

TASMANIA

**BUILDING (CONSEQUENTIAL AMENDMENTS)
BILL 2016**

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**BUILDING (CONSEQUENTIAL AMENDMENTS)
BILL 2016**

*(Brought in by the Minister for Building and Construction, the
Honourable Adam Richard Brooks)*

A BILL FOR

**An Act to amend certain Acts and subordinate legislation
consequent on the commencement of the *Building Act 2016***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Building
(Consequential Amendments) Act 2016*.

2. Commencement

- (1) Except as provided by this section, the provisions of this Act commence on the day on which the *Building Act 2016* commences.
- (2) Section 7 and Schedule 2 commence –
 - (a) on the day on which the *Building and Construction Industry Security of Payment Amendment Act 2016* commences; or
 - (b) if that Act has commenced before the *Building Act 2016* commences, on the

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day on which the *Building Act 2016* commences.

- (3) Section 8 and Schedule 3 commence –
- (a) on the day on which the *Residential Building Work Contracts and Dispute Resolution Act 2016* commences; or
 - (b) if that Act has commenced before the *Building Act 2016* commences, on the day on which the *Building Act 2016* commences.

3. Consequential amendments of statutory rules do not prevent their subsequent amendment

The amendment by this Act of a provision of any statutory rule does not prevent that, or any other, provision of that statutory rule from being amended or rescinded by a subsequent statutory rule.

4. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Building and Construction; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Justice.

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5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of its provisions commence.

6. Consequential Amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

7. Consequential Amendments

The legislation specified in Schedule 2 is amended as specified in that Schedule.

8. Consequential Amendments

The legislation specified in Schedule 3 is amended as specified in that Schedule.

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SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 6

Acts Interpretation Act 1931

1. Section 46 is amended as follows:

- (a) by omitting “*Building Act 2000*” from the definition of *Building Regulations* and substituting “*Building Act 2016*”;
- (b) by omitting “*Building Act 2000*” from the definition of *Plumbing Regulations* and substituting “*Building Act 2016*”.

Architects Act 1929

1. Section 4A is repealed.

Building and Construction Industry Security of Payment Act 2009

- 1. Section 19(1) is amended by omitting paragraph (a) from the definition of *building practitioner* and substituting:
 - (a) a building services provider, or an owner builder, within the meaning of the *Building Act 2016*;
- 2. Section 30(1)(a) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

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3. Section 38(3) is amended by omitting “Building Regulation Advisory Committee established under the *Building Act 2000*” and substituting “Director of Building Control within the meaning of the *Building Act 2016*”.

Building and Construction Industry Training Fund Act 1990

1. Section 3(1) is amended as follows:
 - (a) by omitting “*Building Act 2000*” from the definition of *building permit* and substituting “*Building Act 2016*”;
 - (b) by omitting “*Building Act 2000*” from the definition of *permit authority* and substituting “*Building Act 2016*”;
 - (c) by omitting “*Building Act 2000*” from the definition of *plumbing permit* and substituting “*Building Act 2016*”.

Crown Lands Act 1976

1. Section 2 is amended by omitting “*Building Act 2000*” from paragraph (b) of the definition of *works* and substituting “*Building Act 2016*”.

Duties Act 2001

1. Section 19(2)(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

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Environmental Management and Pollution Control (Waste Management) Regulations 2010

1. Regulation 3 is amended as follows:
 - (a) by omitting “*Building Act 2000*” from the definition of *on-site waste water management system* and substituting “National Construction Code within the meaning of the *Building Act 2016*”;
 - (b) by omitting “*Plumbing Regulations 2004*” from the definition of *sewage* and substituting “Plumbing Regulations”.

2. Regulation 9(2)(c) is amended as follows:
 - (a) by omitting from subparagraph (i) “*Plumbing Regulations 2004*” and substituting “Plumbing Regulations”;
 - (b) by omitting from subparagraph (ii) “*Plumbing Regulations 2004*” and substituting “Plumbing Regulations”.

Fire Service Act 1979

1. Section 133A(2) is amended by omitting “Part 12 of the *Building Act 2000*” and substituting “Part 19 of the *Building Act 2016*”.

General Fire Regulations 2010

1. Regulation 3 is amended as follows:

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- (a) by omitting “*Building Act 2000*” from paragraph (a) of the definition of *building controls* in subregulation (1) and substituting “*Building Act 2016*”;
 - (b) by omitting the definition of *Building Regulations* from subregulation (1);
 - (c) by omitting from subregulation (3) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (d) by omitting from subregulation (4) “*Building Act 2000*” and substituting “*Building Act 2016*”.
2. Regulation 5(1)(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Health Service Establishments Act 2006

1. Section 20 is amended as follows:
- (a) by omitting “*Building Act 2000*” from the definition of *material alteration to or extension of* in subsection (1) and substituting “*Building Act 2016*”;
 - (b) by omitting from subsection (3)(b) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (c) by omitting from subsection (7) “section 112 of the *Building Act 2000*” and substituting “the *Building Act 2016*”.

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Historic Cultural Heritage Act 1995

1. Section 4A(1)(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Housing Indemnity Regulations 2014

1. Regulation 3 is amended as follows:
 - (a) by omitting “*Building Act 2000*” from the definition of *building permit* and substituting “*Building Act 2016*”;
 - (b) by omitting “*Building Act 2000*” from the definition of *permit authority* and substituting “*Building Act 2016*”.

Land Use Planning and Approvals Act 1993

1. Section 12(3)(a)(ii) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Local Government (General) Regulations 2015

1. Regulation 32(a) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Mines Work Health and Safety (Supplementary Requirements) Act 2012

1. Section 37 is amended as follows:

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- (a) by omitting from subsection (7) “*Building Act 2000*” and substituting “*Building Act 2016*”;
- (b) by omitting from subsection (10)(a) “*Building Act 2000*” and substituting “*Building Act 2016*”;
- (c) by omitting from subsection (10)(b) “Plumbing Regulations, within the meaning of the *Building Act 2000*” and substituting “Plumbing Regulations”.

National Broadband Network (Tasmania) Act 2010

- 1. Section 28(c) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Occupational Licensing (Electrical Work) Regulations 2008

- 1. Regulation 9(c) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Occupational Licensing (Plumbing Work) Regulations 2010

- 1. The definition of *associated plumbing work* in regulation 3(1) is amended as follows:
 - (a) by omitting from paragraph (d) “*Building Act 2000*” and substituting “*Building Act 2016*”;

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- (b) by omitting from paragraph (e) “*Building Act 2000*” and substituting “*Building Act 2016*”.

2. Regulation 4 is amended as follows:

- (a) by omitting from subregulation (1)(b) “*Building Act 2000*” and substituting “*Building Act 2016*”;
- (b) by omitting from subregulation (2)(e) “accredited building practitioner (designer) under the *Building Act 2000* working within his or her area of competence as a building designer, building services designer or an engineer” and substituting “designer within the meaning of the *Building Act 2016* working within his or her area of competence”.

3. Regulation 6(2)(a) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

4. Regulation 7(1) is amended as follows:

- (a) by omitting from paragraph (a) “*Building Act 2000*” and substituting “*Building Act 2016*”;
- (b) by omitting paragraph (b) and substituting the following paragraph:

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- (b) which is notifiable plumbing work or permit plumbing work within the meaning of the *Building Act 2016*.

Occupational Licensing Act 2005

1. Schedule 3 is amended by omitting

Building Act 2000

and substituting:

Building Act 2016

Radiation Protection Regulations 2006

1. Regulation 23A(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

Resource Management and Planning Appeal Tribunal Regulations 2014

1. Regulation 6(1) is amended by omitting “*Building Regulations 2004*” and substituting “*Building Regulations*”.

Roads and Jetties Act 1935

1. Section 9A(7) is amended by omitting “*Building Act 2000*” twice occurring and substituting “*Building Act 2016*”.

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Rosetta Landslip Act 1992

1. Part 2 of Schedule 1 is amended as follows:
 - (a) by omitting from clause 1(c) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (b) by omitting from clause 2(b) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (c) by omitting from clause 3(c) “*Building Act 2000*” and substituting “*Building Act 2016*”.

Strata Titles Act 1998

1. Section 31(3) is amended as follows:
 - (a) by omitting from paragraph (b) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (b) by omitting from paragraph (c) “*Building Act 2000*” and substituting “*Building Act 2016*”.
2. Section 144(1)(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

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Sullivans Cove Waterfront Authority (Repeal) Act 2011

1. Clause 8 of Schedule 1 is amended by inserting “or *Building Act 2016*” after “*Building Act 2000*”.

Tasmanian Health Organisations Act 2011

1. Section 81A(1) is amended as follows:
 - (a) by omitting “essential safety and health feature” from paragraph (f) of the definition of *building work* and substituting “essential building services”;
 - (b) by omitting the definition of *essential safety and health feature* and substituting the following definition:

essential building services has the same meaning as it has in the *Building Act 2016*;

Water and Sewerage Industry (General) Regulations 2009

1. Regulation 13(2) is amended as follows:
 - (a) by omitting from paragraph (l)(i) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (b) by omitting from paragraph (o) “*Building Act 2000*” and substituting “*Building Act 2016*”.

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Water and Sewerage Industry Act 2008

1. Section 56TA is amended as follows:

- (a) by omitting “*Building Act 2000*” from the definition of *building work* and substituting “*Building Act 2016*”;
- (b) by omitting “*Building Act 2000*” from the definition of *permit authority* and substituting “*Building Act 2016*”;
- (c) by omitting “*Building Act 2000*” from the definition of *plumbing work* and substituting “*Building Act 2016*”;
- (d) by omitting “*Building Act 2000*” from paragraph (a) of the definition of *relevant permit authority* and substituting “*Building Act 2016*”;
- (e) by omitting “*Building Act 2000*” from paragraph (b) of the definition of *relevant permit authority* and substituting “*Building Act 2016*”.

2. Section 56TB is amended as follows:

- (a) by omitting from subsection (1) “under section 72 of the *Building Act 2000* an application for a building permit” and substituting “an application for a building permit under the *Building Act 2016*”;

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- (b) by omitting from subsection (2) “under section 82 of the *Building Act 2000* an application for a plumbing permit, or a special plumbing permit,” and substituting “an application for a plumbing permit under the *Building Act 2016*”.

3. Section 56TD is amended as follows:

- (a) by omitting from subsection (1) “under section 112 of the *Building Act 2000* a certificate of completion (building work)” and substituting “a certificate of completion under the *Building Act 2016*”;
- (b) by omitting from subsection (2) “under section 113 of the *Building Act 2000* a certificate of completion (plumbing work)” and substituting “a certificate of completion under the *Building Act 2016*”.

4. Section 56Y(2) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

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SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 7

***Building and Construction Industry Security of Payment Act
2009***

1. Section 4 is amended as follows:

- (a) by omitting paragraph (a) from the definition of *building practitioner* and substituting the following paragraph:
 - (a) a building services provider, or an owner builder, within the meaning of the *Occupational Licensing Act 2005*;
- (b) by omitting “section 6 of the *Building Act 2000*” from the definition of *Director* and substituting “section 15 of the *Building Act 2016*”;
- (c) by omitting “*Building Regulations 2014*” from paragraph (f) of the definition of *fire safety system* and substituting “Building Regulations”.

SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS

Section 8

***Residential Building Work Contracts and Dispute Resolution
Act 2016***

1. Section 4(1) is amended as follows:

- (a) by omitting the definition of *Director* and substituting the following definition:

Director means the Director of Building Control appointed under section 15 of the *Building Act 2016*;

- (b) by omitting “*Building Act 2000*” from paragraph (b) of the definition of *residential building work contract* and substituting “*Building Act 2016*”.

2. Section 6(1) is amended by omitting “*Building Regulations 2014* or any regulations that replace those regulations” from paragraph (f) of the definition of *fire safety system* and substituting “*Building Regulations*”.

3. Section 21 is amended as follows:

- (a) by omitting “*Building Act 2000*” from the definition of *certificate of likely compliance* in subsection (1) and substituting “*Building Act 2016*”;

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- (b) by omitting from subsection (2) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (c) by omitting from subsection (3) “*Building Act 2000*” and substituting “*Building Act 2016*”.
- 4.** Section 31(3) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.
- 5.** Section 32(3) is amended as follows:
- (a) by omitting from paragraph (a) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (b) by omitting from paragraph (b)(ii) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (c) by omitting from paragraph (c)(ii) “*Building Act 2000*” and substituting “*Building Act 2016*”;
 - (d) by omitting from paragraph (d)(ii) “*Building Act 2000*” and substituting “*Building Act 2016*”.
- 6.** Section 43(1)(b) is amended by omitting “*Building Act 2000*” and substituting “*Building Act 2016*”.

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7. Section 85 is amended by omitting “established under the *Building Act 2000*” and substituting “within the meaning of the *Building Act 2016*”.