

# **Building Control (Plumbers, Gasfitters and Drainers) Bill**

## **EXPLANATORY MEMORANDUM**

*Clause 1:* Explains the purpose of the Bill.

*Clause 2* states the Bill will come into operation on proclamation.

*Clause 3* identifies the Principal Act as the *Building Control Act 1981*.

*Clause 4* amends various paragraphs of section 85 of the Principal Act. The section interprets terms used in Part VI of the Principal Act. The clause also exempts nominated categories of tradespersons from certain provisions in Part VI.

*Clause 5* adds a proposed new sub-section (2) to section 86 of the Principal Act which establishes the Plumbers Gasfitters and Drainers Registration Board as a body corporate. New sub-sections (3)–(8) set out powers of the Board and make provisions relating to the common seal of the Board.

*Clause 6* amends section 87 of the Principal Act which deals with the Board's powers and functions. The amendments are of an administrative nature resulting from revised licensing procedures. The clause also gives the Board a power of delegation.

*Clause 7* amends section 88 of the Principal Act relating to membership of the Board. It removes specific provision for representatives from the Australian Institute of Building Surveyors and the Local Government Department.

*Clause 8* substitutes reference to the title of chairman with the title chairperson in section 90 of the Principal Act.

*Clause 9* inserts proposed new sections 91A and 91B into the Principal Act which set out the Board's annual reporting, accounting and auditing responsibilities and require the Board to submit its operating budget to the Minister.

*Clause 10* amends section 92 of the Principal Act by inserting reference to prescribed forms and fees applicable to registering with the Board as a plumber.

*Clause 11* amends section 93 of the Principal Act to describe the criteria which must be met prior to the endorsement of the register in respect of endorsing licensed plumbers, being those tradespersons who may supervise plumbing work.

*Clause 12* amends section 94 of the Principal Act to insert reference to prescribed forms and fees applicable to registering with the Board as a drainer.

*Clause 13* inserts a proposed new section 94 into the Principal Act to describe the criteria which must be met prior to the endorsement of the register in respect of licensed drainers being those tradespersons who may supervise draining work.

*Clause 14* inserts a new section 98A into the Principal Act which deals with certain offences under the Act, including employers permitting employees to carry out plumbing work for which they are not registered. Also includes as an offence the carrying out of plumbing work which is defective or does not comply with specified by-laws and regulations; employers are also liable if they permit such work to be carried out.

*Clause 15* amends section 99 of the Principal Act in respect of the effect of endorsement of the register that a person is a licensed plumber.

*Clause 16* amends section 100 of the Principal Act to exempt only those plumbers whose registration entitles them to engage in or undertake draining work.

*Clause 17* inserts a proposed new section 100A into the Principal Act which deals with certain offences under the Act including employers permitting employees to carry out  
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draining work for which they are not registered. Also includes as an offence the carrying out of draining work which is defective or does not comply with specified by-laws and regulations; employers are also liable if they permit such work to be carried out. The clause also inserts a proposed new section 100B which describes the effect of a draining endorsement by the Board. Proposed new sections 100C–100H: provide for contractors' authorities to be issued by Board, notification of changes to be provided to the Board, specifies occasions when a contractor's authority is not in force, and a prohibition on contracting without a contractor's authority. Proposed new section 100I sets out the duration of registrations, contractors' authorities etc. Proposed new section 100J provides for appeals to the County Court in respect of registration or the grant of a contractor's authority.

*Clause 18* amends section 101 of the Principal Act. Also a proposed new sub-section (7) enables the Board to exercise powers of disciplinary action. A proposed new sub-section (10A) will enable the Board to pay any or all of a fine imposed under sub-section (7) (d) to a person who has suffered loss as a result of unsatisfactory work.

*Clause 19* amends section 102 of the Principal Act to substitute the term "chairperson" for the term "chairman".

*Clause 20* expands the Board's disciplinary powers in section 103 of the Principal Act, to include holders of permits and contractors' authorities. It also extends liability for offences against the Act to those people who have been party to an offence and specifies circumstances under which disciplinary action can be taken against those tradespersons specified in the proposed new sub-section 85 (2).

*Clause 21* substitutes a proposed new section 104 in the Principal Act amending the procedures for prescribed authorities to suspend the right of a registered plumber, registered drainer, contractor or permit holder to practise in that authority's area of jurisdiction. A person so suspended has a right to request the Board to revoke the suspension.

*Clause 22* amends section 108 of the Principal Act to provide that the Registrar will not be subject to the *Public Service Act 1974*. It also makes amendments to the duties of the Registrar.

*Clause 23* amends the regulation-making powers in section 109 of the Principal Act. For the most part these amendments are of a consequential nature. A proposed new provision allows regulations which may reduce fees.

*Clause 24* inserts a proposed new section 109A which enables the incorporation by reference of codes, standards or specifications into regulations.

*Clause 25* amends section 114 of the Principal Act to delete from membership of the Building Qualifications Board specific reference to the Chairman of the Plumbers Gasfitters and Drainers Registration Board. All three members are now to be appointed by the Governor in Council on the nomination of the Minister.

*Clause 26* inserts a new sub-section (5) into section 164 of the Principal Act to require persons with powers of entry under this section to be issued with an identity card and, when on duty, to produce the card on demand.

*Clause 27* amends sub-section 166 (2) of the Principal Act in respect of proceedings for an offence under Part VI or the Regulations made under that Part.