



TASMANIA

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**LOCAL GOVERNMENT AMENDMENT (BUILDING AND PLUMBING) ACT 1993**

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**No. 37 of 1993**

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PLUMBING) ACT 1993**

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**No. 37 of 1993**

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**AN ACT to amend the *Local Government Act 1962***

**[Royal Assent 25 June 1993]**

**B**E 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 *Local Government Amendment (Building and Plumbing) Act 1993*.

**Commencement**

2—This Act commences on a day to be proclaimed.

### **Principal Act**

3—In this Act, the *Local Government Act 1962*\* is referred to as the Principal Act.

### **Section 140 amended (Appointment and suspension of officers and servants)**

4—Section 140 (1) of the Principal Act is amended by inserting the following paragraph after paragraph (i):—  
(ia) plumbing inspector;

### **Part XVI, Division 1: Heading amended**

5—The heading to Division 1 of Part XVI is amended by inserting “, *building work and plumbing work*” after “*Buildings*”.

### **Section 424 amended (Interpretation)**

6—Section 424 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “Schedules 5A and 6” and substituting “Schedule 5A”;

(b) by inserting in subsection (1) the following definition after the definition of “appointed member”:—

“**approve**”, in relation to building work, means approve by virtue of a permit issued in accordance with the Building Regulations;

(c) by inserting in the definition of “Board” in subsection (1) “and Plumbing” after “Building”;

(d) by omitting from subsection (1) the definitions of “builder” and “building line” and substituting the following definitions:—

“**builder**” means—

(a) a person engaged by the owner of a building to manage or execute building work on the building; or

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\* No. 67 of 1962. For this Act, as amended to 1 February 1989, see the continuing Reprint of Statutes. Subsequently amended by Nos. 3, 5, 36, 40, 44, 46 (expired), 48, 50 and 51 of 1990, Nos. 8, 32, 43 and 46 of 1991 and Nos. 49 and 56 of 1992.

(b) if such a person does not exist or cannot be found, the owner of that building;

“**building**” includes part of a building, a structure or part of a structure;

“**Building Code of Australia**” means the code relating to the design and construction of buildings issued by the Australian Uniform Building Regulations Co-ordinating Council;

“**building inspector**” means a person appointed as such under Part VI;

“**building line**”, in relation to a road, means—

(a) a line prescribed by by-law or planning instrument as a building line; or

(b) if a line is not so prescribed, a line which is—

(i) 18 metres from the middle of a State highway or a road that is not within a city or town; or

(ii) 9 metres from the middle of a road (other than an alley) that is within a city or town;

“**Building Regulations**” means regulations made under section 425;

“**building work**” means work relating to—

(a) the erection, re-erection, construction, alteration, repair, underpinning, demolition or removal of a building; and

(b) the addition to a building; and

(c) the excavation or filling incidental to an activity referred to in paragraph (a) or (b); and

(d) plumbing work carried out in association with an activity referred to in paragraph (a), (b) or (c); and

(e) any other prescribed work;

- (e) by omitting from subsection (1) the definition of “the inspector” and substituting the following definitions:—
- “**engineer**” means an appropriately qualified person directed by the corporation to carry out functions under this Division;
  - “**inspector**” means the building inspector or plumbing inspector, as the case requires;
- (f) by omitting from subsection (1) the definition of “this Division” and substituting the following definitions:—
- “**municipal building surveyor**” means a person appointed as such under section 140;
  - “**plumber**” means a person who holds an appropriate certificate of registration under the *Plumbers and Gasfitters Registration Act 1951*;
  - “**plumbing inspector**” means a person appointed as such under Part VI;
  - “**Plumbing Regulations**” means regulations made under section 426;
  - “**plumbing work**” means any work relating to the installation, alteration or maintenance of a water supply, a system of sewage drainage, stormwater drainage, roof drainage or trade waste drainage or a plumbing system;
  - “**this Division**” includes any regulations relating to building work and plumbing work.
- (g) by omitting subsections (4) and (5).

**Section 424A amended (Building and Plumbing Regulations Board)**

7—Section 424A of the Principal Act is amended as follows:—

- (a) by inserting in subsection (1) “and Plumbing” after “Building”;
- (b) by omitting from subsection (2) (b) “6 other” and substituting “7 other”;

(c) by omitting subparagraph (v) of subsection (2) (b) and substituting the following subparagraphs:—

(v) one shall be a person selected by the Minister from a panel of 4 persons, 2 of whom are members of, and nominated by, the Institute of Plumbing Australia and 2 of whom are members of, and nominated by, the Master Plumbers Association of Tasmania;

(vi) one shall be a person who is not otherwise qualified for nomination but who, in the opinion of the Minister, is capable of representing the interests of the community; and

(vii) one shall be a person selected by the Minister from a panel of 3 persons nominated by the State Fire Commission.

(d) by omitting subsection (3) and substituting the following subsection:—

(3) If a nomination is not made under subsection (2) (b), the Minister may appoint a suitably qualified person without such a nomination.

(e) by omitting subsection (5) and substituting the following subsection:—

(5) The functions of the Board are—

(a) to review laws and proposed laws relating to building work and plumbing work in order to rationalize the effect and administration of those laws; and

(b) to initiate amendments of the Building Regulations and the Plumbing Regulations for the purpose referred to in paragraph (a) and—

(i) to simplify any requirements imposed by those regulations; and

(ii) to supersede any of those regulations; and

(iii) to bring any of the Building Regulations into conformity with models proposed by the Australian Uniform Building Regulations Co-ordinating Council; and

- (iv) to take into account any technological changes affecting building and plumbing materials and building and plumbing techniques; and
- (c) to consult with municipalities, government agencies and bodies which represent persons having an interest in matters relating to building work and plumbing work.

### **Sections 424B, 424C, 424D, 424E and 424F inserted**

**8**—After section 424A of the Principal Act the following sections are inserted:—

#### **Division prevails**

424B—The provisions of this Division prevail over any other Act or any regulation, rule, by-law, planning instrument, standard, condition, determination or directive made under any other Act relating to building work or plumbing work.

#### **Inconsistent by-laws**

424C—Any provision of a by-law made under this Act which is inconsistent with any provision of this Division is of no effect.

#### **Food premises**

424D—A health surveyor, in accordance with the Building Regulations, may determine that the requirements of the Building Code of Australia in relation to food premises may be altered.

#### **Farm buildings**

424E—A municipal building surveyor, in accordance with the Building Regulations, may determine that the requirements of the Building Code of Australia in relation to farm buildings may be altered.



**Buildings of architectural or historical interest**

424F—A municipal building surveyor, in accordance with the Building Regulations, may determine that the requirements of the Building Code of Australia in relation to buildings of architectural or historical interest may be altered.

**Sections 425 and 426 substituted and sections 426A, 426B, 426C and 426D inserted**

9—Sections 425 and 426 of the Principal Act are repealed and the following sections are substituted:—

**Building regulations**

425—(1) The Governor, on the recommendation of the Board, may make regulations relating to buildings and building work.

(2) Regulations under this section may be made in relation to the following matters:—

- (a) requirements and conditions relating to permits and certificates relating to any building or building work;
- (b) application for, and issue of, permits and certificates relating to any building or building work;
- (c) duration of permits;
- (d) staged permits;
- (e) fees and the manner of their payment, refund and recovery;
- (f) supervision and requirements of building work;
- (g) inspections of buildings and building work;
- (h) notices and orders in relation to buildings and building work;
- (i) compliance with, and enforcement of, requirements relating to buildings and building work;
- (j) methods of construction and use of materials;
- (k) classification and use of buildings;
- (l) location of buildings;

- (m) standards of health and amenity relating to buildings;
- (n) fire resistance of buildings;
- (o) fire service installations;
- (p) services and equipment in buildings;
- (q) access to, and egress from, buildings;
- (r) buildings and building work in landslip areas and areas prone to flooding or bush fires;
- (s) appeals against notices, orders and requirements and the hearing and determination of such appeals.

(3) Regulations made under this section may exempt building work or a type of building from any of the provisions of the regulations.

(4) Regulations made under this section may adopt by reference the Building Code of Australia, any standards, rules, codes and specifications of bodies specified in that Code and any other standards, rules, codes and specifications.

(5) Regulations may be made subject to conditions or so as to apply differently according to matters, limitations or restrictions specified in the regulations.

### **Plumbing regulations**

426—(1) The Governor, on the recommendation of the Board, may make regulations relating to plumbing work.

(2) Regulations under this section may be made in relation to the following matters:—

- (a) requirements and conditions relating to permits, certificates and authorizations relating to plumbing work;
- (b) applications for, and issue of, permits, certificates and authorizations relating to any plumbing work or plumbing product;
- (c) construction, use and maintenance of plumbing work;
- (d) use of materials;

- (e) standards of plumbing work;
- (f) inspections and testing of any plumbing work;
- (g) fees and the manner of their payment, refund and recovery;
- (h) notices and orders in relation to plumbing work;
- (i) appeals against notices, orders and requirements and the hearing and determination of such appeals.

(3) Regulations made under this section may adopt by reference the Tasmanian Plumbing Code and any of the standards, rules, codes and specifications of bodies specified in that Code.

(4) Regulations may be made subject to conditions or so as to apply differently according to matters, limitations or restrictions specified in the regulations.

(5) In this section, the “**Tasmanian Plumbing Code**” means the code approved by the Minister under section 426D.

#### **General provisions relating to regulations**

426A—(1) Regulations made under section 425 or 426 may—

- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (b) in respect of such an offence, provide for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

(2) Regulations made under section 425 or 426 may authorize any matter to be determined, applied or regulated by a person or body specified in the regulations.

(3) If a regulation made under section 425 or 426 requires anything to have certain qualities, the Minister may publish the trade names of things which, according to tests by competent persons, appear to have those qualities.

(4) Any thing, the trade name of which is published under subsection (3), is to be treated as having the qualities required for the purposes of the regulation in respect of which it is published.

(5) A regulation under section 425 or 426 may contain provisions of a savings or transitional nature consequent on the enactment of those sections.

### **Approval of Board of Plumbing and Building Regulations**

426B—(1) A regulation, rule or by-law relating to the design of buildings, building work or plumbing work must not be made under any Act without the approval of the Board unless that Act expressly provides to the contrary.

(2) A regulation, rule or by-law relating to the design of buildings, building work or plumbing work that is not made in compliance with subsection (1) is of no effect.

(3) The Board may certify that a regulation, rule or by-law is only incidentally relating to the design of buildings, building work or plumbing work and does not require its approval.

### **Standards, rules, &c.**

426C—The Minister, on the recommendation of the Board, may make codes, standards, rules, specifications or drawings relating to building work and plumbing work.

### **Tasmanian Plumbing Code**

426D—The Minister, on the recommendation of the Board, may approve a code to be the Tasmanian Plumbing Code to provide for the technical requirements in respect of plumbing work and plumbing products.

### **Section 427 amended (Building areas)**

**10**—Section 427 of the Principal Act is amended by omitting subsections (5) and (6).

**Sections 428B and 428C inserted**

**11**—After section 428A of the Principal Act, the following sections are inserted:—

**Building inspectors**

428B—(1) The corporation may require a building inspector to carry out inspections and surveys as required by the building surveyor.

(2) A building inspector who holds a certificate of competency granted under section 143 may, on the resolution of the council, exercise all the powers and duties of the building surveyor with respect to Class 1 and Class 10 buildings except the checking of structural calculations.

(3) In this section, “**Class 1 and Class 10 building**” means any building classified as such under the Building Code of Australia.

**Plumbing inspectors**

428C—The corporation may require a plumbing inspector to carry out inspections and surveys as directed by the engineer.

**Section 429 amended (Disclosure of interest)**

**12**—Section 429 (1) of the Principal Act is amended by omitting “or building inspector” and substituting “building inspector, engineer or plumbing inspector”.

**Section 429A substituted and sections 429B to 429K inserted**

**13**—Section 429A of the Principal Act is repealed and the following sections are substituted:—

**Building work to comply with Division**

429A—(1) A person must not carry out building work otherwise than in accordance with this Division.

Penalty: Fine not exceeding 50 penalty units.

(2) If building work in relation to a building is carried out otherwise than in accordance with this Division, the corporation, in accordance with the Building Regulations, may—

- (a) require the owner of the building to demolish the building; or
- (b) allow the building to remain subject to any prescribed conditions.

**Permits to carry out building work**

429B—(1) Subject to subsections (2) and (3), a person must not carry out building work without a permit issued under the Building Regulations.

Penalty: Fine not exceeding 50 penalty units.

(2) A person may carry out building work without a permit if—

- (a) a municipal building surveyor has determined the building work to be minor alterations or minor repairs; and
- (b) the building work is to be carried out in accordance with the Building Code of Australia; and
- (c) the building work does not cause the building to contravene this Division or any other law of the State.

(3) A person may carry out building work without a permit if that work is exempt under the Building Regulations from the requirement of a permit.

(4) A permit is to be issued within—

- (a) the period agreed to by the applicant and the municipal building surveyor; or
- (b) if there is no agreement, the prescribed period.

(5) Building work in respect of which a permit is issued is to be commenced and completed within—

- (a) the period agreed to by the applicant and the municipal building surveyor; or
- (b) if there is no agreement, the prescribed period.

**Permits for removal and re-erection**

429C—(1) A person must not remove a building from one municipality and re-erect it in another municipality without—

- (a) a permit issued by the corporation of the first-mentioned municipality to remove it; and
- (b) a permit issued by the corporation of the second-mentioned municipality to carry out the building work.

Penalty: Fine not exceeding 50 penalty units.

(2) A permit under this section is to be issued in accordance with the Building Regulations.

**Heating appliances**

429D—A person must not install a stove, heater or any similar appliance which burns oil or solid fuel unless that installation is carried out in accordance with the Building Code of Australia.

Penalty: Fine not exceeding 20 penalty units.

**Permits for plumbing work**

429E—(1) Subject to subsection (2), a person must not carry out any plumbing work unless—

- (a) a plumbing permit for that plumbing work issued by the corporation in accordance with the Plumbing Regulations; and
- (b) the plumbing work is carried out in accordance with the Plumbing Regulations.

Penalty: Fine not exceeding 50 penalty units.

(2) A person may carry out plumbing work without a permit if that work is exempt under the Plumbing Regulations from the requirement of the permit.

**Start work authorization**

429F—(1) Subject to subsection (2), a person must not start any plumbing work, or cause or permit any plumbing work under his or her control to be started, without an authorization to start work issued by the corporation in accordance with the Plumbing Regulations.

Penalty: Fine not exceeding 20 penalty units.

(2) A person may start plumbing work, or cause or permit plumbing work under his or her control to be started without authorization if—

- (a) the plumbing work is required in an emergency situation; and
- (b) the plumber obtains the authorization on or before the first working day following the day on which the plumbing work is started.

### **Permits for special connections**

429G—(1) A plumber must not carry out any of the following plumbing work, or cause or permit any of the following plumbing work under his or her control to be carried out, without a special connection permit issued by the corporation in accordance with the Plumbing Regulations:—

- (a) the installation of a fixture or appliance which discharges waste into a sewerage system and is located on a floor of a building or structure that is wholly or partly below ground level;
- (b) the installation of a sanitary or food waste disposal unit;
- (c) the installation of drainage from a polluted area or a swimming pool;
- (d) the installation of an inlet for a sewerage installation at a level which is lower than 150 millimetres above the declared flood level for the land on which the sewerage installation is located;
- (e) plumbing work involving the retention of an existing plumbing product or material which does not comply with the Plumbing Regulations.

Penalty: Fine not exceeding 20 penalty units.

(2) A requirement for a special connection permit is additional to any requirement for a plumbing permit under section 429F.

(3) In this section, “**sewerage installation**” has the meaning as defined in the Plumbing Regulations.



**Certificate of completion of plumbing work**

429H—(1) On completion of any plumbing work, the corporation is to issue a certificate of completion—

- (a) after inspecting the work and being satisfied that the work complies with the Plumbing Regulations; or
- (b) after accepting a notice in the prescribed form from a plumber that the work complies with the Plumbing Regulations.

(2) The corporation may refuse to issue a certificate of completion if not satisfied that the plumbing work complies with the Plumbing Regulations.

**Defective plumbing work**

429I—A person who carried out plumbing work or under whose control plumbing work was carried out must make good a defect in the plumbing work at his or her own expense if—

- (a) the defect is found within one year after the day on which the certificate of completion under section 429H was issued for the plumbing work; and
- (b) the engineer certifies that the defect is due to faulty workmanship or the use of a defective or unauthorized material or fitting.

Penalty: Fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

**Section 431A amended (Prohibition and regulation of building in unstable areas)**

14—Section 431A of the Principal Act is amended by omitting from subsection (4) “The part of the Building Regulations which is made for the purposes of paragraph 38 of Schedule 6 shall” and substituting “The Building Regulations”.

**Section 432A repealed**

15—Section 432A of the Principal Act is repealed.

**Section 434 substituted**

16—Section 434 of the Principal Act is repealed and the following section is substituted:—

**Prohibition of building between building line and boundary**

434—A person must not erect a building between the building line and the boundary of a road or State highway.

Penalty: Fine not exceeding 20 penalty units.

**Sections 436, 437, 438, 439 and 440 repealed**

17—Sections 436, 437, 438, 439 and 440 of the Principal Act are repealed.

**Section 441 substituted**

18—Section 441 of the Principal Act is repealed and the following section is substituted:—

**Change of use**

441—A person must not change the use of a building except in accordance with this Division.

Penalty: Fine not exceeding 50 penalty units.

**Section 443 substituted and section 443A inserted**

**19**—Section 443 of the Principal Act is repealed and the following sections are substituted:—

**Certificate of occupancy**

443—(1) A person must not use, occupy or change the use of a building which is subject to this Division unless a certificate of occupancy in respect of that building is in force under the Building Regulations.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

(2) A person may apply to the corporation for a certificate of occupancy in accordance with the Building Regulations.

**Certificate of completion of building work**

443A—If the corporation is satisfied that building work is completed, it is to issue a certificate of completion.

**Section 448 amended (Limitations of time for rectification)**

**20**—Section 448 of the Principal Act is amended by omitting “or might by the exercise of due diligence by the building surveyor or inspector have become known to him”.

**Section 449 repealed**

**21**—Section 449 of the Principal Act is repealed.

**Section 451 amended (Power of corporation to refuse to approve in certain cases)**

22—Section 451 (1) of the Principal Act is amended as follows:—

- (a) by omitting “or structure or of the plans and specifications therefor”;
- (b) by omitting from paragraph (e) “532; and” and substituting “532.”;
- (c) by omitting paragraph (f).

**Sections 456 and 457 repealed**

23—Sections 456 and 457 of the Principal Act are repealed.

**Section 458 amended (Application to the Crown)**

24—Section 458 of the Principal Act is amended as follows:—

- (a) by inserting in subsection (1) “by or under contract to” after “built” (first occurring);
- (b) by omitting from subsection (1) (a) “by”;
- (c) by omitting from subsection (1) (b) “by”;
- (d) by inserting in subsection (1) “or inspection” after “approval”;
- (e) by omitting subsection (2) and substituting the following subsections:—

(2) If a building built by or under contract to a department or a statutory corporation which is an agent of the Crown has underground drains, the department or statutory corporation is to lodge a plan of the underground drains with the office of the municipality in which it is built.

(3) If a building built by or under a contract to a department or a statutory corporation which is an agent of the Crown has a device installed to prevent a backflow to a public water supply, the department or statutory corporation is to—

- (a) notify the municipal corporation of the installation; and
- (b) maintain that device in accordance with the Plumbing Regulations.

### **Section 459 substituted**

**25**—Section 459 of the Principal Act is repealed and the following section is substituted:—

#### **Act applies to corporation**

459—(1) This Act applies to buildings and works of the corporation and other persons.

(2) Notwithstanding section 429, the corporation's architect, building surveyor, building inspector, engineer and plumbing inspector may exercise such powers and perform such functions as the corporation may direct.

### **Section 459A amended (Building by marine boards)**

**26**—Section 459A of the Principal Act is amended as follows:—

- (a) by omitting from subsection (2) “, except as provided in subsection (3)”;
- (b) by omitting subsection (3);
- (c) by omitting from subsection (4) (a) “officers; and” and substituting “officers.”;
- (d) by omitting subsection (4) (b).

**Section 460 substituted**

27—Section 460 of the Principal Act is repealed and the following section is substituted:—

**Building certificates**

460—(1) Any of the following persons may apply to the corporation for a building certificate certifying that the corporation does not intend to take any action under this Division in relation to a building:—

- (a) the owner of the building;
- (b) the purchaser of the building;
- (c) any other person who is authorized by the owner or purchaser of the building to apply.

(2) An application is to be made, and the issue of a building certificate is to be done, in accordance with the Building Regulations.

**Section 461 repealed**

28—Section 461 of the Principal Act is repealed.

**Section 461B amended (Building Appeal Board)**

29—Section 461B (1) of the Principal Act is amended as follows:—

- (a) by omitting “5 members” and substituting “6 members”;
- (b) by inserting the following paragraph after paragraph (c):—
  - (ca) one shall be a person selected by the Governor from a panel of 6 persons, 3 of whom are members of, and nominated by, the Master Plumbers Association of Tasmania and 3 of whom are members of, and nominated by, the Institute of Plumbing Australia;

**Section 461D amended (Disqualification)**

**30**—Section 461D of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

(2) A member or deputy member of the Board who is an alderman or councillor is disqualified from acting as a member or deputy member on any appeal or reference to the Board relating to any building in the city or municipality of which he or she is an alderman or councillor.

**Section 461F amended (Panel)**

**31**—Section 461F (1) of the Principal Act is amended as follows:—

- (a) by omitting “14 members” and substituting “17 members”;
- (b) by inserting the following paragraph after paragraph (c):—
  - (ca) 3 shall be persons selected by the Governor from a panel of 6 persons, 3 of whom are members of, and nominated by, the Master Plumbers Association of Tasmania and 3 of whom are members of, and nominated by, the Institute of Plumbing Australia;

**Section 461K substituted and section 461KA inserted**

**32**—Section 461K of the Principal Act is repealed and the following sections are substituted:—

**Appeals relating to permits and certificates**

**461K—(1)** A person may appeal to the Board against—

- (a) the decision of a corporation to—
  - (i) refuse to issue any permit under the Building Regulations; or
  - (ii) refuse to issue a certificate of occupancy under the Building Regulations; or

- (iii) refuse to issue a certificate of completion in respect of building work; or
  - (iv) refuse to issue a plumbing permit under the Plumbing Regulations; or
  - (v) refuse to issue a special connection permit under the Plumbing Regulations; or
  - (vi) refuse to issue an authorization to start work under the Plumbing Regulations; or
  - (vii) refuse a certificate of completion in respect of plumbing work; or
- (b) the failure of the corporation to make any of the following decisions within the period specified in the Building Regulations or Plumbing Regulations:—
- (i) a decision in respect of issuing a permit under the Building Regulations;
  - (ii) a decision in respect of issuing a certificate of occupancy under the Building Regulations;
  - (iii) a decision in respect of issuing a certificate of completion in respect of building work;
  - (iv) a decision in respect of issuing a plumbing permit under the Plumbing Regulations;
  - (v) a decision in respect of issuing a special connection permit under the Plumbing Regulations;
  - (vi) a decision in respect of issuing an authorization to start work under the Plumbing Regulations;
  - (vii) a decision in respect of issuing a certificate of completion in respect of plumbing work; or
- (c) a determination made by the chairman of the Board under section 461KA (3) (a); or



- (d) a determination under sections 424D, 424E and 424F to alter or not to alter the requirements of the Building Code of Australia; or
- (e) a requirement in any provision of the *General Fire Regulations 1975* relating to existing premises.

(2) In hearing an appeal, the Board must hear the appellant and any authority or other persons who appear to it to have an interest in the subject matter of the appeal.

(3) In determining an appeal, the Board may—

- (a) reject the appeal; or
- (b) allow the appeal; or
- (c) vary the decision appealed against; or
- (d) give such decision as it thinks the relevant authority should have given; or
- (e) direct the relevant authority—
  - (i) to revoke its decision and substitute another; or
  - (ii) to vary its decision; or
  - (iii) to take certain action.

(4) In determining an appeal, the Board may determine that the Building Regulations or the Plumbing Regulations relating to the subject matter of the appeal do not apply.

(5) In determining an appeal, the Board must take into account—

- (a) the relevant Acts, regulations, codes or standards; and
- (b) the special knowledge or competence of the relevant corporation or other interested authority; and
- (c) the public interest.

### References

461KA—(1) A person may lodge with the Board a reference in respect of any building work or plumbing work which is proposed or being undertaken raising the question whether a provision of the Building Regulations, the Plumbing Regulations or a code relating to building work or plumbing work may reasonably be varied or deemed inappropriate without detriment to the public interest.

(2) A person may not lodge a reference in respect of building work or plumbing work that is completed.

(3) If the subject matter of a reference is not opposed by the relevant corporation or other interested authority, the reference is to be determined by—

(a) the chairman of the Board; or

(b) the Board if the chairman is unable to determine the reference or directs the Board to determine it.

(4) If the subject matter of a reference is opposed by the relevant corporation or other interested authority, the reference is to be determined by the Board.

(5) In determining a reference, the Board or the chairman of the Board must take into account—

(a) the relevant Acts, regulations, codes or standards; and

(b) the special knowledge or competence of the relevant corporation or other interested authority; and

(c) the public interest.

**Schedule 5A amended (Provisions with respect to membership and meetings of Building and Plumbing Regulations Board)**

**33**—Schedule 5A of the Principal Act is amended by inserting in the heading “AND PLUMBING” after “BUILDING”.

**Schedule 6 repealed**

**34**—Schedule 6 to the Principal Act is repealed.

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*[Second reading presentation speech made in:—  
House of Assembly on 11 May 1993  
Legislative Council on 10 June 1993]*

