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3 March 2017

Attention: Commissioner Julie Abrahamson

Dear Commissioner Abrahamson,

**Consumer Law Enforcement and Administration Review: Response to Draft Report**

I have pleasure in enclosing a submission in response to the Productivity Commission's draft report on the Consumer Law Enforcement and Administration Review.

The submission has been prepared by the Competition and Consumer Committee of the Business Law Section of the Law Council of Australia.

If you have any questions regarding this submission, in the first instance please contact the Committee Chair, Fiona Crosbie, on 02=9230 4383 or via email: [fiona.crosbie@allens.com.au](mailto:fiona.crosbie@allens.com.au)

Yours sincerely,



**Teresa Dyson, Chair**  
Business Law Section

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Submission of the Competition & Consumer Committee  
Business Law Section  
Law Council of Australia

Consumer Law Enforcement and Administration Review:  
Response to Draft Report

3 March 2017

## Contents

1	Introduction	3
2	Substantial reform of product safety regimes is necessary	3
3	The States do not need enhanced enforcement powers, in particular to issue infringement notices.	4
4	The states and territories could relinquish their power to issue interim product bans, compulsory recalls and public warnings on product safety to the ACCC	5
5	Single or lead regulator	6
6	Interim bans should not be exempt from the Commonwealth's regulatory impact assessment requirements	7
7	Current penalties are sufficient and appropriate	7
8	There should be more performance reporting on ACL matters and enhanced cooperation and interface between the different regulators	8

## 1 Introduction

The Law Council of Australia is the peak national body representing the legal profession in Australia.

The Competition and Consumer Committee (**Committee**) of the Business Law Section of the Law Council of Australia appreciates the opportunity to provide this submission in response to the Productivity Commission's, Consumer Law Enforcement and Administration Draft Report (***Draft Report***).

While the Committee recognises that the multiple-regulator model for enforcement and administration of the Australian Consumer Law (**ACL**) has a number of limitations, these have not stopped the ACL from achieving its objectives. The Committee considers, however, that the model could work better with improved communication and coordination.

Rather than addressing all questions raised in the Draft Report, the Committee has addressed those specific issues it identifies as being of particular significance.

The Committee submits that:

- the various State-based product safety regimes are in need of reform;
- the States do not need enhanced enforcement powers, in particular to issue infringement notices;
- the States and Territories could relinquish their power to issue interim product bans, compulsory recalls and public warnings on product safety to the ACCC;
- a single regulator could more efficiently coordinate investigations, particularly product liability investigations;
- there is no need to exempt interim product bans from regulation impact assessment requirements;
- current penalties for breaches of the ACL are sufficient and appropriate; and
- the different regulators could improve performance reporting on ACL matters and enhance cooperation.

Where appropriate, the Committee has referenced the relevant recommendation or finding of the Draft Report to which its response relates.

## 2 Substantial reform of product safety regimes is necessary

The Committee believes that substantial reform of State and Territory based product safety regimes is required and is overdue. Specifically, greater uniformity is required across the nation in the product safety fields of electrical appliances, gas appliances and building products and codes.

The Committee attaches to this submission a schedule which identifies the various Acts, Regulations and Codes which apply in each State and Territory in these product safety fields. The length of the schedule itself highlights the regulatory burden faced by the business community in these product safety fields. The differences between States and Territories in these fields of regulation increases (sometimes substantially) the compliance costs of suppliers of regulated products. It also creates inconsistencies between States and Territories in the levels of consumer protection or safety available. Further, it fragments the ability of any Federal or State or Territory regulator to apply effective regulatory oversight over the regulated products nationally. These

differences are economically inefficient and ultimately counter-productive in achieving consistent best practice outcomes.

The difficulty with different State and Territory safety regimes is evidenced in the Productivity Commission's comment (at page 9) that regulators' co-ordination and consistency of approach has been poor in respect of electrical goods and building products. The same criticism can be made in respect of gas appliances.

The Committee therefore supports revisiting the Productivity Commission's 2008 review recommendation in favour of a COAG-led process to review and reform industry-specific consumer regulation.

### **3 The States do not need enhanced enforcement powers, in particular to issue infringement notices.**

***DRAFT FINDING 4.3 There are some small differences in the enforcement powers of the ACL regulators across jurisdictions. There is scope to improve consistency in infringement notice powers and other additional remedies that the States and Territories have introduced to augment the ACL 'toolkit'.***

The Committee believes that there is no reason to expand the current use of infringement notices. Any expansion of regulatory enforcement capability must be accompanied by a demonstrated deficiency in the current available tools. The Committee is not aware of any data to suggest that ACL compliance has been either significantly strengthened by the current use of infringement notices at state and federal level or that compliance will in future be strengthened if jurisdictions that do not have the power to issue such notices gain such a power.

There are already significant punitive and reputational reasons for businesses to comply with the ACL. Key among these are penalties issued by courts and tribunals. ACL cases (certainly those smaller matters that would overlap with any proposed infringement notice regime) are already dealt with expediently and efficiently by lower courts and tribunals. An additional benefit of using these fora is the option of ADR opportunities and the ability to have a third party arbiter penalty decisions.

The Commission notes in its draft finding that increasing the power of regulators to issue infringement notices would aid 'consistency'. Whilst the Committee generally supports regulatory consistency, it should not be pursued for its own sake without reflecting on whether the substantive impacts of regulatory overreach outweigh those benefits. The Committee submits that this is one such case.

Notwithstanding the above, if the Commission is minded to recommend the further expansion of the power to issue infringement notices, it is important that the use of any such powers:

- remains open to public scrutiny. The Committee is strongly of the view that the power to issue infringement notices in private is against the interested of business and the public. The Commission has already highlighted in its report the lack of transparency and reporting within many ACL regulators. In this environment, any system of private infringement notices is open to regulatory overreach; and
- is limited to sections of the ACL where breach either presents a public safety issue or is easily ascertainable. For example, both the NSW and WA regimes only permit the use of infringement notices in circumstances of supplying unsafe goods, not reporting a goods-related death or serious injury, non-compliance with a recall notice, or failing to provide a lay-by in written form.

#### 4 The states and territories could relinquish their power to issue interim product bans, compulsory recalls and public warnings on product safety to the ACCC

***DRAFT RECOMMENDATION 4.1 The State and ACT governments should relinquish their powers to impose compulsory recalls or interim bans. This would signal that it is the Commonwealth's responsibility to immediately respond to all product safety issues that warrant a compulsory recall or ban. In parallel with any such change in responsibilities, there should be a mechanism for State and Territory governments to raise and provide input on product safety matters to the Australian Competition and Consumer Commission (ACCC) that they consider would warrant a compulsory recall or ban.***

The Committee supports the recommendation that State and ACT governments relinquish their powers to impose compulsory recalls or interim bans.

Most Australian commerce occurs on national basis. This means that:

- there are very rarely, if ever, circumstances where the unique characteristics of one particular State or Territory warrant a product ban or recall, where equivalent action is not also warranted across all other Australian States or Territories; and
- notwithstanding that other States and Territories may not issue a product ban in response to action in other jurisdictions, from the perspective of a supplier, the effect of a ban in one State is almost always national. Few businesses would countenance continuing to supply a product to consumers in Victoria, for example, that was currently the subject of a product ban in New South Wales. Similarly, the response of businesses to a recall notice in one state will almost always be a national recall, notwithstanding that the notice will technically only apply in one jurisdiction.

Both of the above points underscore that a national approach to product bans and recalls is a sensible way forward. Not only would this give effect to the practical impact of the current system, it would also:

- provide business with a consistent approach to this area of regulation;
- help build an expert skill set in the ACCC that could be drawn upon to ensure that recall and product bans operate smoothly and efficiently; and
- in circumstances where multiple regulators would otherwise involve themselves in a product ban or recall, limit the reporting requirements for business. These can be onerous and draw resources away from giving effect to the recall or product ban. Further discussion of the benefits of having cases managed by a single regulator are discussed at section 5 below.

In the Committee's view, State-based regulators implement recall and product bans subject to their own diverse regulatory priorities and do not regularly handle such interventions in many of the areas over which they currently have jurisdiction. This may limit the ability of those regulators to develop the deep skillsets required to implement best-practice approaches in this area.

## 5 Single or lead regulator

***INFORMATION REQUEST: Are there particular impediments to establishing a lead or home regulator approach at the intrastate and territory level and, if so, how might those impediments be addressed?***

***INFORMATION REQUEST Is introducing or expanding data sharing among specialist regulators themselves, and between specialist regulators and ACL regulators, feasible?***

***Where might it occur (and how might it be introduced)? What might be the benefits of introducing or expanding data sharing arrangements in terms of improving the interaction between ACL and specialist regulators?***

The Committee believes that a single regulator should handle investigations, particularly product liability and product recall investigations, that involve either:

- conduct in multiple geographic jurisdictions; or
- conduct within the jurisdiction either state or federal general consumer regulators, as well as specialist regulators.

This decision must be made early in the progress of any regulatory action. It is inefficient, confusing and unnecessary to split investigations across multiple regulators where the conduct being investigated crosses multiple jurisdictions.

The choice of who the most appropriate regulator will be will necessarily depend upon the particular circumstances of the relevant conduct. Any model that the Commission recommends must retain flexibility in this respect. For example, if a number of incidents are clustered in one state and only isolated incidents are in others, it may be preferable for the State with the highest number of incidents to operate as a single point of contact and coordinate the investigation. This may include administering reporting requirements, fielding consumer enquiries and managing any ongoing compliance. However, geography will not always determine the most appropriate regulator. For example, a particular regulator:

- may develop expertise handling a certain kind of case (eg: electrical wiring); or
- may have more capacity to assist than another.

These would all be salient factors to consider when choosing the appropriate single regulator to carry the matter. Because of its role as federal regulator with commensurately significant resources compared to many state-based regulators, often this assessment will point to the ACCC.

To facilitate a particular regulator being chosen, it will be necessary to:

- enhance coordination between regulators so each is aware of current investigations and matters of the other. A central database as suggested in the Commission's report could be an appropriate approach to managing this exchange of information (subject however to the concerns articulated in Section 8 below). However, if that database is not feasible, mechanisms should be put in place by regulators for regular meetings to discuss any investigation with multi-jurisdictional elements; and
- formalise a publically available, national, code of conduct that outlines the circumstances under which matters will be passed to another regulator. Any such code must also expressly limit the ongoing involvement or direction that a regulator can continue to provide after a matter is handed over to a lead regulator. This is to help prevent any influence 'creep' that may occur over time from one regulator to another.

## 6 Interim bans should not be exempt from the Commonwealth's regulatory impact assessment requirements

***DRAFT FINDING 4.1 The Commonwealth Government's regulation impact assessment requirements may impede the timely implementation of national interim product bans. There is a case to amend the requirements to exempt interim bans from such assessments. Permanent product bans should continue to be subject to the existing regulatory impact assessment requirements.***

The Committee does not favour exempting interim bans from the Regulatory Impact Statement (**RIS**) process. The process is a valuable check on what is normally quick action and forces a proper consideration of the impacts of such an interim ban.

With an interim ban there will have been documents produced to support such a ban and much of the RIS issues already considered but on an ad hoc basis and not a structured decision document.

As such a RIS should not be onerous. It may be that the RIS process can be simplified and shortened but there should not be total exemption.

## 7 Current penalties are sufficient and appropriate

***DRAFT FINDING 4.4 Australian governments should increase maximum penalties for breaches of the ACL. They should consider the option, being examined by CAANZ, of aligning them with the penalties for breaches of competition provisions in the Competition and Consumer Act 2010.***

The Committee recognises civil penalties are an increasingly important enforcement tool for ACL regulators, both to deter a particular contravener and to others more generally from engaging in contravening conduct. To this end, the Committee considers that there should be greater consistency between the penalties available to each ACL regulator in their jurisdiction, without having to resort to bringing proceedings in the Federal Court.

As to the level of penalty, with only five years having passed since the introduction of financial penalties for civil contraventions of the consumer protection provisions, the Committee considers that there has not yet been sufficient time to conclude that the current level of penalties is not providing sufficient deterrence.

While there has been some public debate as to the sufficiency of penalties achieved in consumer law cases, recent events show that the current regime is working and can deliver significant penalties:

- for contested matters, the Federal Court has recently demonstrated a willingness to impose substantial penalties in consumer protection cases. Most recently, the Full Federal Court increased the penalty payable in the Nurofen case from \$1.7 million to the \$6 million sought by the ACCC, on the basis that the original penalty was “manifestly inadequate”, having regard to factors including the need for deterrence and the loss suffered by consumers as a result of the misleading conduct; and
- a number of statements have been made by the Court to the effect that the amounts being sought by the ACCC are on the low side of what is reasonable.

Regard should also be had to the fact that in many, if not most, cases, proceedings are taken in relation to conduct that is capable of being characterised as multiple contraventions, such that a multiplier is applied to the statutory penalty to reflect the courses of conduct involved, as highlighted by the Court in the *Bet365* decision.

In considering the appropriate maximum penalty for breaches of the ACL, it must also be recognised that penalties are only one aspect of the consequences of a breach of the consumer protection laws:

- ACL regulators can seek additional remedies requiring contraveners to make redress to affected parties, such as the requirement that they set up a scheme for the repayment of monies obtained by the prohibited conduct (as in the Coles unconscionable conduct case, where Coles was required to refund over \$12 million in rebate payments to affected suppliers, in addition to paying pecuniary penalties and costs of \$10 million).
- Companies who lose enforcement proceedings may be exposed to other remedial orders, including injunctions, corrective advertising, adverse publicity orders, disqualification orders and compliance programs, all of which have associated costs (in addition to any adverse cost orders), as well as significant reputational effects, all of which act as significant deterrents.

This said, the Committee recognises that there is some work to be done in achieving consistency between the ACL (based on dollar figures) and the ASIC Act (passed on penalty units) on penalties for consumer law breaches, and would support reforms that would link the maximum financial penalty for contraventions of the ACL to penalty units, which would also remove the need to legislate change to the penalty to take account of inflation.

## **8 There should be more performance reporting on ACL matters and enhanced cooperation and interface between the different regulators**

***[DRAFT FINDING 4.2] A national database of complaints and product safety incidents has merit. It would enable better identification and analysis of consumer hazards and risks, and help focus ACL regulators' compliance and enforcement activity. CAANZ should examine the impediments to establishing such a database, its likely benefits and costs, and, subject to the findings of that analysis, develop a plan to implement such a system. CAANZ should also consider what information from the database should be publicly available.***

The Committee supports the draft finding that further work should be done to ascertain the feasibility of a national database of complaints and product safety incidents, to better enable ACL regulators to identify emerging consumer protection risks and trends and focus and coordinate enforcement efforts.

While the Committee recognises that consumers could also benefit from access to a greater volume and richness of information about ACL complaints, the development of a database that would involve the necessary degree of rigour and accuracy prior to publication, with consistency of information from all ACL regulators, could undermine the benefit of timely information and potentially the development of the database at all. Maximum enforcement and compliance value will be achieved by ACL regulators if information is provided to the database on as real-time basis as possible, without the need for extensive verification that could, due to its time-consuming nature, undermine the ability of ACL enforcers to spot trends and act swiftly in response.

The Committee agrees that CAANZ is the appropriate entity to undertake the further work to consider how a national database of complaints and other information could be advanced.

## PRODUCT SAFETY LEGISLATION

State	Legislation/Regulations	Brief description
Electrical (appliances)		
NSW	<i>Electricity (Consumer Safety) Act 2004</i> (NSW)	The Act regulates minimum safety standards for electrical articles such as appliances, equipment, cables and electrical wiring. It aims to ensure the safe use of these goods by consumers in NSW and outlines standards for electrical work and industry maintenance of electrical installations.
	<i>Electricity (Consumer Safety) Regulation 2015</i>	The Regulation mainly supports the Act, broadly covering model approvals, relevant authorities, recognised external approval schemes, safety requirements, marking electrical articles, seizure and forfeiture of electrical articles, electrical installations, accident reporting and investigations and penalties.
VIC	<i>Electricity Safety Act 1998</i>	Covers provisions relating to— <ul style="list-style-type: none"> <li>(a) the safety of electricity supply and use; and</li> <li>(b) the reliability and security of electricity supply; and</li> <li>(c) the efficiency of electrical equipment.</li> </ul>
	<i>Electricity Safety (Installations) Regulations 2009</i> - Appendix K to AS/NZS 3000 (as published 12 November 2007)  NOTE: In Victoria you must comply with Appendix K in relation to the installation, alteration, repair, maintenance and testing of high voltage electrical installations (See regulations 202(c) and 231(2) of the Electricity Safety (Installations) Regulations 2009).	Covers - carrying out electrical installation work; quality of materials, fittings and apparatus to be used in connection with electrical installations; inspection of prescribed electrical installation work; testing and certification of electrical installation work; fees, penalties and other matters authorised by the Electricity Safety Act 1998; standards for the design, construction, operation and maintenance of electrical installations; and protection of persons from risk, and property from damage, associated with the generation, transmission, distribution and use of electricity; and offences as provisions in respect of which infringement notices may be served.
	<i>Electricity Safety (Equipment) Regulations 2009</i>	Covers - minimum standards of safety for electrical equipment; certification of electrical equipment as complying with minimum safety standards; approval and marking of prescribed electrical equipment; modification, renewal and transfer of certificates of compliance and approval; fees relating to the matters in paragraphs (b), (c) and (d); and prescribe an offence in respect of which an infringement notice may be served and make a related consequential amendment to the Electricity Safety (Infringements) Regulations 2000.

State	Legislation/Regulations	Brief description
	<i>Electricity Safety (Registration &amp; Licensing) Regulations 2010</i>	Regulations cover: <ul style="list-style-type: none"> <li>- Prescribing the relevant types of electrician works for which registration and licensing is required;</li> <li>- Providing for the registration of electrical contractors and the licensing of classes of electrical workers;</li> <li>- Prescribing fees, penalties and other matters authorised by the <i>Electricity Safety Act 1998</i>; and</li> <li>- Prescribing certain provisions of these Regulations that create infringement offences.</li> </ul>
	<i>Electricity Safety (Electric Line Clearance) Regulations 2015</i>	Covers - standards and practices to be adopted and observed in tree cutting or removal in the vicinity of electric lines and the keeping of the whole or any part of a tree clear of electric lines; a requirement that certain responsible persons prepare management procedures to minimise danger of electric lines causing fire or electrocution; other matters for or with respect to the maintenance of electric lines; and management plans relating to compliance with the Code of Practice for Electric Line Clearance
	<i>Electricity Safety (Bushfire Mitigation) Regulations 2013</i>	Covers - preparation of bushfire mitigation plans by specified operators and major electricity companies; and the inspection of overhead electric lines and supply networks.
	<i>Electricity Safety (Cathodic Protection) Regulations 2009</i>	Covers - cathodic protection systems and mitigation systems for the purposes of the Electricity Safety Act 1998; standards for the operation of cathodic protection systems; procedures for the registration of cathodic protection systems; protect metallic structures from damage associated with stray current corrosion and interference from cathodic protection associated with other metallic structures in the vicinity; and create offences as provisions in respect of which infringement notices may be served.
	<i>Electricity Safety (Management) Regulations 2009</i>	Covers the requirements, procedures and other matters relating to the acceptance of electricity safety management schemes.

State	Legislation/Regulations	Brief description
QLD	<i>Electrical Safety Act 2002</i>	Covers: <ul style="list-style-type: none"> <li>- imposing duties on persons who may affect the electrical safety of others by their acts or omissions;</li> <li>- establishing benchmarks for industry and the community generally through—               <ul style="list-style-type: none"> <li>i) (i) making regulations, ministerial notices and code of practice about achieving electrical safety; and</li> <li>ii) introducing safety management systems for particular electricity entities;</li> </ul> </li> <li>- providing for the safety of all persons through licensing and discipline of persons who perform electrical work;</li> <li>- providing for protection for consumers against failures of persons who perform electrical work to properly perform and complete the work;</li> <li>- providing for the appointment of a commissioner for electrical safety to advise the Minister on electrical safety matters and to manage the activities of the Electrical Safety Board and its committees;</li> <li>- establishing the Electrical Safety Board and its committees to—               <ul style="list-style-type: none"> <li>i) allow industry and the community to participate in developing strategies for improving electrical safety; and</li> <li>ii) participate in developing requirements for the licensing and discipline of persons who perform electrical work; and</li> <li>iii) promote community awareness about electrical safety; and</li> <li>iv) participate in developing requirements for the electrical safety of electrical equipment.</li> </ul> </li> </ul>
	<i>Electricity Act 1994</i>	The Electricity Act and Regulation deal with: <ul style="list-style-type: none"> <li>- regulating the electricity industry and electricity use, including licensing of electricity industry participants and monitoring of licence compliance</li> <li>- making and approving industry codes, such as the Electricity Industry Code, which deals with supply reliability, standard customer contracts of electricity distributors and retailers, and other customer service matters</li> <li>- approving electricity prices for standing offer customers</li> <li>- assisting in settling disputes between electricity entities and between electricity entities and public entities</li> <li>- administrating electricity restrictions and electricity rationing procedures.</li> </ul>
	<i>Electrical Safety Regulation 2013</i>	
WA	<i>Electricity Act 1945</i>	Covers the examination and licensing of persons in respect of their competency to carry out works relating to electricity, and the examination, prohibition or approval of electrical appliances.
	<i>Electricity Regulations 1947</i>	Covers electrical worker safety and the supply of electricity to consumers including obligations to inspect consumer installations. These regulations also cover requirements for the safety approval of certain types of electrical equipment and the energy efficiency requirements of prescribed appliances or equipment.

State	Legislation/Regulations	Brief description
SA	<i>Electricity Act 1996</i>	The Act: <ul style="list-style-type: none"> <li>- promotes efficiency and competition in the electricity supply industry</li> <li>- promotes the establishment and maintenance of safe and efficient systems for generating, transmitting and distributing electricity</li> <li>- establishes and enforces appropriate standards of safety, reliability and quality in the South Australian electricity supply industry</li> <li>- establishes and enforces appropriate safety and technical standards for electrical installations and electricity infrastructure</li> <li>- protects the interests of South Australian consumers</li> <li>- The Electricity Act 1996 provides the Office of the Technical Regulator with the authority to enforce the requirements of the legislation and its associated regulations.</li> </ul>
	<i>Electricity (Licensing) Regulations 1991</i>	Cover the standards of electrical work on consumers' installations, licensing of electrical workers and contractors and procedural matters.
	<i>Energy Products (Safety and Efficiency) Act 2000</i>	Sets down the basic requirements the product must meet to be considered electrically safe.
	<i>Energy Products (Safety and Efficiency) Regulations 2012</i>	Covers: <ul style="list-style-type: none"> <li>- Applications for certificates</li> <li>- Labelling under electrical product safety labelling certificate</li> <li>- Labelling under efficiency labelling certificate</li> <li>- Duration and renewal of certificates</li> <li>- Transfer of certificates</li> <li>- Variation of certificates</li> <li>- Cancellation of certificates</li> <li>- Register of certificates</li> <li>- Notification of change of name or address or of change of agent</li> <li>- Disposal of samples</li> <li>- General requirement for applications</li> <li>- Fees</li> </ul>

State	Legislation/Regulations	Brief description
	<i>Electricity (General) Regulations 2012</i>	Covers: <ul style="list-style-type: none"> <li>- Administration</li> <li>- Licensing of electricity entities</li> <li>- Retailer Energy Efficiency Scheme</li> <li>- System controller</li> <li>- Standard terms and conditions for sale or supply</li> <li>- Contestable services</li> <li>- Special provisions relating to small customers</li> <li>- Electricity entities' powers and duties</li> <li>- Undergrounding of powerlines</li> <li>- Regulation of NERL retailers</li> <li>- Safety and technical issues</li> <li>- Cathodic protection systems</li> </ul>
NT	<i>Electricity Reform Act 2000</i>	Covers: <ul style="list-style-type: none"> <li>- efficiency and competition in the electricity supply industry;</li> <li>- the safe and efficient generation, transmission, distribution and selling of electricity;</li> <li>- establish and enforce proper standards of safety, reliability and quality in the electricity supply industry;</li> <li>- establish and enforce proper safety and technical standards for electrical installations;</li> <li>- facilitate the maintenance of a financially viable electricity supply industry; and</li> <li>- protect the interests of consumers of electricity.</li> </ul>
	<i>Electricity Reform (Safety and Technical) Regulations 2011</i>	Covers: <ul style="list-style-type: none"> <li>- Safety and technical requirements;</li> <li>- Electrical installation work and certification;</li> <li>- Safeguarding persons working with conductors and electrical equipment;</li> <li>- High voltage conductors;</li> <li>- Testing and rescue and resuscitation;</li> <li>- Activities in vicinity of infrastructure and installations;</li> <li>- Transport;</li> <li>- Infringement notice scheme.</li> </ul>
	<i>Appendix B of Australian Standard AS/NZS 4417.2:2012 Regulatory compliance mark for electrical and electronic equipment - Part 2: Specific requirements for particular regulatory applications</i>	In Australia, there are two types of electrical and electronic products: prescribed and non-prescribed. <ul style="list-style-type: none"> <li>- Prescribed electrical and electronic products require a Certificate of Approval issued by a Government Regulator or Recognised External Certification Scheme before it can be sold in Australia.</li> <li>- Non prescribed electrical and electronic products do not require a formal certificate; however they must still meet minimum safety standards.</li> </ul> Prescribed products must be formally approved before they are imported into and sold in Australia.
TAS	<i>Electricity Industry Safety and Administration Act 1997</i>	Establishes safety standards for electrical articles, to provide for the investigation of accidents in the electricity industry and for related purposes

State	Legislation/Regulations	Brief description
	<i>Electricity Supply Industry Act 1995</i>	Covers: <ul style="list-style-type: none"> <li>- Promote efficiency and competition in the electricity supply industry;</li> <li>- Safe and efficient system of electricity generation, transmission, distribution and supply;</li> <li>- safety of electrical installations, equipment and appliances;</li> <li>- proper standards in the performance of electrical work; and</li> <li>- protect the interests of consumers of electricity and for related purposes</li> </ul>
ACT	<i>Electricity Safety Act 1971</i>	Covers: <ul style="list-style-type: none"> <li>- Electrical wiring work and electrical installations;</li> <li>- Prescribed articles of electrical equipment;</li> <li>- Non-prescribed articles of electrical equipment;</li> <li>- Defective articles of electrical equipment;</li> <li>- Serious electrical accidents;</li> <li>- Enforcement; and</li> <li>- Notification and review of decisions.</li> </ul>
	<i>Electricity Safety Regulations 2004</i>	Enforces the provisions of the <i>Electricity Safety Act 1971</i>
<b>Gas (appliances)</b>		
NSW	<i>Gas Supply Act 1996</i>	Covers: <ul style="list-style-type: none"> <li>- development of a competitive market in gas, so as to promote the thermally efficient use of gas and to deliver a safe and reliable supply of gas in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the Protection of the Environment Administration Act 1991,</li> <li>- gas reticulation and gas supply, so as to protect the interests of customers,</li> <li>- continuity of supply of natural gas to customers,</li> <li>- promote the safe use of gas.</li> </ul> <p>In relation to licensed distributors involved in the reticulation of gas, the duties are as follows:</p> <ul style="list-style-type: none"> <li>- to ensure that such persons satisfy, so far as it is economical for them to do so, all reasonable demands for the conveyance of gas,</li> <li>- to take proper account of the business interests of such persons and the ability of such persons to finance the provision of gas reticulation services,</li> <li>- to take proper account of the interests of gas users in respect of transportation tariffs and other terms of service.</li> </ul> <p>In relation to authorised reticulators and licensed distributors involved in the distribution or reticulation of gas, the duties are as follows:</p> <ul style="list-style-type: none"> <li>- to consider the development of efficient and safe gas distribution pipelines and gas distribution systems,</li> <li>- to promote the efficient and safe operation of gas distribution pipelines and gas distribution systems.</li> </ul> <p>In relation to gas users, the duties are to promote the efficient and safe use of gas.</p>
	<i>Gas Supply (Consumer Safety) Regulation 2012</i>	Enforces the regulatory framework for gas appliances connected to networks and non-networks, gas installations, autogas, licensed gas fitters and the testing of gas meters.

<b>State</b>	<b>Legislation/Regulations</b>	<b>Brief description</b>
VIC	<i>Gas Safety Act 1997</i>	Covers safe conveyance, sale, supply, measurement, control and use of gas and generally regulates gas safety.
	<i>Gas Safety (Installation) Regulations 2008</i>	Covers: <ul style="list-style-type: none"> <li>a) standards for gas fitting work;</li> <li>b) procedures relating to the acceptance of appliances and gas installations; and</li> <li>c) safety of gas appliances, gas installations and work on gas appliances and installations.</li> </ul>
	<i>Gas Safety (Safety Case) Regulations 2008</i>	Covers: <ul style="list-style-type: none"> <li>a) safety cases in relation to facilities, gas installations and appliances; and</li> <li>b) reporting of gas incidents.</li> </ul>
	<i>Gas Safety (Gas Quality) Regulations 2007</i>	Sets minimum safety standards for— <ul style="list-style-type: none"> <li>a) the quality of gas; and</li> <li>b) the testing of natural gas conveyed through transmission pipelines.</li> </ul>
QLD	<i>Gas Supply Act 2003</i>	Covers: <ul style="list-style-type: none"> <li>- efficient and economical processed natural gas supply; and</li> <li>- ensure the interests of customers are protected by— <ul style="list-style-type: none"> <li>a) regulating the distribution services for reticulated processed natural gas; and</li> <li>b) providing for the making of relevant distribution network codes.</li> </ul> </li> </ul>
	<i>Petroleum and Gas (Production and Safety) Act 2004</i>	Covers: <ul style="list-style-type: none"> <li>- competitive petroleum tenure regime;</li> <li>- land and resource management (including identifying and addressing potential conflict issues);</li> <li>- best practice management regimes covering safety and other technical activities on tenures and licences, within industry and in the general community; and</li> <li>- rights of consultation, review and appeal, and where applicable compensation.</li> </ul>
	<i>National Gas (Queensland) Act 2008</i>	Enables third parties to gain access to certain natural gas pipeline services, to repeal the Gas Pipelines Access (Queensland) Act 1998
	<i>Energy and Water Ombudsman Act 2006</i>	Covers: <ul style="list-style-type: none"> <li>- small customers (energy) and relevant occupiers of land a timely, effective, independent and just way of— <ul style="list-style-type: none"> <li>a) referring disputes about particular matters involving energy entities and particular former energy entities; and</li> <li>b) having the disputes investigated and resolved; and</li> </ul> </li> <li>- small customers (water) a timely, effective, independent and just way of— <ul style="list-style-type: none"> <li>a) referring disputes about particular matters involving water entities; and</li> <li>b) having the disputes investigated and resolved.</li> </ul> </li> </ul>
	<i>Petroleum and Gas (Production and Safety) Regulation 2004</i>	Regulates safety and relevant technical matters in regard to petroleum and gas, and other related activities. Industries covered include the petroleum and fuel gas industries as well as emerging technologies such as syngas facilities, underground coal gasification, greenhouse gas storage and geothermal exploration and production.

<b>State</b>	<b>Legislation/Regulations</b>	<b>Brief description</b>
WA	<i>Gas Standards Act 1972</i>	Deals with a number of other requirements including the safety approval of Type A (domestic and small commercial) gas appliances.
	<i>Gas Standards (Infringement Notices) Regulations 2007</i>	Deals with the prescription of offences that are subject to the giving of infringement notices.
	<i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i>	Applies to gas distribution systems and include requirements for network safety, gas quality (natural gas and liquefied petroleum gas) and metering accuracy.
	<i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i>	<p>Covers:</p> <ul style="list-style-type: none"> <li>- administration;</li> <li>- permits and authorisations;</li> <li>- performance of gasfitting;</li> <li>- appeals;</li> <li>- requirements for consumers' gas installations;</li> <li>- gas suppliers' duties;</li> <li>- saving and repeal;</li> <li>- witness fees and allowances; and</li> <li>- application fees for permits and authorisations.</li> </ul> <p>Cover the licensing of gas fitters, standards of gasfitting work on consumers' gas installations, including the approval of Type B (industrial) gas appliances and procedural matters.</p>
SA	<i>Gas Act 1997</i>	<p>Covers:</p> <ul style="list-style-type: none"> <li>- promote efficiency and competition in the gas supply industry;</li> <li>- establishment and maintenance of a safe and efficient system of gas distribution and supply;</li> <li>- establish and enforce proper standards of safety, reliability and quality in the gas supply industry;</li> <li>- establish and enforce proper safety and technical standards for gas installations and appliances; and</li> <li>- protect the interests of consumers of gas.</li> </ul>
	<i>Gas Regulations 2012</i>	<p>Covers:</p> <ul style="list-style-type: none"> <li>- the certification and labelling of gas appliances,</li> <li>- the powers of investigators in relation to unsafe gas appliances,</li> <li>- the qualifications to be held by persons carrying out gasfitting work or autogas work and the standards for such work,</li> <li>- the testing of gas installations and autogas installations,</li> <li>- requirements relating to the sale, use and supply of certain gas installations and autogas installations, including the attachment of compliance plates,</li> <li>- requirements relating to the sale of gas regulators and gas cylinders,</li> <li>- the metering of gas supplied by means of a gas network,</li> <li>- the testing of gas meters and gas meter testing equipment, and</li> <li>- fees for services provided under the Gas Supply Act 1996.</li> </ul>

State	Legislation/Regulations	Brief description
	<i>Plumbers, Gas Fitters and Electricians Act 1995</i>	Covers: <ul style="list-style-type: none"> <li>- Licensing of contractors;</li> <li>- Registration of workers;</li> <li>- Suspension or variation of licence or registration in urgent;</li> <li>- Cancellation, suspension or variation of licence or registration;</li> <li>- Discipline</li> </ul>
	<p>Gas standards:</p> <ul style="list-style-type: none"> <li>- gas installation standard AS/NZS 5601</li> <li>- gas appliances standard AS 45XX Series</li> <li>- gas infrastructure standards AS/NZS 4645</li> <li>- gas supply standard AS 4564 (natural gas)</li> <li>- commercial propane and butane for heating purposes AS 4670 (LP gas).</li> </ul>	<p><b>Gas installation standard AS/NZS 5601</b></p> <p>Ventilation requirements for gas appliances, especially in modern high efficiency five and six star homes. The revised gas installation standard may be purchased from Standards Australia in either electronic or hard copy.</p> <p>AS/NZ 5601 has two parts:</p> <ul style="list-style-type: none"> <li>- Part 1 of the standard contains information for gas installations in premises for both natural gas and LPG. All references to caravan and boat installations have been removed.</li> <li>- Part 2 of the standard prescribes requirements for the design and installation of LPG installations in caravans, boats, mobile holiday homes and other mobile or floating vehicles for non-propulsive purposes.</li> </ul> <p><b>Gas appliances standard AS 45XX Series</b></p> <p>The AS 45XX series of standards cover type A gas appliances. The Australian Standard AS 3814 is a generic standard and applies to type B industrial and commercial gas-fired appliances.</p> <p><b>Gas infrastructure standards AS/NZS 4645</b></p> <p>The intent of this standard is to provide for the protection of the general public, the personnel operating gas distribution networks and the environment. The standard is also to ensure reliable operation of gas distribution networks that reticulate gas to consumers.</p> <p><b>Gas supply standard AS 4564 (natural gas)</b></p> <p>AS 4564 specifies gas quality requirements necessary to ensure the safety of general-purpose natural gas transported and supplied for use in natural gas appliances and equipment and for use as fuel in natural gas vehicles.</p> <p><b>Commercial propane and butane for heating purposes AS 4670 (LP gas)</b></p> <p>AS 4670 specifies requirements for liquefied petroleum (LP) gas products in the liquid phase as supplied for general domestic and industrial fuel purposes, in bulk and into cylinders.</p>
NT	<i>National Gas Act 2008</i>	Establishes a framework to provide efficient investment in, and efficient operation and use of, natural gas services for the long term interests of consumers of natural gas with respect to price, quality, safety, reliability and security of supply of natural gas.
	<i>Dangerous Goods Act 2009</i>	In the Northern Territory gas safety is covered under the Dangerous Goods Act 2009 and

State	Legislation/Regulations	Brief description
	<i>Dangerous Goods Regulations 2010</i>	Dangerous Goods Regulations 2010. NT WorkSafe, the administrative and regulatory arm of the Northern Territory Work Health Authority, is responsible for the Territory-wide regulation of occupational health and safety, dangerous goods, electrical safety, and rehabilitation and workers' compensation.
TAS	<i>Gas Act 2000</i>	Covers: <ul style="list-style-type: none"> <li>- development of a gas supply industry in Tasmania;</li> <li>- efficiency and competition in the gas supply industry;</li> <li>- establishment and maintenance of a safe and efficient system of gas distribution and supply;</li> <li>- proper standards of safety, reliability and quality in the gas supply industry;</li> <li>- proper safety and technical standards for gas installations and appliances; and</li> <li>- protect the interests of consumers of gas.</li> </ul>
	<i>Gas (Safety) Regulations 2014</i>	Covers: <ul style="list-style-type: none"> <li>- Technical and Safety Requirements</li> <li>- Design and Construction of Facilities</li> <li>- Safety and Operating Plans</li> <li>- Content of Safety Management System</li> <li>- Reporting of Incidents</li> <li>- Gas Installations and Gas-Fitting Work</li> <li>- Automotive Gas-Fitting Work</li> </ul>
	<i>Gas Pipelines Act 2000</i>	Covers: <ul style="list-style-type: none"> <li>- effective, efficient and flexible regulatory system for the construction and operation of pipeline facilities and of pipelines for transporting natural gas and other substances to which this Act applies;</li> <li>- security of supply for users of gas; and</li> <li>- protect the public from risks inherent in regulated activities.</li> </ul>
	<i>Gas Pipelines Regulations 2014</i>	Covers: <ul style="list-style-type: none"> <li>- Application for Pipeline Licence</li> <li>- Safe Operation of Regulated Activities</li> <li>- Safety Requirements for Pipelines</li> <li>- Contents of Facility Safety Case</li> </ul>
ACT	<i>Gas Safety Act 2000</i>	Covers: <ul style="list-style-type: none"> <li>- promote safe and efficient gas usage;</li> <li>- regulatory system for the following: <ol style="list-style-type: none"> <li>a) the installation, operation, maintenance and repair of consumer piping systems;</li> <li>b) the connection of gas appliances to consumer piping systems;</li> <li>c) the commissioning, maintenance, repair and servicing of gas appliances connected to consumer piping systems;</li> <li>d) the testing and inspection of consumer piping systems and gas appliances.</li> </ol> </li> </ul>

State	Legislation/Regulations	Brief description
	<i>Gas Safety Regulation 2001</i>	Covers: <ul style="list-style-type: none"> <li>- work and safety standards:               <ul style="list-style-type: none"> <li>a) gasfitting work</li> <li>b) gas appliance work</li> </ul> </li> <li>- use of consumer piping systems and gas appliances</li> <li>- regulation of gas appliances</li> </ul>
	<i>Dangerous Substances Act 2004</i>	Sets out a general safety duty that applies to everyone, including householders, and additional safety duties that apply where a dangerous substance is used, stored or handled for a business or undertaking.  Substances are regulated as 'dangerous substances' under the Dangerous Substances Act 2004 if they have certain properties which present a risk to health and safety. The most common of these are: <ul style="list-style-type: none"> <li>- flammable gases and liquids (such as LPG, propane gas and petrol);</li> <li>- combustible liquids (such as diesel fuel);</li> <li>- gases kept under pressure (such as helium and nitrogen); and,</li> <li>- corrosive substances (such as bleach and caustic soda).</li> </ul>
<b>Building products and codes</b>		
NSW	<i>Home Building Act 1989</i>	Covers: <ul style="list-style-type: none"> <li>- authorising and regulating builders, trades people and owner-builders who undertake residential building work;</li> <li>- regulating some contracts with consumers for residential building work and supplying kit homes;</li> <li>- authorising and regulating persons who carry out plumbing, gasfitting and electrical work in both the residential and commercial sectors;</li> <li>- disciplinary action against authority-holders by the Commissioner for Fair Trading;</li> <li>- statutory warranties against defective work by the holders of authorities issued under the Act; and</li> <li>- a compensation scheme, designed to insure consumers against some (capped) losses from faulty or incomplete work in certain circumstances, such as where the contractor becomes insolvent, disappears or dies.</li> </ul>

State	Legislation/Regulations	Brief description
	<p><i>Home Building Regulation 2014</i></p>	<p>Regulation provides the legislative support and administrative detail for the operation of the <i>Home Building Act</i>.</p> <p>Mainly covers –</p> <ul style="list-style-type: none"> <li>a) the threshold amounts of the cost of labour and material (contract price) involved in residential building work or specialist work above which the following apply: <ul style="list-style-type: none"> <li>i) the requirements of the Act that apply to residential building work,</li> <li>ii) the requirements of the Act and regulations about the content of contracts for residential building work,</li> <li>iii) the requirement to provide a cooling-off period,</li> <li>iv) the maximum amount of progress payments that can be demanded,</li> <li>v) the requirement to include a warning in a contract for sale about the absence of insurance for owner-builder work,</li> <li>vi) the requirement to obtain a permit for owner-builder work,</li> </ul> </li> <li>b) the provision of consumer information,</li> <li>c) the terms that must be included in certain contracts to do residential building work and the terms that must not be included in such contracts,</li> <li>d) the categories of residential building work and specialist work that a contractor licence, supervisor certificate or tradesperson certificate may authorise the doing or supervision of,</li> <li>e) the checklists required to be included in contracts to do residential building work,</li> <li>f) administrative details relating to the grant of contractor licences, supervisor certificates, tradesperson certificates and owner-builder permits, including the following: <ul style="list-style-type: none"> <li>i) educational, training and qualification requirements for owner-builder permits,</li> <li>ii) replacement licences, certificates and permits,</li> <li>iii) exceptions from the cancellation of contractor licences</li> <li>iv) extended descriptions of the work that the holders of various categories of contractor licences or certificates are authorised to do,</li> <li>v) disqualifications from holding licences, certificates or permits,</li> </ul> </li> <li>g) the transfer of proceedings relating to building claims from a court to the Civil and Administrative Tribunal,</li> <li>h) the warning about non-compliance with an order resolving a building dispute or building claim that must be included in an order of that Tribunal,</li> <li>i) requirements for the display of signs by licensees,</li> <li>j) restrictions on advertising by licensees,</li> <li>k) obtaining insurance in relation to residential building work, including the following: <ul style="list-style-type: none"> <li>i) the persons who may arrange insurance contracts,</li> <li>ii) beneficiaries under insurance contracts,</li> <li>iii) the losses that an insurance contract must indemnify beneficiaries against,</li> <li>iv) the limitations on liability and cover that an insurance contract may contain,</li> <li>v) minimum insurance cover,</li> <li>vi) time limits within which insurers are taken to accept claims and for giving notice of loss or damage,</li> <li>vii) the monetary threshold above which residential building work must be insured,</li> <li>viii) the maximum insurance excess,</li> </ul> </li> <li>l) exemptions from certain requirements of the Home Building Act 1989,</li> <li>m) fees for applications for the grant, renewal, restoration, variation or replacement of licences, certificates or permits,</li> <li>n) the register of particulars of licences, certificates and permits required to be kept under that Act.</li> </ul>

State	Legislation/Regulations	Brief description
VIC	<i>Building Act 1993</i>	Covers: <ul style="list-style-type: none"> <li>- building work and building standards;</li> <li>- accreditation of building products, construction methods, building components and building systems;</li> <li>- efficient and effective system for issuing building and occupancy permits and administering and enforcing related building and safety matters and resolving building disputes;</li> <li>- building practitioners and plumbers;</li> <li>- plumbing work and plumbing standards; and</li> <li>- accreditation, certification and authorisation of plumbing work, products and materials;</li> <li>- cooling tower systems; and</li> <li>- limit the periods within which building actions and plumbing actions may be brought.</li> </ul>
	<i>Building Regulations 2006</i>	Covers: <ul style="list-style-type: none"> <li>- remake with amendments the regulations which control the design, construction and use of buildings and places of public entertainment;</li> <li>- prescribe standards for the construction and demolition of buildings; and</li> <li>- prescribe standards of safety for places of public entertainment; and</li> <li>- regulate matters relating to the use and maintenance of buildings and places of public entertainment; and</li> <li>- prescribe requirements for the design and siting of single dwellings and associated buildings; and</li> <li>- prescribe standards and matters relating to the maintenance of fire safety and safety measures; and</li> <li>- prescribe requirements for swimming pool and spa safety; and</li> <li>- provide for matters relating to the accreditation of building products, construction methods, designs, components and systems connected with building work;</li> <li>- prescribe qualifications and provide for other matters relating to registration of building practitioners; and</li> <li>- prescribe fees in respect of matters before the Building Appeals Board, the Authority and the Building Regulations Advisory Committee; and</li> <li>- provide for other matters for the purposes of the Building Act 1993.</li> </ul>
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.

State	Legislation/Regulations	Brief description
QLD	<i>Building Act 2016</i>	Covers: <ul style="list-style-type: none"> <li>- building work, plumbing work and demolition work, including the design, and maintenance of domestic, commercial and industrial buildings, meets, or exceeds, the minimum national construction standards;</li> <li>- building work, plumbing work, demolition work and maintenance work do not negatively affect the health and safety of people;</li> <li>- owners, building services providers, practitioners and councils comply with the requirements of this Act and the National Construction Code when performing work, or performing functions and exercising powers, under this Act;</li> <li>- the creation of buildings that are accessible to, and contain facilities for, people with disabilities;</li> <li>- the creation of energy-efficient and water-efficient, and sustainable, buildings that minimise impact on the environment;</li> <li>- the legal protection of building services providers, practitioners and owners in certain circumstances in respect of work performed in accordance with this Act; and</li> <li>- facilitate and promote cost-effective construction of buildings; and</li> <li>- encourage an efficient, innovative and competitive building industry.</li> </ul>
	<i>Building Regulation 2006</i>	Covers: <ul style="list-style-type: none"> <li>- remake with amendments the regulations which control the design, construction and use of buildings and places of public entertainment;</li> <li>- standards for the construction and demolition of buildings;</li> <li>- standards of safety for places of public entertainment;</li> <li>- matters relating to the use and maintenance of buildings and places of public entertainment;</li> <li>- to prescribe requirements for the design and siting of single dwellings and associated buildings;</li> <li>- standards and matters relating to the maintenance of fire safety and safety measures;</li> <li>- requirements for swimming pool and spa safety;</li> <li>- matters relating to the accreditation of building products, construction methods, designs, components and systems connected with building work;</li> <li>- prescribe qualifications and provide for other matters relating to registration of building practitioners;</li> <li>- prescribe fees in respect of matters before the Building Appeals Board, the Authority and the Building Regulations Advisory Committee; and</li> <li>- provide for other matters for the purposes of the Building Act 1993 .</li> </ul>
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.
	<i>Queensland Development Code</i>	The Queensland Development Code consolidates Queensland-specific building standards into a single document. The code covers Queensland matters outside the scope of, and in addition to, the Building Code of Australia, such as requirements for private health facilities.
WA	<i>Building Act 2011</i>	Provides a comprehensive system of building control, sets standards for buildings and demolition work in WA and deals with building or demolition work that affects other land.

State	Legislation/Regulations	Brief description
	<i>Building Regulations 2012</i>	Sets out the process for determining building standards and ensuring these standards are met through a system of certifying compliance, granting building, demolition and occupancy permits, and inspecting building work in buildings. This also regulates work affecting other land and standards that apply to certain existing buildings, and provides for enforcement of standards and processes by permit authorities.
	<i>Home Building Contracts Act 1991</i>	Provides protection for home owners and people undertaking home building work.  The Act sets out the minimum requirements for contracts and applies to contracts for home building and associated work valued between \$7,500 and \$500,000.  The Act includes: <ul style="list-style-type: none"> <li>- provision of the Notice for the Home Owner;</li> <li>- the provision of home indemnity insurance;</li> <li>- requirements of home building work contracts; and</li> <li>- conditions regarding deposits, progress payments and variations.</li> </ul>
	<i>Home Building Contracts (Home Indemnity Insurance Exemptions) Regulations 2002</i>	Covers: <ul style="list-style-type: none"> <li>- Multi-storey multi-unit developments;</li> <li>- Leased retirement villages;</li> <li>- Housing authorities; and</li> <li>- Notices</li> </ul>
	<i>Home Building Contracts Regulations 1992</i>	Covers prescribed forms and amounts for the purposes of "home building work contract".
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.
SA	<i>Building Work Contractors Act 1995</i>	
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.

State	Legislation/Regulations	Brief description
NT	<i>Building Act 1993</i>	Covers: <ul style="list-style-type: none"> <li>- establish, maintain and improve building standards;</li> <li>- adoption and efficient application of national uniform building standards;</li> <li>- national uniform accreditation of building products, construction methods, building designs, building components and building systems;</li> <li>- maintain, enhance and improve the safety, health and amenity of people using buildings;</li> <li>- provide for the construction of environmentally efficient buildings; and</li> <li>- efficient and effective system for granting building permits and occupancy certification, administering building matters and resolving building disputes;</li> <li>- reform aspects of the law relating to the legal liability of regulatory agencies and building practitioners;</li> <li>- facilitate national uniformity in the training and qualifications of certain building practitioners and the recognition of qualifications on a national basis;</li> <li>- registration of building practitioners;</li> <li>- investigation, audit and disciplining of building practitioners;</li> <li>- establish a scheme relating to residential building consumer protection and the provision of residential building insurance or fidelity certificates;</li> <li>- facilitate the cost effective construction of buildings; and</li> <li>- aid the achievement of an efficient and competitive building industry.</li> </ul>
	<i>Building Regulations 2008</i>	Covers: <ul style="list-style-type: none"> <li>- Building standards;</li> <li>- Building permits;</li> <li>- Inspections and occupancy certification;</li> <li>- Declarations relating to particular building work;</li> <li>- Reliance on certificates;</li> <li>- Protection of adjoining property;</li> <li>- Enforcement of building standards;</li> <li>- Appeals board – appeals, referrals and applications;</li> <li>- General enforcement provision;</li> <li>- Siting requirements;</li> <li>- Relocation of approved class 1A buildings to approved rural land;</li> <li>- Areas liable to flooding;</li> <li>- Building practitioners;</li> <li>- Building contractors; and</li> <li>- Owner builders.</li> </ul>
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.

State	Legislation/Regulations	Brief description
TAS	<i>Building Act 2016</i>	Covers: <ul style="list-style-type: none"> <li>- requires all building and plumbing work to be undertaken at a National standard;</li> <li>- creates the certification process for ensuring the standards are applied; and</li> <li>- defines who can do the work of a building practitioner.</li> </ul>
	<i>Residential Building Work Contracts and Dispute Resolution Act 2016</i>	Applies to constructing a new residential building or extending, altering, renovating or demolishing an existing building, where the value of the work is more than \$20,000.  A 'residential building' means it is a single dwelling intended for occupation as a place of residence. It does not include: <ul style="list-style-type: none"> <li>- a building divided into separate places of residence available for rent, such as a house divided into flats or an apartment block;</li> <li>- a building comprising three or more separate living units situated one above the other; or</li> <li>- a building where more than 12 persons live who are not members of the same family, such as a guest house or a hostel.</li> </ul>
	<i>Residential Building Work Contracts and Dispute Resolution Act 2016</i>	Imposes into residential building work contracts implied statutory warranties, in addition to any warranty included in the individual building contract. The Act operates to ensure builders are responsible for the standard of their work and quality of materials used. If the builder performs work or provides materials that are sub-standard, then the builder is obliged by law to fix the problem or to pay compensation.  The following warranties by the builder are implied by law in every building work contract for work over \$20,000: <ul style="list-style-type: none"> <li>- work will be performed in a proper and skilled manner and in accordance with the plans and specifications agreed to by the parties;</li> <li>- all materials supplied by the builder will be good quality, fit for the purpose it is intended, and unless otherwise agreed, will be new materials;</li> <li>- work will be performed in accordance with statutory requirements, including the Residential Building Work Contracts and Dispute Resolution Act 2016 and the Building Act 2016;</li> <li>- Where the owner has expressly made known to the builder (or the builder's agent) the particular purpose of the work, or the particular result they want to achieve, and the owner relies on the builder's skill and judgment, then the work and materials used will be reasonably fit for that purpose or for achieving that particular result.</li> </ul> These implied statutory warranties: <ul style="list-style-type: none"> <li>- apply to a contract for the sale of a 'speculative built' building, where a builder sells a finished residential building they have constructed or altered</li> <li>- apply to some types of building work that is performed by non-accredited building practitioners, or to work where a building permit is not required. For example, significant landscaping, or the construction of a new kitchen by a joiner, are types of residential work that are covered by the Residential Building Work Contracts and Dispute Resolution Act 2016.</li> <li>- run for six years from the date of the completion of the building work</li> <li>- transfer automatically to the purchaser of a building. Any later owner is also entitled to the benefit of the same statutory warranties for the remainder of the 6 year period.</li> </ul>

State	Legislation/Regulations	Brief description
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.
ACT	<i>Building Act 2004</i>	Covers: <ul style="list-style-type: none"> <li>- Building work; <ul style="list-style-type: none"> <li>a) Certificates and government certifiers</li> <li>b) Building approvals</li> <li>c) Building commencement notices and building work signs</li> <li>d) Carrying out building work</li> <li>e) Completion of building work</li> <li>f) Offences</li> </ul> </li> <li>- Stop and other notices and demolition orders</li> <li>- Building occupancy <ul style="list-style-type: none"> <li>a) Certificates of occupancy and other certificates</li> </ul> </li> <li>- Residential buildings – statutory warranties, standard conditions, insurance and fidelity certificates <ul style="list-style-type: none"> <li>a) Statutory warranties</li> <li>b) Standard conditions</li> <li>c) Residential building insurance</li> <li>d) Approved fidelity fund schemes</li> <li>e) Auditors and actuaries of approved schemes</li> </ul> </li> <li>- Administration</li> <li>- Building code, registration standards etc</li> <li>- Limitation of liability</li> <li>- Notification and review of decisions</li> <li>- Powers of ACAT</li> </ul>
	<i>Building (General) Regulation 2008</i>	Covers: <ul style="list-style-type: none"> <li>- Building work</li> <li>- Residential buildings – statutory warranties, standard conditions, insurance and fidelity certificates</li> <li>- Building code</li> <li>- Notification and review of decisions</li> </ul>
	<i>Building Code of Australia</i>	Building Code of Australia (BCA) is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect through the Building Act 1975.

\*Nationally: Electrical Equipment Safety System (EESS)