

STATUTORY RULES 2024

S.R. No.

Building Act 1993

**Building and Plumbing Amendment
Regulations 2024**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

SONYA KILKENNY

Minister for Planning

Clerk of the Executive Council

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are to amend—

- (a) the Building Regulations 2018 to prescribe circumstances for the purposes of section 24(8) of the Act;
- (b) the Plumbing Regulations 2018 to prohibit certain plumbing work in specified circumstances.

2 Authorising provisions

These Regulations are made under sections 7, 221ZZZV, 261 and 262 of, and Schedule 1 to, the **Building Act 1993**.

3 Commencement

These Regulations come into operation on [insert date].

Part 2—Amendment of the Building Regulations 2018

4 New regulation 37A inserted

After regulation 37 of the Building Regulations 2018¹ insert—

"37A Refusal of building permit

- (1) For the purposes of section 24(8) of the Act, a relevant building surveyor must not issue a building permit in relation to the construction of any of the following buildings if the relevant building surveyor is aware that a connection to

reticulated gas to be installed in the building relates to the building work to which the building permit applies—

- (a) a Class 1 building;
- (b) a Class 2 building;
- (c) a Class 3 building;
- (d) a Class 4 building;
- (e) a Class 5 building;
- (f) a Class 6 building;
- (g) a Class 7b building;
- (h) a Class 9 building;
- (i) a Class 10a building;
- (j) a Class 10b building.

Penalty: 20 penalty units

(2) In this regulation—

gas company has the same meaning as it has in the **Gas Safety Act 1997**;

meter assembly has the same meaning as it has in the **Gas Safety Act 1997**;

natural gas has the same meaning as it has in the **Gas Industry Act 2001**;

reticulated gas has the same meaning as in section 221B(1) of the Act."

5 Schedule 4—Forms

(1) In Form 1 of Schedule 4 to the Building Regulations—

(a) for the heading "**Nature of building work**" substitute "**Nature of building work and certain associated plumbing work**"; and

(b) after "Construction of small second dwelling [†]",
insert—

"Connection to reticulated gas within the meaning of section 221B(1) of the Act [†]".

(2) In Form 2 of Schedule 4 to the Building Regulations, after

"Does the building work relate to a small second dwelling? [*Yes/*No]" **insert—**

"Is the building to be connected to reticulated gas? [*Yes/*No]".

Part 3—Amendment of the Plumbing Regulations 2018

6 New Part 6A inserted

After Part 6 of the Plumbing Regulations 2018² insert—

"Part 6A—Prohibitions on plumbing work related to reticulated gas appliances and reticulated gas connections

45B—Definitions

In this Part—

certificate of final inspection has the same meaning as in section 38 of the Act;

existing building means a building that before the commencement of this Part—

- (a) existed in its current completed form; or
- (b) was issued with an occupancy permit, a copy of which has been given to the relevant council; or
- (c) was issued with a certificate of final inspection, a copy of which has been given to the relevant council (but only if that part of the building can be occupied without the need for any further certificate of final inspection); or
- (d) was completed (but only if the building can be occupied without the need for an occupancy permit or a certificate of final inspection);

occupancy permit has the same meaning as in Part 5 of the Act.

45C—Prohibiting installation or replacement of a reticulated gas appliance in an existing Class 1, Class 2 or Class 10b building

- (1) A person must not install a reticulated gas appliance in an existing Class 1, Class 2 or Class 10b building by connecting it to reticulated gas if that reticulated gas appliance is intended to be used for the heating of that building or the heating of water in that building.

Penalty: 20 penalty units

- (2) A person must not replace a reticulated gas appliance connected to reticulated gas in an existing Class 1, Class 2 or Class 10b building with another reticulated gas appliance connected to reticulated gas if the other reticulated gas appliance is intended to be used for the heating of the building or the heating of water in the building.

Penalty: 20 penalty units

- (3) Subregulations (1) and (2) do not apply to a person if—
 - (a) there is insufficient space available in the building or any occupiable outdoor area that relates to the building to install, or replace the reticulated gas appliance with, an appliance that is not a reticulated gas appliance connected to reticulated gas; or

- (b) in the case of a Class 2 or Class 10b building, the heating of the building or the heating of water in the building is supplied by a centralised gas system; or
- (c) installing, or replacing the reticulated gas appliance with, an appliance that is not a reticulated gas appliance connected to reticulated gas—
 - (i) is not lawful in the circumstances because of the operation of a provision of any Act, regulation or other law; or
 - (ii) requires augmentation of a transmission system or a distribution system to provide more than a basic connection service or a standard connection service.
- (4) Subregulation (2) does not apply to a person if the person temporarily disconnects and reconnects a reticulated gas appliance connected to reticulated gas in an existing Class 1, Class 2 or Class 10b building.

(5) In this regulation—

augmentation has the same meaning as in the National Electricity (Victoria) Law;

basic connection service has the same meaning as in Chapter 5A of the National Electricity Rules made by the Australian Energy Market Commission established under the Australian Energy Market Commission Establishment Act 2004 of the Commonwealth;

distribution system has the same meaning as in the National Electricity (Victoria) Law;

standard connection service has the same meaning as in Chapter 5A of the National Electricity Rules made by the Australian Energy Market Commission established under the Australian Energy Market Commission Establishment Act 2004 of the Commonwealth;

transmission system has the same meaning as in the National Electricity (Victoria) Law.

45D—Prohibiting connection to reticulated gas

- (1) A person must not connect reticulated gas downstream of the gas supply point to a building specified in subregulation (2)—
 - (a) if that building is an existing building that does not have a reticulated gas connection; or
 - (b) during the construction of that building.
- (2) For the purposes of subregulation (1), the following buildings are specified—
 - (a) a Class 1 building;

- (b) a Class 2 building;
- (c) a Class 3 building;
- (d) a Class 4 building;
- (e) a Class 5 building;
- (f) a Class 6 building;
- (g) a Class 7b building;
- (h) a Class 9 building;
- (i) a Class 10a building;
- (j) a Class 10b building.

Penalty: 20 penalty units

(3) In this regulation—

downstream of the gas supply point has the same meaning as in the **Gas Safety Act 1997**."

7 Substitution of heading to Part 8A

For the heading to Part 8A of the Plumbing Regulations 2018, substitute—

"Part 8A—Transitional provisions".

8 New Division heading inserted

After the heading to Part 8A, insert—

"Division 1—Transitional provisions—Building and Plumbing Amendment (Solar Water Heaters and Other Matters) Regulations 2023".

9 New Division 2 inserted in Part 8A

After regulation 58 of the Plumbing Regulations 2018 insert—

"Division 2—Transitional provisions—Building and Plumbing Amendment Regulations 2024"

59 Prohibiting installation or replacement of reticulated gas appliances or prohibiting connections to reticulated gas in certain buildings

- (1) Despite the insertion of regulation 45C(1) and (2) by the amending regulations, regulation 45C(1) and (2) do not apply to a person within the period of 3 months after the commencement day if, the person carries out plumbing work of the kind described in regulation 45C(1) or (2) in a building during that period under a contract to carry out that plumbing work that was entered into with the owner of the building before the commencement day.
- (2) Despite the insertion of regulation 45C(1) and (2) by the amending regulations, regulation 45C(1) and (2) do not apply to a person who carries out plumbing work of the kind described in regulation 45C(1) or (2) in a building, if the plumbing work relates to the

carrying out of building work in that building to which section 10(1) or (2) of the Act applies.

(3) Despite the insertion of regulation 45D by the amending regulations, that regulation does not apply to a person who carries out plumbing work of the kind described in that regulation in a building if the plumbing work relates to the carrying out of building work in that building to which section 10(1) or (2) of the Act applies.

(4) In this regulation—

commencement day means the day on which the amending regulations come into operation;

the amending regulations means the Building and Plumbing Amendment Regulations 2024.".

EXPOSURE DRAFT

¹ Reg. 4: S.R. No. 38/2018 as amended by S.R Nos 75/2018, 100/2018, 180/2018, 40/2019, 116/2019, 21/2020, 42/2020, 83/2020, 101/2020, 73/2021, 128/2021, 50/2022, 61/2022, 65/2023, 80/2023, 102/2023, 122/2023, 132/2023, 2/2024, 59/2024 and 106/2024.

² Reg. 6: S.R. No. 149/2018 as amended by S.R. Nos 41/2019, 122/2022, 102/2023, 122/2023 and 2/2024.

EXPOSURE DRAFT