

NORTHERN TERRITORY OF AUSTRALIA

PLUMBERS AND DRAINERS LICENSING ACT

As in force at 1 July 1993

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 1993

PLUMBERS AND DRAINERS LICENSING ACT

An Act to provide for the licensing of plumbers and drainers and for other purposes

1 Short title

This Act may be cited as the *Plumbers and Drainers Licensing Act*.

2 Commencement

This Act shall come into operation on the commencement of the *Water Supply and Sewerage Act 1983*.

3 Definitions

In this Act, unless the contrary intention appears:

advanced tradesman means a tradesman engaged in the trade of plumbing or of draining or both of those trades who is entitled under the provisions of this Act:

- (a) to carry out work on his own account in either or both of those trades; and
- (b) to direct and supervise the work of apprentices, journeymen and unqualified or unskilled workers.

apprentice has the same meaning as in the *Industries Training Act*.

approved means approved by the Board.

Australia-New Zealand Reciprocity Association and ***ANZRA*** means the association of authorities each charged with the conduct of examinations as to the competency and certification of plumbers and drainers within its area.

Authority means the Power and Water Authority established by section 4 of the *Power and Water Authority Act*.

Board means the Plumbers and Drainers Licensing Board established by this Act.

certificate of competency means a certificate issued to a tradesman by the Board or by an authority which is a member of ANZRA, indicating the level of his proficiency in his trade.

Chairman means the Chairman of the Board appointed under section 11.

Director means the Director for Water and Sewerage appointed under the *Water Supply and Sewerage Act*.

draining means the work of excavating, installing, altering, removing or repairing sub-surface fittings or pipes designed to receive the discharge from soil or water pipes and carry that discharge to a common sewer, drain or septic tank.

inspector means an inspector appointed under the *Water Supply and Sewerage Act*.

journeyman means a tradesman engaged in the trade of plumbing or of draining or both of those trades who is working, as an operative, under the direction of an advanced tradesman, and who is eligible to exercise direction or supervision over apprentices or unqualified workers.

land includes a building or structure erected on land.

licence means a licence issued by the Board authorizing a tradesman to contract and undertake work of plumbing or draining, as the case may be, in the Territory.

member means a member of the Board and includes the Chairman and Deputy Chairman.

plumbing means the work of installing, altering, removing or repairing fixtures, fittings and pipes designed to receive and carry sewage or water, and the ventilation of those fixtures, fittings and pipes. and includes the installing, altering, repairing, maintaining, removing or connecting of a hot or cold water service to land.

reciprocity certificate means a certificate issued by the Board or by an authority which is a member of ANZRA, certifying that the holder meets an agreed standard in his trade.

registration card means a registration card issued under Part IV by the Board to a journeyman and includes a provisional registration card referred to in section 51 and an endorsed registration card referred to in section 52.

4 Application

- (1) This Act applies to and in relation to work carried out in the sewerage districts and water districts declared or deemed to have been declared under section 10 of the *Water Supply and Sewerage Act* or in sewered areas declared or deemed to be sewered areas under section 12 of that Act and water supply areas declared under section 13 of that Act.
- (2) This Act binds the Crown.

Part II Plumbers and Drainers Licensing Board**5 Establishment of Board**

There is established by this Act a Board by the name of the Plumbers and Drainers Licensing Board.

6 Composition of Board

The Board shall consist of 5 members, being:

- (a) an employee as defined in the *Public Sector Employment and Management Act*, nominated by the Authority;
- (b) a representative of those educational institutions in the Territory which provide training courses for apprentice plumbers and drainers;
- (c) 2 persons each of whom holds qualifications as an advanced tradesman in the combined trades of plumbing and draining; and
- (d) a representative of the Northern Territory authority charged with registration of indentures of apprenticeship and oversight of the training of apprentices.

7 Appointment of members

- (1) Subject to this section, the Minister may, by notice in the *Gazette*, appoint a person to be a member.
- (2) The Minister shall not appoint a person for the purpose of section 6(b) unless he is satisfied that the person is currently engaged in teaching or examining, and is qualified to teach or examine, apprentices in the trades of plumbing and draining.
- (3) The Minister shall not appoint a person for the purpose of section 6(c) or (d) unless he has first given to the trade association

that is representative of the tradesmen engaged in the trade of plumbing or draining or the Territory authority referred to in section 6(d), as the case may be, an opportunity to recommend persons to be so appointed.

8 Period of appointment

Subject to this Part, a member holds office until the expiration of such period, not exceeding 3 years, as is specified in the notice of his appointment, but is eligible for reappointment.

9 Resignation of members

- (1) A member, other than the member referred to in section 6(a), may resign his office by notice in writing signed by him and delivered to the Minister, but such resignation does not have effect until accepted by the Minister.
- (2) A member who ceases to hold the qualifications necessary for his appointment shall be deemed to have resigned, and his resignation shall be deemed to have been accepted by the Minister, on the date upon which he ceased to hold those qualifications.

10 Dismissal of members

The Minister may terminate the appointment of a member:

- (a) on the ground of the member's:
 - (i) inability, inefficiency, misbehaviour or physical or mental incapacity;
 - (ii) absence, except on leave granted by the Board, from 3 consecutive meetings of the Board;
 - (iii) conviction and sentence to imprisonment for a period of 3 months or longer, for an offence against a law of the Territory, the Commonwealth, another Territory or a State; or
 - (iv) becoming bankrupt, applying to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounding with his creditors or making an assignment of his remuneration for their benefit; or
- (b) on receipt of a recommendation:
 - (i) in the case of the member referred to in section 6(a), from the Authority;

- (ii) in the case of the member referred to in section 6(b), from the educational institution concerned;
- (iii) in the case of a member referred to in section 6(c), where the Minister has appointed the person recommended under section 7(3) and the person no longer belongs to the trade association, from the trade association; or
- (iv) in the case of the member referred to in section 6(d), from the authority referred to in that section,

that the Minister terminate the appointment of the member.

11 Chairman

- (1) The Minister may, by notice in the *Gazette*, appoint one member to be the Chairman of the Board, and another to be the Deputy Chairman.
- (2) The Chairman shall preside at all meetings of the Board at which he is present.
- (3) Where the Chairman is unable to attend a meeting of the Board, the Deputy Chairman shall preside and, while presiding, shall have all the powers of the Chairman.

12 Meetings of Board

- (1) The Chairman shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions, but so that the interval between one meeting and the next does not exceed 3 months.
- (2) The Minister may at any time direct the Chairman to call a meeting of the Board and the Chairman shall call a meeting accordingly.
- (3) At a meeting of the Board:
 - (a) the Chairman or, where the Chairman is absent, the Deputy Chairman and 2 members constitute a quorum;
 - (b) questions arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the matter shall be taken to have been defeated; and
 - (c) subject to this Act, the Board shall determine the procedure to be followed at or in connection with the meeting.

- (4) The Board shall keep a record of its meetings.

13 Annual report

- (1) Subject to subsection (3), the Board shall furnish to the Minister, not later than 31 December in each year, a report on its operations during the year ending on the preceding 30 September.
- (2) The Minister shall cause a copy of each report furnished to him under this section to be tabled in the Legislative Assembly within 6 sitting days of the Legislative Assembly after it has been so furnished.
- (3) The first report made by the Board under this section shall be in respect of the period from the commencement of this Act until 30 September 1983.

14 Protection of Board and its members

- (1) An act or proceeding of the Board shall not be invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the office of a member.
- (2) No action or proceeding, civil or criminal, shall lie against a member for or in respect of an act or thing done or omitted to be done in good faith by him in his capacity as a member.

15 Delegation

- (1) The Board may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Board.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

16 Functions and powers of Board

- (1) The functions of the Board are, in relation to the trades of plumbing and draining:
 - (a) by means of examinations or otherwise, to assess the qualifications and suitability of persons to practise those trades;

- (b) to issue or cancel certificates of competency and reciprocity certificates for advanced tradesmen and journeymen;
 - (c) to issue, renew, suspend, cancel or reinstate:
 - (i) registration cards for journeymen; and
 - (ii) licences for advanced tradesmen;
 - (d) to issue replacement copies of lost or destroyed certificates of competency, licences and registration cards;
 - (e) to maintain a register or registers of advanced tradesmen and journeymen;
 - (f) to enforce the provisions of this Act;
 - (g) to request and receive reports relating to inspections carried out under the *Water Supply and Sewerage Act* in respect of offences against that Act or the workmanship of licensed plumbers or drainers or journeymen; and
 - (h) to undertake such other functions as the Minister from time to time directs it to undertake in relation to the examination, licensing and registration of persons practising or seeking to practise those trades.
- (2) In carrying out its functions the Board may:
- (a) make such inquiries as it thinks fit in respect of an application for a certificate, licence or registration card, or the cancellation or suspension of a licence or registration card, or in respect of an application for, and the cancellation under section 21 of, a certificate of competency or a reciprocity certificate;
 - (b) conduct hearings at which it may call and examine witnesses and hear evidence;
 - (c) join appropriate associations of licensing or examining authorities and co-operate with other licensing or examining authorities;
 - (d) collect the fees or charges prescribed for the issue, renewal or replacement of licences, registration cards and certificates;
 - (e) in its discretion remit all or part of the prescribed licence fee where an applicant for a licence is employed solely in a teaching or inspectorial capacity; and

- (f) do all other things which it considers necessary or convenient for and incidental to the performance of its functions.

Part III Certificates of competency

17 Applications for journeyman's certificate of competency

- (1) A person may apply to the Board:
 - (a) for a journeyman's certificate of competency as a plumber and drainer, if he has:
 - (i) completed an approved apprenticeship course in plumbing and draining at an appropriate Territory educational institution and has passed the final examinations in plumbing and draining; or
 - (ii) a minimum of 5 years experience in the trade of plumbing and draining gained under the supervision of advanced tradesmen during which he has completed the journeyman equivalent course and subsequently passed examinations in plumbing and draining equivalent to the final apprenticeship examinations;
 - (b) for a journeyman's certificate of competency as a plumber, if he has:
 - (i) completed an approved apprenticeship course in plumbing and draining at an appropriate Territory educational institution and has passed the final examination in plumbing; or
 - (ii) a minimum of 5 years experience in the trade of plumbing and draining gained under the supervision of advanced tradesmen, during which he has completed the journeyman equivalent course and subsequently passed an examination in plumbing equivalent to the final apprenticeship examination; or
 - (c) for a journeyman's certificate of competency as a drainer, if he has:
 - (i) completed an approved apprenticeship course in plumbing and draining at an appropriate Territory educational institution and has passed the final examination in draining; or
 - (ii) a minimum of 4 years experience in the trade of plumbing and draining gained under the supervision of

advanced tradesmen, during which he has completed the journeyman equivalent course and subsequently passed an examination in draining equivalent to the final apprenticeship examination.

- (2) An application for a journeyman's certificate of competency shall be accompanied by:
- (a) evidence of service of apprenticeship, if any;
 - (b) evidence of examinations passed;
 - (c) evidence of experience in the trade or trades in respect of which the certificate is sought; and
 - (d) the prescribed fee.

18 Advanced tradesman's certificate of competency

- (1) A person may apply to the Board:
- (a) for an advanced tradesman's certificate of competency as a plumber and drainer, if he has:
 - (i) gained a certificate of competency as a journeyman plumber and drainer;
 - (ii) thereafter gained at least 2 years experience as a journeyman in the trades of plumbing and draining; and
 - (iii) successfully completed an approved advanced trade practices and management course; or
 - (b) for an advanced tradesman's certificate of competency as either a plumber or a drainer, as the case may be, if he has:
 - (i) gained a certificate of competency as a journeyman plumber or journeyman drainer, as the case may be;
 - (ii) thereafter gained at least 2 years experience in that trade as a journeyman; and
 - (iii) successfully completed an approved advanced trade practices and management course.
- (2) An application for an advanced tradesman's certificate of competency shall be accompanied by:
- (a) the applicant's journeyman's certificate of competency;

- (b) evidence of completion of an approved advanced trade practices and management course;
- (c) evidence of at least 2 years experience in his trade or trades after gaining his journeyman's certificate of competency in that trade or those trades; and
- (d) the prescribed fee.

19 Issue of certificate of competency

- (1) Subject to subsection (3), the Board may, if it is satisfied that the applicant has gained the required qualifications, issue a journeyman's certificate of competency or an advanced tradesman's certificate of competency, as the case may be.
- (2) A certificate may be issued under subsection (1) to an applicant who has not gained all of his qualifications in the Territory where the latter part of his training, including his final examinations, has taken place in the Territory and the Board is satisfied that the applicant meets the standards required by ANZRA in respect of the certificate for which he has applied.
- (3) An applicant who has completed his examinations in a State or the Australian Capital Territory shall obtain a certificate of competency from the appropriate authority in that State or Territory and shall produce his certificate of competency or reciprocity certificate to the Board, which shall accept it as evidence that the applicant has gained the qualifications stated therein.
- (4) Subject to section 21, a certificate of competency shall be valid for the life of its holder.

20 Refusal and appeal

- (1) The Board may refuse to issue a certificate of competency on the ground that the applicant has not gained the required qualifications, and in such a case it shall notify the applicant in writing of that fact.
- (2) An applicant may, within 14 days after receiving notification from the Board under subsection (1), appeal to the Minister against the Board's refusal to issue a certificate of competency.

21 Cancellation of certificate of competency

The Board may cancel a certificate of competency issued by it to a journeyman or advanced tradesman only in circumstances where the certificate was granted in error or as a result of a false or misleading statement by the applicant.

Part IV Registration cards and licences**22 Application for registration as journeyman**

- (1) A person who:
- (a) holds or is entitled under this Act to apply for a journeyman's certificate of competency issued by the Board or holds an equivalent certificate issued by a member authority of ANZRA;
 - (b) holds a reciprocity certificate (operative level) issued by a member authority of ANZRA; or
 - (c) holds equivalent qualifications gained elsewhere than in Australia or New Zealand, which are recognized by ANZRA,
- in the trade of plumbing or draining, or both of those trades, may apply to the Board for registration as a journeyman in one or both of those trades, as the case may be.
- (2) Where an applicant holds the qualifications referred to in subsection (1)(c), he shall:
- (a) if the qualifications were obtained in a country where the medium of instruction in the trades of plumbing and draining is English – show that he has been employed in Australia in the relevant trade as an unqualified worker under the supervision of qualified tradesmen, for a period of not less than 3 months; or
 - (b) if the qualifications were obtained in a country where the medium of instruction in the trades of plumbing and draining is a language other than English – show that he has been employed in Australia in the relevant trade as an unqualified worker under the supervision of qualified tradesmen for a period of not less than 12 months, and that he is able to give and receive verbal and written instructions in the English language.
- (3) An application for the issue of a journeyman's registration card shall:
- (a) be in writing in the approved form;
 - (b) state the applicant's address at the time the application is made;

- (c) be accompanied by:
 - (i) the applicant's certificate of competency or reciprocity certificate (operative level) or, if that original certificate of competency has been lost or destroyed, a copy of the certificate certified by the issuing authority; or
 - (ii) if the application is made with an application for a certificate of competency, the items specified in section 17(2); and
- (d) be accompanied by the prescribed fee.

23 Application for advanced tradesman's licence

- (1) A person who:
 - (a) holds a certificate of competency (advanced level) issued by the Board or holds an equivalent certificate issued by a member authority of ANZRA;
 - (b) is entitled under this Act to apply to the Board for a certificate of competency (advanced level); or
 - (c) holds a reciprocity certificate (advanced level) issued by a member authority of ANZRA,

in the trade of plumbing or of draining, or both of those trades, may apply to the Board for the issue to him of an advanced tradesman's licence in one or both of those trades, as the case may be.

- (2) An application for the issue of an advanced tradesman's licence shall:
 - (a) in the case of all applications:
 - (i) be in writing in the approved form;
 - (ii) state the applicant's address at the time the application is made;
 - (iii) include 2 character references in writing at least one of which is, if the applicant was employed as a journeyman at any time during the 3 years prior to his application, from a person who employed him as a journeyman during that period; and
 - (iv) be accompanied by the prescribed fee;

- (b) in the case of an application by a person who already holds an advanced tradesman's certificate of competency – be accompanied by the certificate of competency or reciprocity certificate issued to him or, if the original certificate of competency has been lost or destroyed, a copy of that certificate certified by the issuing authority;
- (c) in the case of an applicant holding a plumber's or drainer's licence or certificate of competency issued by a member authority of ANZRA be accompanied by a statutory declaration that the licence which he holds has been neither cancelled nor suspended; and
- (d) in the case of an application by a person who is applying for an advanced tradesman's licence at the same time as he makes an application for an advanced tradesman's certificate of competency be accompanied by:
 - (i) his journeyman's certificate in the relevant trade or trades issued by the Board or a member authority of ANZRA;
 - (ii) proof that he has gained at least 2 years experience in the relevant trade or trades since obtaining his journeyman's certificate of competency; and
 - (iii) proof of successful completion of an approved advanced trade practices and management course.

24 Issue of registration card or licence

- (1) The Board may, on receipt of an application for the issue of a registration card or licence, make such inquiries regarding the qualifications and character of the applicant as it thinks fit.
- (2) If the Board decides not to issue a registration card or licence it shall notify the applicant in writing of that fact and its reasons for so deciding.
- (3) The applicant may, within 14 days after receipt of a notification under subsection (2), appeal to the Minister against the decision of the Board under that subsection.

25 Validity of registration card or licence

Subject to this Act, a registration card or a licence is valid for such period, not exceeding 3 years, as is specified in the registration card or licence.

26 Renewal of registration card or licence

- (1) A person may, before the expiry of his current registration card or licence, including a licence endorsed "not eligible for reciprocity", apply to the Board for renewal of that registration card or licence.
- (2) Subject to section 27, the Board may decline to accept an application for renewal of a registration card or licence if it is submitted after the expiry of the registration card or licence previously held by the applicant, and in such a case the Board shall require the applicant to submit an application under section 22 or 23, as the case may be.
- (3) An application for renewal of a registration card or licence shall be made in the approved form and shall be accompanied by the prescribed fee.
- (4) The Board, in considering an application for renewal of a registration card or licence, may make such inquiries as it thinks fit regarding the conduct and competence of the applicant as a journeyman or advanced tradesman, as the case may be.
- (5) If the Board refuses to renew a registration card or licence, it shall notify the applicant in writing of the refusal and its reasons for so refusing.
- (6) The applicant may, within 14 days after receipt of a notification under subsection (5), appeal to the Minister against that refusal.

27 Renewal of endorsed licences

- (1) The Board shall accept an application to renew a licence endorsed "not eligible for reciprocity" of an applicant who has applied for renewal of the licence within 12 months after the date upon which it expired and shall deal with it.
- (2) The Board shall not renew a licence endorsed "not eligible for reciprocity" of an applicant who has failed to apply for renewal of the licence within 12 months after the date upon which it expired, and may require the applicant for renewal to apply for a licence under section 23.

28 Copies of registration cards, licences or certificates

- (1) A person whose registration card or licence issued by the Board has been lost or destroyed may apply to the Board for the issue of a copy of that registration card or licence.

- (2) An application made under subsection (1) shall be:
 - (a) in the approved form;
 - (b) accompanied by a statutory declaration setting out the circumstances of the loss or destruction of the registration card or licence; and
 - (c) accompanied by the prescribed fee.
- (3) If the Board is satisfied that a registration card or licence was lost or destroyed, it shall issue a copy thereof to the applicant.
- (4) If a person to whom a copy registration card or copy licence has been issued under this section subsequently finds the original registration card or licence, he shall return the copy to the Board.

Penalty: \$100.

29 Reciprocity certificates

- (1) Where the qualifications of an applicant were obtained in the Territory, the Board may, on application, issue a reciprocity certificate to the holder of:
 - (a) an advanced tradesman's certificate of competency; or
 - (b) a journeyman's certificate of competency.
- (2) Where a reciprocity certificate issued by the Board has been lost or destroyed, the Board may, on request, issue a written statement to the effect that the loss of the certificate has been reported to it, but it shall not issue a replacement certificate.

30 Cancellation or suspension of registration card or licence

- (1) The Board may cancel a registration card or a licence where such registration card or licence was issued in error or as a result of a false or misleading statement by the applicant.
- (2) The Board may take any of the actions referred to in section 33 in relation to a person who holds a registration card or a licence where that person:
 - (a) has committed an offence against the *Water Supply and Sewerage Act* or regulations made under that Act;
 - (b) has carried out work in a trade to which this Act relates in respect of which he does not hold a registration card or licence;

- (c) is, in the opinion of the Board, no longer a fit and proper person to hold a registration card or licence;
- (d) in the case of an advanced tradesman, has exercised insufficient, or no, direction or supervision over an apprentice, journeyman or unqualified worker placed under his control; or
- (e) in the case of a journeyman, has contracted to undertake or has undertaken work that is required by this Act to be undertaken by an advanced tradesman.

31 Show cause notice by Board

- (1) The Board shall, before taking any action against a person under section 30(2), give that person at least 14 days notice in writing to show cause why his registration card or licence should not be cancelled or suspended or a warning issued to him.
- (2) A notice given under subsection (1) shall:
 - (a) state the reason or reasons why the Board thinks the proposed action may be warranted;
 - (b) indicate the date, time and place where the Board proposes to hold a hearing to consider the matter; and
 - (c) specify the documents, if any, that the Board considers relevant to the proposed action.
- (3) The Board may require a person to whom notice has been given under subsection (1) to produce to it such documents as are specified in the notice.
- (4) The holder of a registration card or licence to whom notice has been given under subsection (1) may present his case in person at the hearing referred to in subsection (2)(b) or may submit a statement to the Board in the form of a statutory declaration.

32 Procedure at hearing

- (1) At a hearing referred to in section 31, the person to whom a notice has been given under that section may call and examine witnesses.
- (2) A person is not excused from answering a question when required to do so at a hearing referred to in section 31 on the ground that the answer to the question might tend to incriminate him or make him liable to a penalty, but his answer to a question is not admissible against him in any proceedings other than proceedings for an offence against section 42(1).

- (3) Subject to this section, the Board may determine the procedure to be adopted at a hearing.

33 Action after hearing

- (1) After a hearing referred to in section 31 has been held, the Board may, if satisfied that there are grounds for so doing:
- (a) cancel a person's registration card or licence;
 - (b) suspend a person's registration card for a period not exceeding 12 months;
 - (c) suspend a person's licence for a period not exceeding 2 years; or
 - (d) issue a warning to a person holding the registration card or licence.
- (2) Notice of the Board's action shall be given in writing to the person.
- (3) A person who has received notification under subsection (2) of the Board's action may, within 14 days after receipt of the notification, appeal to the Minister against that action.

34 Application for reissue of registration card or licence

- (1) Where a registration card has been cancelled and the former holder has continued to work as an unqualified worker under the supervision of advanced tradesmen or journeymen for a minimum period of one year following the cancellation, he may apply to the Board for the reissue to him of his registration card.
- (2) Where a licence other than a licence endorsed "not eligible for reciprocity" has been cancelled and the former holder has continued to work as a journeyman plumber or drainer for a minimum period of 2 years following the cancellation, he may apply to the Board for the reissue to him of his licence.
- (3) An application under subsection (1) or (2) shall be in the approved form and shall be accompanied by:
- (a) proof of the applicant's continued employment by an advanced tradesman;
 - (b) 2 character references, at least one of which is a reference from a person engaged in either or both of the trades of plumbing and draining who has employed the applicant during the period immediately proceeding his application;

- (c) details of his previous registration card or licence, as the case requires; and
- (d) the prescribed application fee.

35 Consideration of applications for reinstatement

- (1) The Board, after having made such inquiries in relation to an application under section 34 as it thinks fit, and having considered the application, may either:
 - (a) reissue the registration card or licence; or
 - (b) refuse to reissue the registration card or licence.
- (2) Where the Board reissues a registration card or licence, the term of the reissued registration card or licence shall expire on the next common expiry date of registration cards and licences issued under this Act.
- (3) Where the Board refuses to reissue a registration card or licence, it shall notify the applicant in writing of its refusal and its reasons for so refusing.

36 Appeal against refusal to reissue card or licence

A person may, within 14 days after receipt of a written notice under section 35, appeal to the Minister against the decision of the Board to refuse to reissue his registration card or licence.

37 Appeals to Minister

- (1) An appeal made under section 20(2), 24(3), 26(6), 33(3) or 36 to the Minister shall be in writing and shall include:
 - (a) the name and address of the appellant;
 - (b) particulars of the decision appealed against; and
 - (c) the grounds of appeal.
- (2) The Minister may arrange for the hearing of an appeal and shall give the appellant not less than 14 days notice of the time, date and place of the hearing.
- (3) The appellant may attend a hearing under subsection (2) in person.
- (4) The appellant, on receipt of the notice under subsection (2), may request that his case be heard at an earlier date, and the Minister, in his discretion, may arrange for the hearing of the appeal accordingly.

- (5) Where the appellant does not wish to appear at the hearing, the Minister may deal with the appeal in his absence on consideration of the matters comprised in the appeal under subsection (1) together with a statement in the form of a statutory declaration which shall be submitted by the appellant.
- (6) The Minister may, as the result of an appeal under this section, uphold, vary or reverse the Board's decision, and his decision shall be final.
- (7) The Board shall without delay take all necessary steps to comply with the decision of the Minister.

Part V Offences

38 Carrying out work when unlicensed

- (1) Subject to section 39, a person shall not, for reward or otherwise, carry out or undertake to carry out on his own account any work of plumbing or of draining unless he holds a licence as an advanced tradesman in that trade.
- (2) Subject to section 39, a person who does not hold a registration card or licence shall not carry out plumbing or draining work otherwise than in the employment of an advanced tradesman and under the supervision of an advanced tradesman or a journeyman.
- (3) A person shall not, for reward or otherwise:
 - (a) carry out or contract to carry out:
 - (i) plumbing work; or
 - (ii) draining work,unless he holds a licence:
 - (iii) in respect of subparagraph (i) – as a plumber;
 - (iv) in respect of subparagraph (ii) – as a drainer; or
 - (v) as a plumber and drainer; or
 - (b) carry out work required to be done by:
 - (i) a journeyman plumber unless he holds a registration card for a journeyman plumber; or

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- (ii) a journeyman drainer unless he holds a registration card for a journeyman drainer.

Penalty: For a first offence against this section – \$2,000 or imprisonment for 6 months.

For a second or subsequent offence against this section – \$5,000 or imprisonment for 12 months.

39 Non-application of section 38

- (1) For the purposes of this section:

approved cold water plumbing installation means a plumbing installation that:

- (a) does not include an electrical heating element; and
- (b) has been inspected and passed under section 45(4) of the *Water Supply and Sewerage Act*.

approved plan means a plan approved under section 39(3) of the *Water Supply and Sewerage Act*.

- (2) Section 38 does not apply if the owner (being the occupier) of land repairs or replaces on his land an existing fitting that forms part of an approved cold water installation where:

- (a) the replacement fitting is of a standard or quality not less than the existing fitting;
- (b) the installation when repaired or replaced remains in conformity with the approved plan for the installation; and
- (c) the repair or replacement is carried out in accordance with the appropriate Code of Workmanship issued under section 38 of the *Water Supply and Sewerage Act*.

- (3) Notwithstanding section 38, a person who does not hold a licence or registration card may:

- (a) carry out work on a plumbing installation situated on land that is located in a water supply area or a water district where the installation is or is intended to be connected to a bore on that land; or
- (b) install a watering or drip system used or intended to be used for irrigation purposes that is:
 - (i) located above or below the ground; and

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- (ii) not connected to the Territory water supply system; or
 - (c) install, subject to subsection (4), a watering or drip system used or intended to be used for irrigation purposes that is:
 - (i) located above or partly or fully underground; and
 - (ii) intended to be connected to:
 - (A) the service pipe; or
 - (B) a pipe forming part of a private service,
- to the point of connection to the Territory water supply system.
- (4) The owner of land on which an underground or partly underground irrigation system is installed under subsection (3)(c) shall ensure that the work remains uncovered until a licensed person engaged by him for the purpose:
 - (a) gives notice in accordance with section 41(1) of the *Water Supply and Sewerage Act* and an inspector has passed the work in accordance with section 45(4) of that Act; and
 - (b) connects the irrigation system to the service pipe or pipe forming part of a private service on the land.

40 Carrying out work while under suspension

- (1) A person shall not, while his licence is suspended, carry out or undertake to carry out plumbing or draining work required by this Act to be carried out by an advanced tradesman.
- (2) A person shall not work as a journeyman while his registration card is suspended.

Penalty: For a first offence against this section – \$2,000 or imprisonment for 6 months.

For a second or subsequent offence against this section – \$5,000 or imprisonment for 12 months.

41 Fraudulent use or reproduction of licence, &c

A person shall not:

- (a) forge or fraudulently alter or use, or fraudulently lend or allow to be used by any person, a licence, registration card or reciprocity certificate or a duplicate of any of those documents; or

- (b) without lawful excuse have in his possession a licence, registration card or reciprocity certificate or a duplicate of any of those documents or an article resembling or purporting to be any of those documents and calculated to deceive.

Penalty: \$2,000 or imprisonment for 12 months.

42 False statements

- (1) A person shall not make a false or misleading statement to the Board in respect of a matter before the Board.

Penalty: \$500.

- (2) A person shall not make a false or misleading statement to an inspector in respect of a registration card or licence.

Penalty: \$500.

43 Insufficient supervision or control

An advanced tradesman shall not:

- (a) fail to exercise any; or
(b) exercise insufficient,

direction over a journeyman, apprentice or other worker employed by him or under his control.

Penalty: \$2,000.

44 Registration cards and licences

- (1) A person shall return to the Board his registration card or licence:
- (a) where it has been cancelled or expired – within 28 days of the cancellation or expiry; or
- (b) where the Board has notified him that it will not be renewed – within 28 days of that notification.

Penalty: \$100.

- (2) A person shall, on request, produce his current registration card or licence to the owner or occupier of land on which he has carried out or proposes to carry out any work of plumbing or draining.

Penalty: \$100.

45 Employment of tradesman not licensed by Board

A person shall not employ a person:

- (a) as an advanced tradesman – unless that other person holds a licence; or
- (b) as a journeyman – unless that other person holds a registration card,

issued by the Board.

Penalty: \$2,000.

46 Notification of change of address

A holder of a registration card or licence shall notify the Board, within 21 days, of any change of his address.

Penalty: \$100.

46A Regulatory offences

An offence of contravening or failing to comply with section 28(4), 44, 45 or 46 is a regulatory offence.

Part VI Miscellaneous**47 Service of notices**

A notice or other document required by or under this Act to be given to or served on any person may be given to or served on that person:

- (a) by delivering it to him;
- (b) by leaving it at his last known address; or
- (c) by sending it by post to that address.

48 Powers and duties of inspectors

- (1) An inspector may, where he has reason to believe that an offence against this Act has been, is being or is about to be committed, enter any land in order that he may submit a report thereon to the Board or take such other action, whether under this Act or the *Water Supply and Sewerage Act*, as he considers necessary.

- (2) A person who is carrying out plumbing or draining work shall, upon being required to do so by an inspector, state whether he holds a registration card or licence entitling him to carry out that work and produce the registration card or licence, if any.
- (3) A person referred to in subsection (2), having been required to do so by an inspector, shall not:
 - (a) refuse to state whether he holds a registration card or licence entitling him to carry out that work or refuse to produce a registration card or licence, issued to him under this Act, that he does possess; or
 - (b) falsely state that he holds a registration card or licence entitling him to carry out that work.

Penalty: \$500.

49 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1), the Regulations may:
 - (a) prescribe fees and scales of fees in respect of an application made to the Board in accordance with this Act;
 - (b) provide for the remission of such fees in specified circumstances; and
 - (c) provide penalties, not exceeding \$500, for offences against the Regulations.

50 Transitional

- (1) Notwithstanding the commencement of this Act or the repeals effected by section 3 of the *Water Supply and Sewerage Act*, current licences issued under the repealed *Sewerage Regulations*, including licences endorsed "not eligible for reciprocity", remain, subject to this Act, current until 30 September 1983 as though those repeals had not been effected.
- (2) An application for a licence, certificate of competency or reciprocity certificate or for the renewal of a licence that had been made under an Ordinance repealed by the *Water Supply and Sewerage Act* and had not been processed before the commencement of this Act may

be processed under this Act as if it were an application made under this Act.

- (3) Notwithstanding Part V, a person who, immediately before the commencement of this Act, was employed by a licensed plumber or drainer to carry out work for which he is required under this Act to hold a registration card:
 - (a) may continue to be so employed for a period of; and
 - (b) shall apply for registration under section 22 within,
3 months after the commencement of this Act.
- (4) Upon application being made under subsection (3) or section 22 on or before 30 September 1983, the Board may issue to the applicant a registration card that expires on 30 September 1986.
- (5) All registration cards, licences or renewals or reinstatement of them under this Act shall be issued by the Board in such a manner that each registration card, licence or renewal or reinstatement issued after the commencement of this Act and in accordance with this Act has a common expiry date on 30 September 1986, and thereafter the common expiry date shall be 30 September in every third year.
- (6) The Director may commence or continue a prosecution for an offence, or take any other action in respect of a suspected offence, committed before the commencement of this Act as though:
 - (a) neither this Act nor the *Water Supply and Sewerage Act* had come into operation; and
 - (b) he was an inspector within the meaning of the Act under which he is taking the action.

51 Provisional registration

- (1) Notwithstanding any other provisions of this Act, a person who had, for a continuous period of 5 years immediately before 30 September 1983, been practising the trade of plumbing or draining or both of those trades may apply to the Board for provisional registration as a journeyman in one or both of those trades.
- (2) An application for the issue of a journeyman's provisional registration card shall:
 - (a) be in writing in accordance with the approved form;

- (b) state the applicant's address at the time the application is made;
 - (c) be accompanied by:
 - (i) the prescribed fee; and
 - (ii) evidence of the applicant's practice in his trade or trades; and
 - (d) be made before 31 December 1983.
- (3) The Board may issue a journeyman's provisional registration card to the applicant.
- (4) A journeyman's provisional registration card:
- (a) shall be endorsed with the words "not eligible for reciprocity";
 - (b) shall expire, subject to subsection (5)(b), on 31 December 1986; and
 - (c) shall not be renewed.
- (5) The holder of a journeyman's provisional registration card issued under this section by the Board may:
- (a) continue to practise the trade of plumbing or draining or both of those trades in accordance with the provisional registration card until the expiration of the period for which it is issued; and
 - (b) before the expiration of that period, apply to the Board under section 22 for registration as a journeyman.

52 Endorsed registration

- (1) Notwithstanding any other provisions of this Act, a person who had, for a continuous period of 10 years immediately before 30 September 1983, been practising the trade of plumbing or draining or both of those trades may apply to the Board for endorsed registration as a journeyman in one or both of those trades.
- (2) An application for the issue of a journeyman's endorsed registration card shall:
- (a) be in writing in accordance with the approved form;
 - (b) state the applicant's address at the time the application is made;

- (c) be accompanied by:
 - (i) the prescribed fee; and
 - (ii) evidence of the applicant's practice in his trade or trades; and
 - (d) be made before 31 December 1983.
- (3) The Board may issue a journeyman's endorsed registration card to the applicant.
- (4) A journeyman's endorsed registration card:
- (a) shall be endorsed with the words 'not eligible for reciprocity';
 - (b) expires on the common expiry date referred to in section 50(5); and
 - (c) may be renewed.
- (5) The holder of a journeyman's endorsed registration card issued under this section by the Board may continue to practise the trade of plumbing or draining or both of those trades in accordance with the endorsed registration card.
- (6) The holder of a journeyman's endorsed registration card may, on submitting to the Board proof of his completion of an approved advanced trade practices and management course, apply for an advanced tradesman's licence.
- (7) Where the Board is satisfied as to the completion of a course referred to in subsection (6), it may issue an advanced tradesman's licence to the applicant endorsed with the words "not eligible for reciprocity".

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Plumbers and Drainers Licensing Act 1983 (Act No. 11, 1983)***

Assent date	27 April 1983
Commenced	1 July 1983 (s 2, s 2 <i>Water Supply and Sewerage Act 1983</i> (Act No. 12, 1983) and Gaz S21, 1 July 1983, p 1)

Plumbers and Drainers Licensing Amendment Act 1983 (Act No. 70, 1983)

Assent date	28 November 1983
Commenced	22 December 1983 (<i>Gaz S41</i> , 22 December 1983, p 2)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz G46</i> , 18 November 1983, p 11 and <i>Gaz G8</i> , 26 February 1986, p 5)

Statute Law Revision Act 1988 (Act No. 66, 1988)

Assent date	22 December 1988
Commenced	22 December 1988

Statue Law Revision Act 1989 (Act No. 60, 1989)

Assent date	2 October 1989
Commenced	2 October 1989

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz S53</i> , 29 June 1993)

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LIST OF AMENDMENTS

s 3	amd No. 70, 1983, s 4; No. 60, 1989, s 6
s 6	amd No. 60, 1989, s 6; No. 28, 1993, s 3
s 10	amd No. 60, 1989, s 6
s 37	amd No. 66, 1988, s 6
s 46A	ins No. 68, 1983, s 75
ss 51 – 52	ins No. 70, 1983, s 5