the Bill.

### **Schedule 3 New Electricity Safety Regulations**

The schedule sets out detailed changes to regulations in accordance with amendment 2.37.

## **ELECTRICITY SAFETY REGULATIONS 2003**

### **Outline**

The Electricity Safety Regulations 2003 (“the regulations”) replace the Electricity Safety Regulations 1971 made under the *Electricity Safety Act 1971* (“the principal Act”). The Construction Occupations (Licensing) Bill 2003 replaced the occupational licensing provisions of the principal Act. In this context regulations that were no longer required

were removed and the remaining regulations redrafted in modern form. The scale of the changes was such that the older regulations were replaced as a whole and not rewritten.

The regulations set out details of matters dealt with in the principal Act in relation to standards for work on electrical installations, the registration of articles of electrical equipment that require safety approval before they may be sold and energy efficiency requirements for articles of electrical equipment.

## Details

**Regulation 1** provides for the name of the regulations.

Section 32 of the Principal Act requires electrical installations to be successfully inspected and tested after electrical wiring work has been carried out before they are connected to ActewAGL's supply mains. Section 33 requires electrical wiring work to be carried out in accordance with Australian Standard 3000, and section 34 requires it to be tested in accordance with Australian Standard 3017 and reported to the administrative unit administering the Act. The Act allows for the making of regulations that give exemptions from the requirements of these sections. **Regulation 2** provides exemption from the requirements of section 32 of the Principal Act if an electrical installation is work on lifts, which are controlled under other legislation.

**Regulation 3** limits the need to comply with the changed requirements of a new edition of Australian Standard 3000 during a transitional period. The current edition and earlier editions of the standard recommend that the standard should not be mandatory for six months after publication and state that the inspecting authority may grant permission for an installation to be carried out in accordance with the superseded edition if work commenced before the publication date of the new edition.

Regulation 3 implements these provisions of the standard by stating that work carried out within six months of the publication of a revised edition of the standard may comply with the previous edition. So may work completed longer than six months after publication of a revised edition, if the work began before the publication of the new edition. The person responsible can be required to show that the work did begin before the publication of the new edition.

**Regulation 4** applies the kind of exemption described in new Regulation 2 for exemptions from the requirements of sections 33 and 34.

Section 73 [Safety registration mark] of the principal Act requires articles of electrical equipment of approved types to be marked. **Regulation 5** provides that it is the registration number of the model that is to be used.

**Regulation 6** gives force to the national Minimum Energy Performance Standards and Energy Rating Labels in the ACT. These schemes are developed and administered by

the National Appliance and Equipment Energy Efficiency Committee, of which the ACT is a member.

The development of Minimum Energy Performance Standards and Energy Rating Labels for each type of appliance involves thorough technical research and benefit and cost analysis, public and industrial consultation and policy inputs from governments. Regulatory Impact Statements are prepared by the National Appliance and Equipment Energy Efficiency Committee for each proposed set of Minimum Energy Performance Standards and Energy Rating Labels. New Minimum Energy Performance Standards and Energy Rating Labels are only recommended if the outcomes of the Regulatory Impact Statements is favourable for all jurisdictions and the proposed standards and requirements are supported by both the public and the industry. Recommended Minimum Energy Performance Standards and Energy Rating Labels are endorsed by the Ministerial Council on Energy before they are implemented in individual jurisdictions.

Section 81 of the principal Act provides that an article of electrical equipment cannot be sold in the ACT unless it complies with the relevant energy efficiency standard and labelling requirements. **Regulation 8** makes the relevant efficiency standards and labelling requirements in the corresponding Victorian law applicable in the ACT as far as they are consistent with the ACT law. Victoria has always played a leading role in the development of legislation to implement Minimum Energy Performance Standards and Energy Rating Labels. Therefore the regulations will ensure that the ACT regulatory regime conforms to national standards.

As the most up-to-date versions of Victorian Acts and regulations are available on the Internet and are readily accessible to the public, at a location given in a note to the regulations, the notification requirements of section 47(6) of the *Legislation Act 2001* do not apply.

## **FINANCIAL IMPLICATIONS**

Nil.