

# TASMANIA

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## **OCCUPATIONAL LICENSING AMENDMENT BILL 2008**

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**OCCUPATIONAL LICENSING AMENDMENT  
BILL 2008**

*(Brought in by the Minister for Infrastructure, the Honourable  
Graeme Lindsay Sturges)*

**A BILL FOR**

**An Act to amend the *Occupational Licensing Act 2005***

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:

**1. Short title**

This Act may be cited as the *Occupational  
Licensing Amendment Act 2008*.

**2. Commencement**

This Act commences on the day on which this  
Act receives the Royal Assent.

**3. Principal Act**

In this Act, the *Occupational Licensing Act  
2005*\* is referred to as the Principal Act.

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\*No. 47 of 2005

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**4. Section 3 amended (Interpretation)**

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of “authorised officer” and substituting the following definition:

**“authorised officer”** means –

- (a) the Administrator; or
  - (b) a person who is appointed under section 16 as an authorised officer;
- (b) by omitting the definition of “prescribed work” and substituting the following definition:

**“prescribed work”** means any work that is –

- (a) usually carried out in the course of an occupation, trade or calling to which this Act applies; and
- (b) determined by the regulations to be prescribed work; and
- (c) not excluded from the application of this Act by the regulations;

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**5. Section 7 amended (Application of Act to occupations, trades and callings)**

Section 7 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) This Act applies to the occupation, trade or calling that is performance of electrical work as described in Part 1 of Schedule 2.
- (1A) This Act applies to the occupation, trade or calling that is performance of gas-fitting work as described in Part 2 of Schedule 2.
- (1B) This Act applies to the occupation, trade or calling that is performance of plumbing work as described in Part 3 of Schedule 2.
- (1C) This Act applies to any occupation, trade or calling added to Schedule 2 by order under subsection (2).

**6. Section 97 amended (Confidentiality)**

Section 97 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

- (a) for the purposes of –
  - (i) this or any other Act; or

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- (ii) a law of another jurisdiction, whether Australian or not, that corresponds to the relevant provisions of this Act; or

**7. Section 104 substituted**

Section 104 of the Principal Act is repealed and the following section is substituted:

**104. Transitional and savings provisions**

- (1) Part 1 of Schedule 5 has effect.
- (2) Part 2 of Schedule 5 has effect.
- (3) Part 3 of Schedule 5 has effect.

**8. Section 106 substituted**

Section 106 of the Principal Act is repealed and the following section is substituted:

**106. Consequential amendments**

- (1) The *Building Act 2000* is amended as specified in Part 1 of Schedule 6.
- (2) The *Building Act 2000* is further amended as specified in Part 2 of Schedule 6.
- (3) The *Electricity Industry Safety and Administration Act 1997* is amended as specified in Part 3 of Schedule 6.

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**9. Section 109 inserted**

After section 108 of the Principal Act, the following section is inserted in Part 11:

**109. Further Statutory Rules rescinded**

- (1) The Statutory Rules specified in items 1 and 2 of Schedule 9 (continued in force as regulations by virtue of section 6(2) of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*) are rescinded.
- (2) The Statutory Rules specified in items 3 and 4 of Schedule 9 are rescinded.

**10. Schedule 2 substituted**

Schedule 2 to the Principal Act is repealed and the following Schedule is substituted:

**SCHEDULE 2 – OCCUPATIONS, TRADES AND  
CALLINGS TO WHICH THIS ACT APPLIES**

Section 7(1), (1A) and (1B)

**PART 1 – PERFORMANCE OF ELECTRICAL WORK**

1. Work on the installation, repair, alteration or removal of an electrical circuit or associated fittings, equipment or accessories.
2. Work on the installation, repair, alteration or removal of electrical infrastructure including lines and wires

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for the generation, transmission or distribution of electricity and also including supporting and protective structures relating to any such equipment, lines or wires.

3. Work that is, by determination of the Regulator as defined in the *Electricity Supply Industry Act 1995*, to be regarded as specialist work.

**PART 2 – PERFORMANCE OF GAS-FITTING WORK**

***Division 1 – Domestic, commercial or industrial***

1. Work carried out in connection with the installation, commissioning, relocation, repair, modification, maintenance or disconnection of a gas installation to convey liquefied petroleum gas, compressed natural gas, liquefied natural gas, hydrogen gas or calorific gas, or any part of that gas installation, including work on –
  - (a) any pipe or system of pipes for, or incidental to, the conveyance of gas and components or fittings associated with the pipe or pipes which are downstream from the gas supply point; and
  - (b) any one or more of the following:
    - (i) any appliance and associated components or fittings which are



downstream from the gas supply point;

(ii) any meter which is downstream from the gas supply point;

(iii) any means of ventilation or system for the removal of combustion products which is downstream from the gas supply point.

***Division 2 – Automotive gas systems***

**1. Work involved in –**

- (a) the installation, alteration, extension, disconnection or repair of an autogas installation; or
- (b) the connection of a gas cylinder to, or the disconnection of a gas cylinder from, an autogas installation –

including work on a system of pipes and associated equipment that forms part of a vehicle, vessel or machine that is designed to convey liquefied petroleum gas, compressed natural gas, liquefied natural gas or hydrogen gas to an internal combustion engine that is installed in, or forms part of, the vehicle, vessel or machine.

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**PART 3 – PERFORMANCE OF PLUMBING WORK**

1. Any work relating to installing, altering, maintaining or disconnecting a plumbing installation, including work on the following systems:
  - (a) heating, ventilation and airconditioning (including heater, ventilation and airconditioning systems);
  - (b) hydraulic;
  - (c) liquid fuel;
  - (d) medical gas, including vacuum;
  - (e) on-site waste water management (including on-site waste water management systems and on-site liquid trade waste systems);
  - (f) pneumatic;
  - (g) refrigeration;
  - (h) reticulated, including steam;
  - (i) sanitary plumbing and drainage (including sanitary plumbing systems and sanitary drainage systems);
  - (j) stormwater drainage (including a roof gutter, roof valley, metal roof ridge, metal roof weathering, a roof downpipe and any flashing

associated with any such gutter, valley, ridge, weathering or downpipe) and surface and subsurface drainage systems;

- (k) systems utilising commercially available gases;
- (l) water services (including cold water services, heated water services, non-drinking water services and firefighting water services).

## **11. Schedules 5 and 6 substituted**

Schedules 5 and 6 to the Principal Act are repealed and the following Schedules are substituted:

### **SCHEDULE 5 – TRANSITIONAL AND SAVINGS PROVISIONS**

Section 104(1), (2) and (3)

#### **PART 1 – PROVISIONS RELATING TO *ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997***

##### **1. Saving for licences under *Electricity Industry Safety and Administration Act 1997***

Where, immediately before the commencement of section 104(1), a person held a licence under the *Electricity Industry Safety and Administration Act 1997*, that licence is

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taken to be a licence granted under this Act on the same terms and conditions.

**2. Saving for nominated managers under  
*Electricity Industry Safety and Administration  
Act 1997***

Where, immediately before the commencement of section 104(1) –

- (a) a person held an electrical contractor's licence under the *Electricity Industry Safety and Administration Act 1997*; and
- (b) in the course of carrying on business as an electrical contractor had arranged for the business to be under the management and supervision of a nominated manager in accordance with section 18 of that Act –

the person acting as the nominated manager is taken to have been named as such in any licence granted under this Act.

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**PART 2 – PROVISIONS RELATING TO *WORKPLACE HEALTH AND SAFETY ACT 1995***

**1. Saving for certificates of competency under *Workplace Health and Safety Act 1995***

Where, immediately before the commencement of section 104(2), a person held a certificate of competency under the *Workplace Health and Safety Act 1995*, he or she is taken to hold a licence under the *Occupational Licensing Act 2005* on the same terms and conditions.

**PART 3 – PROVISIONS RELATING TO PLUMBERS AND GAS-FITTERS REGISTRATION BOARD AND *PLUMBERS AND GAS-FITTERS REGISTRATION ACT 1951***

**1. Funds held by Plumbers and Gas-fitters Registration Board**

Any funds held by the Plumbers and Gas-fitters Registration Board on the commencement of section 104(3) are to be paid to the Administrator to the credit of the Occupational Licensing Administration Fund.

**2. Saving for registration under *Plumbers and Gas-fitters Registration Act 1951***

Where, immediately before the commencement of section 104(3), a person was registered as a plumber or

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gas-fitter under the *Plumbers and Gas-fitters Registration Act 1951*, he or she is taken to be a licence holder under the *Occupational Licensing Act 2005* on the same terms and conditions.

**3. Winding-up of Plumbers and Gas-fitters Registration Board**

- (1) Notwithstanding the repeal effected by section 107, the Plumbers and Gas-fitters Registration Board continues in existence but only for the purpose of performing its functions under this clause.
- (2) As soon as practicable after the commencement of this Part and, in any case, within 12 months after that commencement, the Plumbers and Gas-fitters Registration Board must –
  - (a) prepare its final report and financial statements under the *Financial Management and Audit Act 1990*; and
  - (b) do any other act, matter or thing necessary to wind itself up including, without limitation, exercising the power –
    - (i) to realise its assets and discharge its liabilities; and

- (ii) to employ staff; and
  - (iii) to execute a contract, deed or other document necessary for its winding-up.
- (3) Where the Minister is satisfied that the Plumbers and Gas-fitters Registration Board has complied with this clause and that there has been a satisfactory audit of the financial statements referred to in subclause (2)(a), the Minister may, by notice published in the *Gazette*, declare that the Plumbers and Gas-fitters Registration Board is dissolved.

## **SCHEDULE 6 – CONSEQUENTIAL AMENDMENTS**

Section 106(1), (2) and (3)

### **PART 1 – BUILDING ACT 2000 AMENDED**

1. Section 3(1) is amended by omitting the definition of “plumber” and substituting the following definition:

“**plumber**” means a person who holds a licence under the *Occupational Licensing Act 2005* authorising him or her to carry out any plumbing work that is prescribed work within the meaning of that Act;

2. Section 12(2) is amended by omitting “*Plumbers and Gas-fitters Registration*”

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*Act 1951” and substituting  
“Occupational Licensing Act 2005”.*

3. Section 23(3) is amended by omitting paragraph (b) and substituting the following paragraph:

(b) a person carrying out plumbing work which is prescribed work under the *Occupational Licensing Act 2005* and which requires a building permit; or

**PART 2 – BUILDING ACT 2000 FURTHER AMENDED**

1. Section 23(3) is amended by omitting paragraph (d) and substituting the following paragraph:

(d) a person carrying out electrical work which is prescribed work under the *Occupational Licensing Act 2005* and which requires a building permit; or

**PART 3 – ELECTRICITY INDUSTRY SAFETY AND  
ADMINISTRATION ACT 1997 AMENDED**

1. The long title is amended by omitting “**to ensure that electrical contractors and workers are appropriately qualified and regulated,**”.

2. Section 3 is amended as follows:

(a) by omitting the definition of “Board”;



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- (b) by omitting the definition of “electrical contractor’s business”;
- (c) by omitting the definitions of “electrical work” and “electrical worker”;
- (d) by omitting the definitions of “holder” and “licence”;
- (e) by omitting the definition of “serious electrical accident” and substituting the following definition:

**“serious electrical accident”** means  
an accident involving –

- (a) electrocution; or
- (b) electric shock serious enough to cause temporary or permanent disability or to require medical attention; or
- (c) electricity that produces a burn serious enough to cause temporary or permanent disability or to require medical attention.

- 3. Section 4 is repealed.
- 4. Section 6(2) is amended by omitting paragraph (a).
- 5. Section 7 is repealed.

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6. Section 8(1) is amended by omitting “or the Electrical Licensing Board”.
7. Section 12 is repealed.
8. Part 3 is repealed.
9. Section 72(2) is amended by omitting from paragraph (a) “licence,” and substituting “licence within the meaning of the *Occupational Licensing Act 2005*,”.
10. Section 90 is amended by omitting subsections (1) and (2).
11. Section 96(1) is amended by omitting paragraph (c).
12. Section 103(2) is amended by omitting paragraphs (a) and (b).
13. Schedule 1 is repealed.

**12. Schedule 9 inserted**

After Schedule 8 to the Principal Act, the following Schedule is inserted:

**SCHEDULE 9 – FURTHER STATUTORY RULES  
RESCINDED**

Section 109(1) and (2)

1. *Hydro-Electric Commission By-laws 1994* (No. 110 of 1994)

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2. *Hydro-Electric Commission (Service and Installation)  
By-laws 1993* (No. 165 of 1993)
  3. *Hydro-Electric Commission Amendment (Partial  
Rescission) Regulations 2005* (No. 140 of 2005)
  4. *Hydro-Electric Commission (Service and Installation)  
Amendment Regulations 2005* (No. 141 of 2005)