

NORTHERN TERRITORY OF AUSTRALIA

PLUMBERS AND DRAINERS LICENSING AMENDMENT ACT 2009

Act No. 26 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 26 of 2009

An Act to amend the *Plumbers and Drainers Licensing Act*

[Assented to 1 September 2009]
[Second reading 10 June 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Plumbers and Drainers Licensing Amendment Act 2009*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Plumbers and Drainers Licensing Act*.

4 Amendment of section 3 (Definitions)

(1) Section 3

omit

In this Act, unless the contrary intention appears –

substitute

In this Act:

(2) Section 3, definitions **apprentice** and **inspector**

omit

(3) Section 3

insert (in alphabetical order)

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

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

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*.

(4) Section 3, definition **registration card**

omit

Part IV

substitute

Part 4

5 Amendment of section 4 (Application)

Section 4(1)

omit, substitute

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

6 Amendment of section 16 (Functions and powers of Board)

(1) Section 16(1)(g)

omit, substitute

(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

(2) Section 16(1)(a) to (f), at the end

insert

and

(3) Section 16(2)(e)

omit

or inspectorial

(4) Section 16(2)(a)(i), at the end

insert

or

(5) Section 16(2)(a) to (d), at the end

insert

and

7 New Part 3

After section 16

insert

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.

8 Amendment of section 24 (Deciding application for licence as advanced tradesman)

- (1) Section 24(2)(b)(iii)

omit, substitute

- (iii) put in place appropriate arrangements for carrying out the work properly and safely in compliance with the prescribed Acts; and

- (2) Section 24(2)(b)(i), at the end

insert

and

9 Amendment of section 30 (Cancellation or suspension of registration card or licence)

- (1) Section 30(2)(a)

omit, substitute

- (a) has committed an offence against any of the prescribed Acts;
or

- (2) Section 30(2)(b) and (c), at the end

insert

or

10 Amendment of section 39 (Non-application of section 38)

- (1) Section 39(1) and (2)

omit, substitute

- (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.
- (2) Section 39(3)(a)
- omit*
- water supply area or a water district
- substitute*
- plumbing licence area
- (3) Section 39(3)(b)(ii)
- omit*
- system; or
- substitute*
- system.
- (4) Section 39(3)(c)
- omit*
- (5) Section 39(4)
- omit*

11 Repeal and substitution of section 42

Section 42

repeal, substitute

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: \$500.

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

Maximum penalty: \$500.

12 Amendment of section 43 (Insufficient supervision or control)

- (1) Section 43

omit

An advanced tradesman shall not —

substitute

For work carried out under this Act, an advanced tradesman must not:

- (2) Section 43, penalty provision

omit

Penalty

substitute

Maximum penalty

13 Amendment of section 48 (Powers and duties of inspectors)

- (1) Section 48, heading

omit

inspectors

substitute

authorised officer

-
- (2) Section 48(1)
omit, substitute
- (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.
- (3) Section 48(2)
omit
shall, upon being required to do so by an inspector
substitute
must, if required to do so by an authorised officer
- (4) Section 48(3)
omit
inspector, shall not –
substitute
authorised officer, must not:
- (5) Section 48(3), penalty provision
omit
Penalty
substitute
Maximum penalty

14 **New Part 8**

After section 49

insert

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 sewered area declared or deemed to be a sewered 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.

15 Further amendments

The Schedule has effect.

Schedule Further amendments of Plumbers and Drainers Licensing Act

section 15

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
Part I, heading	whole heading	Part 1 Preliminary matters
Part II, heading	PART II	Part 2
section 6(a) and (b)	;	; and
section 7(1)	by notice in the <i>Gazette</i>	by <i>Gazette</i> notice
section 10(a)(i) and (ii) and (b)(ii)	;	; or
section 11(1)	by notice in the <i>Gazette</i>	by <i>Gazette</i> notice
Part IV, heading	PART IV	Part 4
section 22(1)(a)	;	; and
section 22A(2)(a) and (b)	;	; or
sections 23(1)(a) and 28(2)(a)	;	; and
section 28(4)	Penalty	Maximum penalty
sections 29(1A)(a) and 31(2)(a)	;	; and
section 33(1)(a) and (b)	;	; or
section 34(3)(a) and (b)	;	; and
Part IVA, heading	PART IVA	Part 5
section 37A(1)(a)	;	; or
Part V, heading	PART V	Part 6
section 38(3)(a)(iii)	;	; or

sections 38, 40(2), 41, 44(1) and (2), 45 and 46	Penalty	Maximum penalty
Part VI, heading	PART VI	Part 7
section 47(a)	;	; or
section 49(2)(a)	;	; and