

TASMANIA

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**BUILDING (CONSEQUENTIAL AMENDMENTS)  
BILL 2016**

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**BUILDING (CONSEQUENTIAL AMENDMENTS)  
BILL 2016**

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.

SHANE DONNELLY, *Clerk of the House*  
6 April 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*

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*Payment Amendment 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) 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of any statutory rule does not prevent that, or any other, provision of that statutory rule from being amended or rescinded by a subsequent statutory rule.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* –

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- (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.

**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*”.

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**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*”.