

House of Representatives

Supplementary Order Paper

Tuesday, 17 September 2013

Building Amendment Bill (No 4)

Proposed amendments

Hon Maurice Williamson, in Committee, to move the following amendments:

Clause 2

In *clause 2(1)*, replace “**15B**” (line 5 on page 6) with “**5(2), 15B, 36A**”.

In *clause 2(2)*, replace “**15B**” (line 1 on page 7) with “**5(2), 15B, 36A**”.

Clause 4

In *clause 4(6)*, new definition of **large dam**, replace “metres, or” (lines 13 and 14 on page 8) with “metres and”.

Clause 5

After *clause 5(1)* (after line 26 on page 8), insert:

- (2) Section 11 is amended by inserting the following paragraph before paragraph (q):
“(pb) may provide dispute resolution services under **section 175A**; and”.

New clause 5AA

After *clause 5* (after line 26 on page 8), insert:

5AA Outline of responsibilities under this Act

- (1) Section 14A is amended by omitting “14F” and substituting “**14G**”.
- (2) Section 14A(c) is amended by adding “and are not intended to add to the existing responsibilities of the parties”.

Clause 5A

In *clause 5A*, heading to *new section 14G*, after “**manufacturer**” (line 29 on page 8) insert “**or supplier**”.

Clause 28

In *clause 28*, insert as *subclause (2)* (after line 19 on page 20):

- (2) Section 133A is amended by repealing subsection (2) and substituting the following subsection:
- “(2) The other provisions in this subpart apply only to classifiable and referable dams.”

Clause 29

In *clause 29*, cross-heading above *new section 133C*, replace “*large*” (line 1 on page 21) with “*classifiable or referable*”.

In *clause 29*, heading to *new section 133C*, replace “**large**” (line 2 on page 21) with “**classifiable or referable**”.

In *clause 29*, *new section 133C(1)*, replace “*large*” (line 4 on page 21) with “*classifiable or referable*.”

In *clause 29*, *new section 133C(3)*, replace “*large*” (line 15 on page 21) with “*classifiable or referable*.”

New clause 36A

After *clause 36* (after line 24 on page 25), insert:

36A New section 175A inserted

The following section is inserted after section 175:

“175A Chief executive may provide dispute resolution services

The chief executive may, at his or her discretion, provide services to assist in the resolution of any dispute arising under a residential building contract (as defined in **section 362B(1)**).”

Explanatory note

This Supplementary Order Paper provides for 3 minor technical amendments to sections 14A and 14G of the Building Act 2004 (the **Act**): to change a cross-reference, to clarify that the statement of responsibilities under sections 14B to 14G of the Act should not be read as enlarging the existing responsibilities of any of the parties, and to correct the heading to *new section 14G*.

A further amendment is the insertion of *new section 175A* in the Act via *new clause 36A*, providing for the provision of dispute resolution services in relation to residential building contracts. There is a corresponding amendment to section 11 (*new paragraph (pb)* of that provision) to capture this in the overview of the chief executive’s role.

The other amendments made by this Supplementary Order Paper relate to dams. The first change is to amend the definition of **large dam** so that it captures only dams that are both 4 metres or more in height and contain 20 000 cubic metres or more of water or other fluid. The second change is to amend section 133A(2) of the Act, which currently provides in effect that the dam safety scheme applies to

large dams. The amendment is to remove the reference to large dams in section 133A(2) and replace it with a reference to classifiable and referable dams. The third change is to amend *new section 133C* (the obligation to notify the size and location of a large dam to the relevant regional authority) to the same effect—ie, by replacing the reference to a large dam with a reference to a classifiable or referable dam.
