

Serial 163
Plumbers and Drainers Licensing Amendment Bill 2003
Mr Vatskalis

**A BILL
for
AN ACT**

to amend the *Plumbers and Drainers Licensing Act*



NORTHERN TERRITORY OF AUSTRALIA
PLUMBERS AND DRAINERS LICENSING AMENDMENT ACT 2003

No. of 2003

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SCHEDULE





NORTHERN TERRITORY OF AUSTRALIA

No. of 2003

AN ACT

to amend the *Plumbers and Drainers Licensing Act*

[Assented to 2003]
[Second reading 2003]

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 2003*.

2. Principal Act

The *Plumbers and Drainers Licensing Act* is in this Act referred to as the Principal Act.

3. New section

The Principal Act is amended by inserting after section 2 the following:

"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;

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- (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."

4. Definitions

Section 3 of the Principal Act is amended –

- (a) by omitting the definition of "Authority";
- (b) by omitting the definitions of "certificate of competency" and "Director";
- (c) by inserting after the definition of "draining" the following:

" '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;"
- (d) by inserting after the definition of "journeyman" the following:

" 'jurisdiction' means a State or Territory of the Commonwealth or New Zealand;"
 - (e) by omitting the definition of "registration card" and substituting the following:

" 'registration card' means a registration card issued to a person registered under Part IV as a journeyman."

5. Composition of Board

Section 6 of the Principal Act is amended by omitting paragraph (a) and substituting the following:

"(a) an employee of the Agency administering the *Building Act*;"

6. Dismissal of members

Section 10 of the Principal Act is amended by omitting paragraph (b)(i).

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7. Annual report

Section 13 of the Principal Act is amended by omitting subsection (3).

8. Functions and powers of Board

Section 16 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "certificates of competency and";
- (b) by omitting from subsection (1)(d) "certificates of competency,";
- (c) by omitting subsection (2)(a) and substituting the following:
 - "(a) make the inquiries the Board considers appropriate relating to –
 - (i) an application for a licence or registration card;
 - (ii) the cancellation or suspension of a licence or registration card; or
 - (iii) an application for a reciprocity certificate;" and
- (d) by omitting from subsection (2)(d) ", registration cards and certificates" and substituting "and registration cards".

9. Repeal

Part III of the Principal Act is repealed.

10. Repeal and substitution

Sections 22 to 24 (inclusive) of the Principal Act are repealed and the following substituted:

"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;
- (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;
- (b) holds a reciprocity certificate (operative level) issued by a member authority of ANZRA;
- (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.

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"(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;
- (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;
 - (ii) determine the skills and resources necessary to carry out the work; and

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- (iii) put in place appropriate arrangements for carrying out the work properly and safely in compliance with this Act, the *Water Supply and Sewerage Act* and the *Building Act*; 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."

11. Renewal of registration card or licence

Section 26 of the Principal Act is amended by omitting subsections (5) and (6) and substituting the following:

"(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."

12. Reciprocity certificates

Section 29 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(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;
- (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."

13. Cancellation or suspension of registration card or licence

Section 30 of the Principal Act is amended by omitting subsection (2)(c) and (d) and substituting the following:

- "(c) is, having regard to the person's conduct and competence, no longer a suitable person to hold a registration card or licence;
- (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".

14. Action after hearing

Section 33 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following:

"(2) If the Board decides to take action under subsection (1), it must promptly give the person an information notice for the decision."

15. Consideration of applications for reinstatement

Section 35 of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(3) If the Board refuses to reissue a registration card or licence, it must promptly give the applicant an information notice for the decision."

16. Repeal and substitution

Sections 36 and 37 of the Principal Act are repealed and the following substituted:

"PART IVA – 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;

(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."

17. Repeal

Sections 50 to 52 (inclusive) of the Principal Act are repealed.

18. Further amendments

The Principal Act is amended as set out in the Schedule.

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SCHEDULE

Section 18

| Provision | Amendment | |
|------------------------------------|--|-----------------|
| | omit | substitute |
| Section 28(1), (2)(b), (3) and (4) | , licence or certificate of competency (all references) | or licence |
| Section 28(4) | , copy licence or copy certificate of competency | or copy licence |
| Section 38(3)(a) | an advanced tradesman's | a |
| Section 41 | card, certificate of competency (all references) | card |

