

TASMANIA

**BUILDING (CONSEQUENTIAL
AMENDMENTS) BILL 2003**

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BUILDING (CONSEQUENTIAL AMENDMENTS) BILL 2003

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
15 April 2003

*(Brought in by the Minister for Infrastructure, the
Honourable James Glennister Cox)*

A BILL FOR

**An Act to amend certain Acts consequent on the
enactment of the *Building Act 2000***

Be it enacted by His 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:

Short title

1. This Act may be cited as the *Building (Consequential
Amendments) Act 2003*.

Commencement

2. The provisions of this Act commence on a day or days to
be proclaimed.

Building and Construction Industry Training Fund Regulations 1991 amended

3. Regulation 2A of the *Building and Construction Industry Training Fund Regulations 1991* is amended by omitting subregulation (1) and substituting the following subregulation:

(1) At the time of paying any fee under the *Building Act 2000* for a permit for any building or construction work, a project owner must pay the levy payable in respect of that work to the Board or a collection agency.

Architects Act 1929 amended

4. After section 4 of the *Architects Act 1929*, the following section is inserted in Part II:

Authorised body under *Building Act 2000*

4A. (1) The Board may enter into any agreement in respect of becoming a part of an authorised body for the purposes of Division 1 of Part 4 of the *Building Act 2000*.

(2) The Board may make an application to be an authorised body under section 19 of the *Building Act 2000*.

(3) If the Board is an authorised body, or part of an authorised body, within the meaning of the *Building Act 2000*, the Board may exercise or perform any of the powers or functions of an authorised body under that Act.

Consequential amendments to Acts

5. The Acts specified in Schedule 1 are amended as specified in that Schedule.

Consequential amendments to Statutory Rules

6. The Statutory Rules specified in Schedule 2 are amended as specified in that Schedule.

**SCHEDULE 1 - CONSEQUENTIAL AMENDMENTS
TO ACTS**

Section 5

Acts Interpretation Act 1931

1. Section 46 is amended as follows:

- (a) by omitting the definition of “Building Regulations” and substituting the following definition:

“Building Regulations” has the same meaning as in the *Building Act 2000*;

- (b) by omitting the definition of “Plumbing Regulations” and substituting the following definition:

“Plumbing Regulations” has the same meaning as in the *Building Act 2000*;

***Building and Construction Industry Training
Fund Act 1990***

1. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “building or construction work”:

“building permit” has the same meaning as in the *Building Act 2000*;

- (b) by omitting the definition of “building surveyor”;
- (c) by inserting the following definitions after the definition of “the levy”:

“permit authority” has the same meaning as in the *Building Act 2000*;

“plumbing permit” has the same meaning as in the *Building Act 2000*;

- (d) by omitting “notice” from paragraph (a) of the definition of “project owner” and substituting “permit”.

2. Section 23 is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) if there is no contract, the cost determined by the permit authority.

3. Section 25 is amended by omitting “notice” and substituting “permit or plumbing permit”.

4. Section 27 is amended as follows:

- (a) by omitting from paragraph (a) “notice” and substituting “permit or plumbing permit”;
- (b) by omitting from paragraph (b) “notice” and substituting “permit or plumbing permit”.

5. Section 42(2)(f) is amended by omitting “notice” and substituting “permit or plumbing permit”.

6. Schedule 2 is amended as follows:

- (a) by omitting item 1 and substituting the following item:

1. A building or structure that –

- (a) is undergoing construction or alteration which requires a building permit; or
 - (b) is undergoing construction or alteration which requires a plumbing permit; or
 - (c) forms, or is part of, a water-reticulation plant or works, a water-treatment plant or works or a water-pumping station.
- (b) by omitting item 7 and substituting the following item:

7. Any other similar work that is subject to the approval of a council before it may be carried out.

Crown Lands Act 1976

1. Section 2 is amended by omitting “*Local Government (Building and Miscellaneous Provisions) Act 1993*” from paragraph (b) of the definition of “works” and substituting “*Building Act 2000*”.

Fire Service Act 1979

1. Section 133A is amended as follows:

- (a) by omitting from subsection (1) “section 67 of the *Local Government (Building and*

Miscellaneous Provisions) Act 1993 and substituting “section 203 of the *Building Act 2000*”;

- (b) by omitting from subsection (2) “Division 10 of Part 2 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” and substituting “Part 12 of the *Building Act 2000*”.

Historic Cultural Heritage Act 1995

- 1. Section 90(c) is amended by omitting “*Local Government (Building and Miscellaneous Provisions) Act 1993*” and substituting “*Building Act 2000*”.

Housing Indemnity Act 1992

- 1. Section 16(1) is amended as follows:
 - (a) by inserting in paragraph (c) “or assistant building surveyor” after “surveyor”;
 - (b) by inserting in paragraph (d) “granted under the *Local Government Act 1962*” after “competency”.

Local Government (Building and Miscellaneous Provisions) Act 1993

- 1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “building area” and substituting the following definition:

“building area” means an area of land that, immediately before the commencement of section 5 and Schedule 1 of the *Building (Consequential Amendments) Act 2003*, was –

- (a) an urban building area; or
- (b) a changing building area; or
- (c) a country building area –

within the meaning of section 43 of this Act as in force immediately before that commencement;

- (b) by omitting the definition of “building surveyor”.

- 2.** Section 108 is amended by omitting subsection (4) and substituting the following subsection:

(4) Compensation is not payable for the dedication of land which lies within 9 metres of the middle line of the highway of a parcel into which the land is subdivided and on which no building stands.

- 3.** Section 109 is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (1);
- (b) by omitting from subsection (1)(c) “outer”;
- (c) by omitting from subsection (1)(h) “paragraphs (a) to (e)” and substituting “paragraph (c), (d) or (e)”;

- (d) by omitting from subsection (2)(b)(i) “a central” and substituting “an”;
- (e) by omitting subparagraph (ii) from subsection (2)(b);
- (f) by omitting from subsection (2)(b)(iii) “outer”;
- (g) by omitting subparagraphs (i) and (ii) from subsection (3)(a) and substituting the following subparagraphs:
 - (i) has an area of 270 square metres; and
 - (ii) has a frontage to a street of not less than 9 metres; and
- (h) by omitting from subsection (3)(b) “inner or outer”;
- (i) by omitting from subsection (3)(b)(ii) “subsection (1)(b) and (c)” and substituting “subsection (1)(c)”;
- (j) by omitting from subsection (3)(b)(ii) “in an inner area 15 metres or in an outer area”;
- (k) by omitting subparagraphs (i) and (ii) from subsection (3)(d);
- (l) by omitting from subsection (3)(d)(iii) “outer”;
- (m) by inserting the following subsection after subsection (8):

(9) In this section –

“changing building area” is an area of land that immediately before the commencement of section 5 and Schedule 1 of the *Building*

(Consequential Amendments) Act 2003 was a changing building area within the meaning of section 43 of this Act as in force immediately before that commencement;

“country building area” is an area of land that immediately before the commencement of section 5 and Schedule 1 of the *Building (Consequential Amendments) Act 2003* was a country building area within the meaning of section 43 of this Act as in force immediately before that commencement;

“urban building area” is an area of land that immediately before the commencement of section 5 and Schedule 1 of the *Building (Consequential Amendments) Act 2003* was an urban building area within the meaning of section 43 of this Act as in force immediately before that commencement.

Local Government (Highways) Act 1982

- 1.** Section 3(1) is amended by omitting the definition of “changing building area”.
- 2.** Section 49 is repealed and the following section is substituted:

Application of Division 3, Part III

49. (1) This Division applies to cities and towns.

(2) This Division also applies to that area of land specified in Schedule 1 to the *Local Government (Highways) Order 1984* (being the Old Beach Changing Building Area).

(3) The Governor may by order declare that this Division ceases to apply to the area referred to in subsection (2).

3. Section 64 is repealed and the following section is substituted:

Application of Part V

64. (1) This Part applies to cities, other than the cities of Hobart and Launceston, and to towns.

(2) This Part also applies to that area of land specified in Schedule 1 to the *Local Government (Highways-Construction of Unmade Streets) Order 1987* (being part of the Carnarvon Bay, Safety Cove Changing Building Area).

(3) The Governor may by order declare that this Part ceases to apply to the area referred to in subsection (2).

Plumbers and Gas-fitters Registration Act 1951

1. Section 2(1) is amended as follows:

- (a) by omitting the definition of “building area”;
- (b) by omitting “regulation 271 of the Building Regulations” from paragraph (c) of the definition of “mechanical services plumbing” and substituting “section 268 of the *Building Act 2000*”.

2. Section 9 is amended as follows:

- (a) by omitting from subsection (1) “in that building area” first occurring;
- (b) by omitting from subsection (1) “, in that building area”;
- (c) by omitting from subsection (3A) “in that building area” three times occurring;
- (d) by omitting from subsection (3B) “in that building area” twice occurring.

3. Section 12(1B) is amended by omitting “Plumbing Regulations” and substituting “*Building Act 2000*”.**4.** Section 21A(1) is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- (a) the *Building Act 2000*; or
- (b) the regulations made under the *Building Act 2000*; or

5. Schedule 1 is amended as follows:

- (a) by omitting from clause 4 “, in any building area”;
- (b) by omitting from clause 5(a) “in any building area”;
- (c) by omitting from clause 5(b) “and in any building area”;
- (d) by omitting from clause 6 “and in any building area”;
- (e) by omitting from clause 7 “in any building area,”.

Roads and Jetties Act 1935

1. Section 9A(7) is amended by omitting “Building Regulations” and substituting “*Building Act 2000* or regulations made under the *Building Act 2000*”.
2. Section 52D(1) is amended by omitting paragraph (a).

Rosetta Landslip Act 1992

1. Schedule 1 is amended as follows:
 - (a) by omitting the definition of “building regulations” from Part 1;
 - (b) by omitting from clause 1(c) of Part 2 “building regulations generally” and substituting “*Building Act 2000*”;
 - (c) by omitting from clause 2(b) of Part 2 “building regulations relating” and substituting “*Building Act 2000* in relation”;
 - (d) by omitting from clause 3(c) of Part 2 “building regulations relating” and substituting “*Building Act 2000* in relation”.

Sewers and Drains Act 1954

1. Section 2(1) is amended as follows:
 - (a) by omitting “Division 10 of Part 2 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” from the definition of

“Building Appeal Board” and substituting “section 203 of the *Building Act 2000*”;

- (b) by omitting the definition of “Building Regulations”;
- (c) by omitting the definition of “septic tank” and substituting the following definition:

“septic tank” means an on-site waste water management system within the meaning of the *Building Act 2000*;

2. Section 50(2) is amended by omitting “Building Regulations or Plumbing Regulations” and substituting “*Building Act 2000*”.

3. Section 51A(2)(b)(i) is amended by omitting “Building Regulations” and substituting “*Building Act 2000*”.

4. Section 60 is amended by omitting subsection (1) and substituting the following subsection:

(1) The owner of a house in a septic tank district is to –

- (a) install, and maintain, in accordance with this Act, any water-closets required under the *Building Act 2000* together with the cisterns, pipes and other apparatus necessary for the operation of the water-closets; and
- (b) carry out all other works and structural alterations associated with the water-closets required under the *Building Act 2000*.

5. Section 61 is amended as follows:

- (a) by omitting from subsection (1)(a) “Building Regulations or Plumbing Regulations” and substituting “*Building Act 2000*”;
- (b) by omitting from subsection (2) “Building Regulations or Plumbing Regulations” and substituting “*Building Act 2000*”.

6. Section 62 is repealed.

7. Section 85(2)(d) is amended by omitting “Building Regulations” twice occurring and substituting “*Building Act 2000*”.

Strata Titles Act 1998

1. Section 31(3) is amended as follows:

- (a) by omitting from paragraph (b) “Part 2 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” and substituting “the *Building Act 2000*”;
- (b) by omitting from paragraph (c) “Part 2 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” and substituting “the *Building Act 2000*”.

2. Section 144(1)(b) is amended by omitting “section 5 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” and substituting “the *Building Act 2000*”.

***The Hellyer Mine Agreement Ratification Act
1987***

1. Section 11 is repealed and the following section is substituted:

Building Act 2000 not to apply in certain cases

11. The *Building Act 2000* does not apply to any buildings or structures erected on any land which is subject to the Consolidated Mineral Lease or such other lease as may be granted and issued pursuant to the Agreement where such buildings or structures have as their principal purpose the extraction and processing of mineral ores.

Workplace Health and Safety Act 1995

1. Section 57 is amended as follows:

(a) by omitting from subsection (6) “the *Building Regulations 1994* and the *Plumbing Regulations 1994*” and substituting “the *Building Act 2000*”;

(b) by omitting subsection (11) and substituting the following subsection:

(11) Nothing in the regulations prejudices or affects the application of –

(a) the *Building Act 2000*; or

(b) the Building Regulations or Plumbing Regulations, within the meaning of the *Building Act 2000*; or

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(c) the *General Fire Regulations 2000*.

**SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS
TO STATUTORY RULES**

Section 6

Dangerous Goods (General) Regulations 1998

1. Regulation 4(1) is amended by omitting the definition of “certificate of completion” and substituting the following definition:

“certificate of completion” means a certificate of completion (building work) issued under section 112 of the *Building Act 2000* and a certificate of completion (plumbing work) issued under section 113 of the *Building Act 2000*;

2. Regulation 43(b)(ii) is amended by omitting “*Building Regulations 1994*” and substituting “*Building Act 2000*”.

General Fire Regulations 2000

1. Regulation 3(1) is amended by omitting paragraph (b) from the definition of “specified building” and substituting:

(b) a special fire hazard building within the meaning of the Building Regulations under section 230 of the *Building Act 2000*;

2. Regulation 8 is amended by omitting paragraph (c) and substituting the following paragraph:

(c) is permitted by the Building Regulations under section 230 of the *Building Act 2000* to give a building services engineering certificate.

Housing Indemnity Regulations 1993**1.** Regulation 3 is amended as follows:

- (a) by inserting the following definitions after the definition of “Act”:

“building permit” has the same meaning as in the *Building Act 2000*;

“permit authority” has the same meaning as in the *Building Act 2000*.

- (b) by omitting the definition of “building approval”.

2. Regulation 6 is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- (a) the date on which a certificate of completion (building work) was issued under section 112 of the *Building Act 2000*;
- (b) the two year anniversary of the day on which a building permit was granted under section 72(1) of the *Building Act 2000*.

3. Regulation 8 is amended by omitting paragraph (c) and substituting the following paragraph:

- (c) the permit authority, in the case of building work which is subject to a building permit.

Local Government Regulations 1994

1. Regulation 31 is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) an on-site waste water management system for which a plumbing permit or special plumbing permit is granted under section 82 of the *Building Act 2000*;

Workplace Health and Safety Regulations 1998

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

- (a) by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:
 - (a) the *Building Act 2000*;
 - (b) the Building Regulations within the meaning of the *Building Act 2000*;
 - (c) the Plumbing Regulations within the meaning of the *Building Act 2000*;
- (b) by omitting paragraphs (e), (f) and (g) and substituting the following paragraphs:
 - (e) the *General Fire Regulations 2000*;
 - (f) the *Dangerous Goods Act 1998*;
 - (g) the *Dangerous Goods (General) Regulations 1998*;

2. Regulation 114(1) is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) made available at each workplace in accordance with the Building Regulations within the meaning of the *Building Act 2000* and the *General Fire Regulations 2000*, as applicable; and