

# NORTHERN TERRITORY OF AUSTRALIA

## PLUMBERS AND DRAINERS LICENSING ACT

As in force at 13 November 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 13 November 2014

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## PLUMBERS AND DRAINERS LICENSING ACT

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

### **Part 1 Preliminary matters**

#### **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*.

#### **2A Object of Act**

The object of this Act is to provide for the protection of the health and welfare of the community by:

- (a) licensing persons to carry out plumbing and draining in the Territory while at the same time allowing certain work to be carried out by unlicensed persons;
- (b) providing for reciprocity in relation to qualifications of plumbers and drainers with other jurisdictions; and
- (c) providing uniformity of standards in the trades in the Territory.

#### **3 Definitions**

In this Act:

***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**, see section 3(1) of the *Northern Territory Employment and 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.

**authorised officer**, see section 4 of the *Building Act*.

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

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

**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.

**information notice**, for a decision of the Board, means a written notice stating the following:

- (a) the decision;
- (b) the reasons for the decision;
- (c) the person given the notice may apply for a review of the decision to the Local Court within 21 days after receipt of the notice.

**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.

**jurisdiction** means a State or Territory of the Commonwealth or New Zealand.

**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.

**plumbing licence area** means all or a part of the Territory declared under section 17 as an area of land to which this Act applies.

**prescribed Acts** means the following:

- (a) this Act;
- (b) the *Building Act*;
- (c) the *Water Supply and Sewerage Services Act*.

**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 to a person registered under Part 4 as a journeyman.

#### **4 Application**

- (1) This Act applies in relation to work carried out in a plumbing licence area.
- (2) This Act binds the Crown.

## **Part 2 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 of the Agency administering the *Building Act*, and
- (b) a representative of those educational institutions in the Territory which provide training courses for apprentice plumbers and drainers; and
- (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 *Gazette* notice, 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; or
  - (ii) absence, except on leave granted by the Board, from 3 consecutive meetings of the Board; or
  - (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:
- (ii) in the case of the member referred to in section 6(b), from the educational institution concerned; or
  - (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 *Gazette* notice, 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.

## **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; and
  - (b) to issue or cancel reciprocity certificates for advanced tradesmen and journeymen; and
  - (c) to issue, renew, suspend, cancel or reinstate:
    - (i) registration cards for journeymen; and
    - (ii) licences for advanced tradesmen; and
  - (d) to issue replacement copies of lost or destroyed licences and registration cards; and
  - (e) to maintain a register or registers of advanced tradesmen and journeymen; and
  - (f) to enforce the provisions of this Act; and
  - (g) to request and receive reports relating to inspections carried out under any of the prescribed Acts in relation to offences against any of those Acts 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 the inquiries the Board considers appropriate relating to:
    - (i) an application for a licence or registration card; or
    - (ii) the cancellation or suspension of a licence or registration card; or
    - (iii) an application for a reciprocity certificate; and
  - (b) conduct hearings at which it may call and examine witnesses and hear evidence; and
  - (c) join appropriate associations of licensing or examining authorities and co-operate with other licensing or examining authorities; and
  - (d) collect the fees or charges prescribed for the issue, renewal or replacement of licences and registration cards; and
  - (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 capacity; and
  - (f) do all other things which it considers necessary or convenient for and incidental to the performance of its functions.

### **Part 3                    Plumbing licence areas**

#### **17                    Minister may declare plumbing licence area**

- (1) The Minister may, by *Gazette* notice, declare all or a part of the Territory as an area of land to which this Act applies.
- (2) A declaration may refer to an area of land by describing the land or referring to a map or plan of the land.
- (3) A declaration may provide that it takes effect on the date of the *Gazette* notice or a later date.

### **Part 4                    Registration cards and licences**

#### **22                    Application for registration as journeyman**

- (1) An application for registration as a journeyman in the trade of plumbing or draining, or both the trades, must:
  - (a) be made to the Board in the approved form; and

- (b) be accompanied by sufficient documents and information to enable the Board to decide the application, including the documents and information specified in the approved form; and
  - (c) be accompanied by the prescribed fee.
- (2) The Board may require a document or information that is required to accompany the application be made or verified by statutory declaration.

## **22A Deciding application for registration as journeyman**

- (1) On receipt of the application, the Board:
- (a) may make the inquiries regarding the qualifications, experience and competence of the applicant it considers appropriate; and
  - (b) must either grant or refuse to grant the application.
- (2) The Board may grant the application only if satisfied the applicant:
- (a) has successfully completed the academic course or courses, and the practical training, approved by the Board as appropriate to the applicant; or
  - (b) holds a reciprocity certificate (operative level) issued by a member authority of ANZRA; or
  - (c) holds an equivalent qualification gained elsewhere than in Australia or New Zealand that is recognised by ANZRA; or
  - (d) has another qualification and experience that, in the Board's assessment, are a sufficient basis for registration.
- (3) If the applicant holds a qualification mentioned in subsection (2)(c), the Board must be satisfied:
- (a) if the qualification was obtained in a country where instruction in the trades of plumbing and draining is given in English – the applicant has been employed in Australia in the relevant trade as an unqualified worker under the supervision of qualified tradesmen for at least 3 months; or
  - (b) if paragraph (a) does not apply, the applicant:
    - (i) has been employed in Australia in the relevant trade as an unqualified worker under the supervision of qualified tradesmen for at least 12 months; and

- (ii) is able to give and receive oral and written instructions in English.
- (4) If the Board decides to grant the application, it must promptly:
  - (a) register the applicant as a journeyman in the trade of plumbing or draining or both the trades; and
  - (b) issue and send to the applicant a registration card.
- (5) If the Board decides to refuse to grant the application, it must promptly give the applicant an information notice for the decision.

### **23 Application for licence as advanced tradesman**

- (1) An application for a licence as an advanced tradesman in the trade of plumbing or draining, or both the trades, must:
  - (a) be made to the Board in the approved form; and
  - (b) be accompanied by sufficient documents and information to enable the Board to decide the application, including the documents and information specified in the approved form; and
  - (c) be accompanied by the prescribed fee.
- (2) The Board may require a document or information that is required to accompany the application be made or verified by statutory declaration.

### **24 Deciding application for licence as advanced tradesman**

- (1) On receipt of the application, the Board:
  - (a) may make the inquiries regarding the qualifications, experience and competence of the applicant it considers appropriate; and
  - (b) must either grant or refuse to grant the application.
- (2) The Board may grant the application only if satisfied the applicant:
  - (a) has one of the following qualifications:
    - (i) a registration card as a journeyman plumber or drainer or journeyman plumber and drainer;
    - (ii) a qualification for registration as a journeyman plumber or drainer or journeyman plumber and drainer;

- (iii) a reciprocity certificate (advanced level) issued by a member authority of ANZRA in the trade of plumbing or draining or both the trades; and
  - (b) is competent to:
    - (i) assess the scope and technical requirements of plumbing or draining under a contract; and
    - (ii) determine the skills and resources necessary to carry out the work; and
    - (iii) put in place appropriate arrangements for carrying out the work properly and safely in compliance with the prescribed Acts; and
  - (c) has successfully completed an approved advanced trade practices and management course as appropriate to the applicant.
- (3) If the Board decides to grant the application, it must promptly:
  - (a) issue and send to the applicant a licence in the trade of plumbing or draining or both the trades; and
  - (b) record the issue of the licence in the register kept by it.
- (4) If the Board decides to refuse to grant the application, it must promptly give the applicant an information notice for the decision.

## **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 decides to grant the application, it must promptly:
  - (a) issue and send to the applicant a registration card or licence; and
  - (b) record the issue of the registration card or licence in the appropriate register kept by it.
- (6) If the Board decides to refuse to grant the application, it must promptly give the applicant an information notice for the decision.

## **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; and
  - (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.

Maximum penalty: 0.8 penalty unit.

## **29 Reciprocity certificates**

- (1) A person who is entitled to be the holder of a registration card or licence because of qualifications obtained in the Territory may apply to the Board for a reciprocity certificate.
- (1A) The application must:
  - (a) be in the approved form; and
  - (b) be accompanied by sufficient documents and information to enable the Board to decide the application, including the documents and information specified in the approved form; and
  - (c) be accompanied by the prescribed fee.
- (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 any of the prescribed Acts; or
  - (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; or

- (c) is, having regard to the person's conduct and competence, no longer a suitable person to hold a registration card or licence; or
- (d) in the case of an advanced tradesman – has not ensured, or is not in a position to ensure, work carried out under the licence is properly and adequately managed or supervised; 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; and
  - (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; or
  - (b) suspend a person's registration card for a period not exceeding 12 months; or
  - (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) If the Board decides to take action under subsection (1), it must promptly give the person an information notice for the decision.

### **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; and
  - (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 preceding his application; and
  - (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) If the Board refuses to reissue a registration card or licence, it must promptly give the applicant an information notice for the decision.

### **35A Licence not transferable**

A licence is not transferable by the licensee.

## **Part 5                   Reviews of certain Board decisions**

### **36 Application for review**

A person who is given, or is entitled to be given, an information notice for a decision of the Board may apply to the Local Court for a review of the decision.

### **36A Review by Local Court**

- (1) On receipt of the application, the Local Court must review the merits of the decision.
- (2) The review is to be by way of hearing de novo.

### **37 Operation and implementation of decision subject to review**

- (1) The application does not affect the operation or implementation of the decision.
- (2) However, the Local Court may make an order staying or otherwise affecting the operation or implementation of so much of the decision as the Court considers appropriate to effectively hear and decide the application.

- (3) The order:
- (a) is subject to any conditions stated in it; and
  - (b) has effect:
    - (i) for the period stated in it; or
    - (ii) if no period is stated in it – until the Court has decided the application.

### **37A Decision on review**

- (1) On reviewing the decision, the Local Court must make an order:
- (a) confirming the decision; or
  - (b) varying the decision; or
  - (c) setting the decision aside and substituting its own decision.
- (2) If the Court makes an order under subsection (1)(b) or (c), the varied or substituted decision is, for this Act (other than this Part), taken to be the Board's decision.

## **Part 6 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.

Maximum penalty: For a first offence – 15 penalty units or imprisonment for 6 months.

For a second or subsequent offence – 40 penalty units or imprisonment for 12 months.

- (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.

Maximum penalty: For a first offence – 15 penalty units or imprisonment for 6 months.

For a second or subsequent offence – 40 penalty units or imprisonment for 12 months.

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

Maximum penalty: For a first offence – 15 penalty units or imprisonment for 6 months.

For a second or subsequent offence – 40 penalty units or imprisonment for 12 months.

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**39 Non-application of section 38**

(1) In this section:

***approved cold water plumbing installation*** means a plumbing installation that:

- (a) does not include an electrical heating element; and
- (b) was installed by a person who, at the time of the installation, held a registration card or licence allowing the person lawfully to do so.

(2) Section 38 does not apply if:

- (a) the owner (being the occupier) of land repairs or replaces on the land an existing fitting that forms part of an approved cold water installation; and
- (b) the replacement fitting is of a standard or quality not less than the existing fitting; and
- (c) the repair or replacement does not substantially change the function or location of the installation.

(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 plumbing licence area 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
  - (ii) not connected to the Territory water supply system.

**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.

Maximum penalty: For a first offence – 15 penalty units or imprisonment for 6 months.

For a second or subsequent offence – 40 penalty units or imprisonment for 12 months.

- (2) A person shall not work as a journeyman while his registration card is suspended.

Maximum penalty: For a first offence – 15 penalty units or imprisonment for 6 months.

For a second or subsequent offence – 40 penalty units 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.

Maximum penalty: 15 penalty units or imprisonment for 12 months.

#### **42 False statements**

- (1) A person must not make a false or misleading statement to the Board about a matter before the Board.

Maximum penalty: 4 penalty units.

- (2) A person must not make a false or misleading statement to an authorised officer about a registration card or licence.

Maximum penalty: 4 penalty units.

#### **43 Insufficient supervision or control**

For work carried out under this Act, an advanced tradesman must 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.

Maximum penalty: 15 penalty units.

#### **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.

Maximum penalty: 0.8 penalty unit.

(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.

Maximum penalty: 0.8 penalty unit.

#### **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.

Maximum penalty: 15 penalty units.

#### **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.

Maximum penalty: 0.8 penalty unit.

#### **46A Regulatory offences**

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

**Part 7                      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; or
- (b) by leaving it at his last known address; or
- (c) by sending it by post to that address.

**48                      Powers and duties of authorised officer**

- (1) If an authorised officer reasonably believes an offence against this Act has been, is being or is about to be committed, the officer may enter any land for either or both of the following purposes:
  - (a) preparing a report about the offence for submission to the Board;
  - (b) taking other action under this Act or the *Building Act* as the officer considers appropriate.
- (2) A person who is carrying out plumbing or draining work must, if required to do so by an authorised officer, 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 authorised officer, must 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.

Maximum penalty:        4 penalty units.

**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; and
  - (b) provide for the remission of such fees in specified circumstances; and
  - (c) provide maximum penalties of 4 penalty units for offences against the Regulations.

**Part 8            Declarations relevant to period before commencement of Plumbers and Drainers Licensing Amendment Act 2009**

**50            Declarations about application of Act and validity of matters on and after 1 January 2001 until commencement**

- (1) The purpose of this section is to remove any doubt about the following during the prescribed period:
  - (a) the application of the Act because of the repeal of the *Water Supply and Sewerage Act* and the commencement of the *Water Supply and Sewerage Services Act 2000*;
  - (b) the validity of the performance of a function or exercise of a power under the Act.
- (2) During the prescribed period, it is declared that:
  - (a) the Act continued to apply in relation to work carried out in each relevant area despite the repeal of the *Water Supply and Sewerage Act*; and
  - (b) the performance of a function or exercise of a power under the Act was validly performed or exercised even if performed or exercised in relation to a relevant area.
- (3) A person cannot be held criminally liable in relation to an act or omission during the prescribed period in relation to work in a relevant area only because of a declaration under this section.
- (4) In this section:

***exercise of a power*** includes the purported exercise of a power.

**performance of a function** includes the purported performance of a function.

**prescribed period** means the period starting on 1 January 2001 and ending on the day immediately before the commencement of this section.

**relevant area** means an area that, on 31 December 2000, was any of the following:

- (a) a sewerage district or water district declared or deemed to have been declared under section 10 of the repealed *Water Supply and Sewerage Act*;
- (b) a sewerage area declared or deemed to be a sewerage area under section 12 of that Act;
- (c) a water supply area declared under section 13 of that Act.

**the Act** means this Act as in force from time to time during the prescribed period.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**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 <i>Gaz S21</i> , 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)

***Plumbers and Drainers Licensing Amendment Act 2003 (Act No. 49, 2003)***

Assent date	18 September 2003
Commenced	18 September 2003

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**Plumbers and Drainers Licensing Amendment Act 2009 (Act No. 26, 2009)**

Assent date 1 September 2009  
 Commenced 14 October 2009 (*Gaz* G41, 14 October 2009, p 2)

**Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)**

Assent date 9 September 2010  
 Commenced ss 58 to 60: 30 January 2012 (*S* 2, 24 January 2012);  
 rem: 25 November 2011 (*Gaz*, S68, 25 November 2011)

**Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)**

Assent date 12 July 2013  
 Commenced 28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

**Statute Law Revision Act 2014 (Act No. 38, 2014)**

Assent date 13 November 2014  
 Commenced 13 November 2014

### 3 LIST OF AMENDMENTS

pt I hdg (now pt 1)	amd No. 26, 2009, s 15
s 2A	ins No. 49, 2003, s 3
s 3	amd No. 70, 1983, s 4; No. 60, 1989, s 6; No. 49, 2003, s 4; No. 26, 2009, s 4; No. 38, 2014, s 2
s 4	amd No. 26, 2009, s 5
pt II hdg (now pt 2)	amd No. 26, 2009, s 15
s 6	amd No. 60, 1989, s 6; No. 28, 1993, s 3; No. 49, 2003, s 5; No. 26, 2009, s 15
s 7	amd No. 26, 2009, s 15
s 10	amd No. 60, 1989, s 6; No. 49, 2003, s 6; No. 26, 2009, s 15
s 11	amd No. 26, 2009, s 15
s 13	amd No. 49, 2003, s 7
s 16	amd No. 49, 2003, s 8; No. 26, 2009, s 6
pt III hdg	rep No. 49, 2003, s 9
pt 3 hdg	ins No. 26, 2009, s 7
s 17	rep No. 49, 2003, s 9 ins No. 26, 2009, s 7
ss 18 – 21	rep No. 49, 2003, s 9
pt IV hdg (now pt 4)	amd No. 26, 2009, s 15
s 22	sub No. 49, 2003 s 10 amd No. 26, 2009, s 15
s 22A	ins No. 49, 2003, s 10 amd No. 26, 2009, s 15
s 23	sub No. 49, 2003 s 10 amd No. 26, 2009, s 15
s 24	sub No. 49, 2003 s 10 amd No. 26, 2009, s 8
s 26	amd No. 49, 2003, s 11
s 28	amd No. 49, 2003, s 18; No. 26, 2009, s 15; No. 23, 2013, s 12
s 29	amd No. 49, 2003, s 12; No. 26, 2009, s 15
s 30	amd No. 49, 2003, s 13; No. 26, 2009, s 9
s 31	amd No. 26, 2009, s 15
s 33	amd No. 49, 2003, s 14; No. 26, 2009, s 15
s 34	amd No. 26, 2009, s 15

## ENDNOTES

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s 35	amd No. 49, 2003, s 15
s 35A	ins No. 30, 2010, s 43
pt IVA hdg (now pt 5)	amd No. 26, 2009, s 15
s 36	sub No. 49, 2003 s 16
s 36A	ins No. 49, 2003, s 16
s 37	amd No. 66, 1988, s 6 sub No. 49, 2003 s 16
s 37A	ins No. 49, 2003, s 16 amd No. 26, 2009, s 15
pt V hdg (now pt 6)	amd No. 26, 2009, s 15
s 38	amd No. 49, 2003, s 18; No. 26, 2009, s 15; No. 23, 2013, s 12
s 39	amd No. 26, 2009, s 10
s 40	amd No. 26, 2009, s 15; No. 23, 2013, s 12
s 41	amd No. 49, 2003, s 18; No. 26, 2009, s 15; No. 23, 2013, s 12
s 42	sub No. 26, 2009, s 11 amd No. 23, 2013, s 12
s 43	amd No. 26, 2009, s 12; No. 23, 2013, s 12
ss 44 – 46	amd No. 26, 2009, s 15; No. 23, 2013, s 12
s 46A	ins No. 68, 1983, s 75
pt VI hdg (now pt 7)	amd No. 26, 2009, s 15
s 47	amd No. 26, 2009, s 15
s 48	amd No. 26, 2009, s 13; No. 23, 2013, s 12
s 49	amd No. 26, 2009, s 15; No. 23, 2013, s 12
pt 8 hdg	ins No. 26, 2009, s 14
s 50	rep No. 49, 2003, s 17 ins No. 26, 2009, s 14
s 51	ins No. 70, 1983, s 5 rep No. 49, 2003, s 17
s 52	ins No. 70, 1983, s 5 rep No. 49, 2003, s 17