



Australian Capital Territory

# **Plumbers, Drainers and Gasfitters Board Act 1982**

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## **About this republication**

### **The republished law**

This is a republication of the *Plumbers, Drainers and Gasfitters Board Act 1982* effective 11 May 1989 to 3 June 1992.

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Australian Capital Territory

## **PLUMBERS, DRAINERS AND GASFITTERS BOARD ACT 1982**

*Reprinted as at 30 June 1991*

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Australian Capital Territory

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## **PLUMBERS, DRAINERS AND GASFITTERS BOARD ACT 1982**

An Act to provide for the establishment of the Plumbers, Drainers and Gasfitters Board, for the licensing of plumbers, drainers and gasfitters and for other related purposes

### **PART I—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Plumbers, Drainers and Gasfitters Board Act 1982*.<sup>1</sup>

#### **Commencement**

2.<sup>1</sup> (1) This section and section 1 shall come into operation on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions of this Act shall come into operation on such date as is, or such dates as respectively are, fixed by the Minister for the Capital Territory by notice published in the *Gazette*.

#### **Interpretation**

3. In this Act, unless the contrary intention appears—

“Board” means the Plumbers, Drainers and Gasfitters Board established by this Act;

“Chairman” means the Chairman of the Board;

“Deputy Chairman” means the Deputy Chairman of the Board;

“determined fee” means a fee determined by the Minister under section 45A for the purposes of the provision in which the expression occurs;

“member” means a member of the Board, and includes the Chairman;

“Proper Authority” has the same meaning as in the Canberra Sewerage and Water Supply Regulations;

“Register” means the Register of Plumbers, Drainers and Gasfitters established under section 23;

“Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal.

## **PART II—THE PLUMBERS, DRAINERS AND GASFITTERS BOARD**

### **Establishment of Board**

**4. (1)** For the purposes of this Act, there shall be a Board to be known as the Plumbers, Drainers and Gasfitters Board.

**(2)** The Board—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name.

**(3)** All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

### **Constitution of Board**

**5. (1)** The Board shall consist of—

- (a) a member nominated by the Proper Authority;
- (b) a member nominated by the Master Plumbers and Sanitary Engineers Association of the A.C.T.;
- (c) a member nominated by the Plumbers and Gasfitters Employees Union of Australia, A.C.T. Sub-Branch;
- (d) a member nominated by the Canberra College of Technical and Further Education;

- (e) a member nominated by the Board of The Australian Gas Association;
  - (f) a public servant; and
  - (g) such other members, if any, as the Minister determines.
- (2) Each member of the Board—
- (a) shall be appointed by the Minister;
  - (b) holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment; and
  - (c) is eligible for re-appointment.

### **Resignation**

6. A member may resign his office by writing signed by him and delivered to the Minister.

### **Chairman**

7. (1) The members shall, from time to time as occasion requires, elect one of their number to be the Chairman.

(2) The Chairman holds office for a period of 12 months from the date of his election, unless he sooner ceases to be a member, and is eligible for re-election.

(3) Where a Chairman is elected in accordance with subsection (1), the Chairman shall notify the Minister in writing of his election as Chairman.

(4) The Chairman may resign his office of Chairman by writing signed by him and delivered to the Minister.

### **Deputy Chairman**

8. (1) The members shall, from time to time, as occasion requires, elect one of their number to be the Deputy Chairman.

(2) The Deputy Chairman holds office for a period of 12 months from the date of his election, unless he sooner ceases to be a member, and is eligible for re-election.

(3) The Deputy Chairman may resign his office of Deputy Chairman by writing signed by him and delivered to the Chairman.

(4) Subject to this Act, the Deputy Chairman has, and may exercise, all the powers and may perform all the functions of the Chairman.

**Deputies**

**9. (1)** Where a member has been nominated for appointment as a member by a body referred to in paragraph 5 (1) (b), (c), (d) or (e), that body may, with the approval of the Minister, appoint a person to be the deputy of that member.

**(2)** The Minister may appoint a person to be the deputy of a member referred to in paragraph 5 (1) (a), (f) or (g).

**(3)** A deputy of a member is entitled, in the event of the absence of the member from a meeting of the Board, to attend that meeting and, when so attending, shall be deemed to be the member of whom he is the deputy.

**(4)** A body which has appointed a person as the deputy of a member under subsection (1) may revoke that appointment, but the revocation is not effective until the body has given notice of it in writing delivered to the Minister.

**(5)** The Minister may at any time revoke the appointment of a person as the deputy of a member under subsection (2).

**Removal from office**

**10. (1)** The Minister may at any time remove a member from office for misbehaviour or physical or mental incapacity.

**(2)** The Minister shall remove a member from office if—

- (a)** the member becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b)** the member is convicted in Australia of an offence punishable by imprisonment for one year or longer;
- (c)** the member is absent without leave granted under section 11 from 2 consecutive meetings of the Board; or
- (d)** the member was nominated for appointment as a member by the Proper Authority or a body referred to in paragraph 5 (1) (b), (c), (d) or (e) and the Proper Authority or that body, as the case may be, requests the Minister in writing to remove the member from office.

**Leave of absence**

**11. (1)** The Minister may grant leave of absence to the Chairman upon such terms and conditions as the Minister determines.



(2) The Chairman may grant leave of absence to a member for such period, not exceeding one year, and subject to such terms and conditions, as the Chairman determines.

### **Remuneration and allowances**

12. (1) A member shall be paid such remuneration and allowances as are prescribed.

(2) Subsection (1) does not apply in relation to—

- (a) remuneration if there is a subsisting determination relating to the remuneration to be paid to a member; or
- (b) an allowance of a particular kind if there is a subsisting determination relating to an allowance of that kind to be paid to a member.

(3) In subsection (2), “determination” means a determination of the Remuneration Tribunal.

### **Vacancy in membership**

13. The performance of the functions, or the exercise of the powers, of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

### **Protection of members**

14. An action or proceeding, civil or criminal, does not lie against a member for or in respect of any act or thing done in good faith by the member in his capacity as a member.

### **Evidentiary provision**

15. For the purposes of this Act, a document that purports to be signed by the Chairman or Deputy Chairman shall be taken to be so signed unless the contrary is proved.

### **Disclosure of pecuniary interest**

16. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and the members shall not, unless the Minister or the Board otherwise determines—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

(3) For the purpose of the making of a determination by the Board under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Board for the purpose of making the determination; or
- (b) take part in the making by the Board of the determination.

(4) Where a member fails, without reasonable excuse, to comply with the requirements of this section, the Minister shall remove the member from office.

### **PART III—MEETINGS OF BOARD**

#### **Meetings of Board**

17. (1) The Board shall hold at least 4 meetings in every year and shall hold such additional meetings as are necessary for the performance of its functions.

(2) The Chairman may, at any time, by notice in writing to each of the other members, convene a meeting of the Board at the time and place specified in the notice.

(3) The Minister may, by notice in writing to each member, direct that a meeting of the Board be held at the time and place specified in the notice.

(4) Where, at any time—

- (a) the Minister directs the Chairman in writing to convene a meeting of the Board; or
- (b) a majority of the members requests the Chairman in writing to convene a meeting of the Board,

the Chairman shall convene a meeting of the Board in accordance with the direction or request, as the case may be.

**Presiding member**

**18. (1)** The Chairman shall preside at all meetings of the Board at which he is present.

**(2)** In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

**(3)** In the absence of the Chairman and the Deputy Chairman from any meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

**Quorum**

**19.** At a meeting of the Board, a majority of the members of the Board shall constitute a quorum.

**Voting**

**20. (1)** Questions arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

**(2)** The member presiding at a meeting of the Board has a deliberative vote and, in the event of equality of voting, a casting vote.

**(3)** Voting at a meeting of the Board shall be by show of hands, or if a vote by ballot is called for by a member present at the meeting, by ballot.

**Motions and resolutions**

**21. (1)** A motion shall not be proposed at a meeting of the Board unless notice in writing of the motion has been given to the Chairman at least 7 days before the date fixed for holding the meeting.

**(2)** The Chairman shall cause a motion of which notice has been given to him under subsection (1) to be included in the notice convening the meeting.

**(3)** No resolution passed, or any act, matter or thing done or authorized to be done, by or at any meeting of the Board, shall be rescinded, amended, cancelled or revoked at any subsequent meeting unless a notice of the proposed rescission, amendment, cancellation or revocation has been given in the notice convening that subsequent meeting.

**Records**

**22. (1)** The Board shall keep records of its meetings and decisions.

(2) Upon the signing of the record of any meeting of the Board by the member presiding at a subsequent meeting, that record shall be treated by the Board as binding and conclusive.

#### **PART IV—QUALIFICATIONS AND LICENSING OF PLUMBERS, DRAINERS AND GASFITTERS**

##### **Register of Plumbers, Drainers and Gasfitters**

**23. (1)** The Board shall establish and maintain a register called “The Register of Plumbers, Drainers and Gasfitters”.

(2) Where the Board issues a certificate of competency or a licence to a person under this Act, the Board shall cause to be entered in the Register particulars of—

- (a) the name and address of the person;
- (b) the certificate of competency or the licence issued to the person and the date on which it was so issued; and
- (c) such other matters, if any, as the Board thinks fit.

(3) The Board may, from time to time, at the request of a person or of its own accord, make such alterations to particulars entered in the Register as are necessary.

(4) A person may, upon payment of the determined fee, inspect, or obtain a copy of, an entry in the Register.

##### **Certificates of competency**

**24. (1)** The Board may, on application made to the Board in accordance with this section by a person who satisfies the Board that he has completed an acceptable course of study or training or holds an acceptable qualification, issue to the person a certificate of competency as—

- (a) a sanitary plumber;
- (b) a water supply plumber;
- (c) an advanced sanitary drainer;
- (d) an advanced gasfitter;
- (e) a gasfitter;
- (f) a liquefied petroleum gasfitter (Class A);

- (g) a liquefied petroleum gasfitter (Class B); or
- (h) a sprinkler fitter;

as the case requires.

(2) An application to the Board under this section shall be in writing and shall be lodged with the Board together with the determined fee.

(3) A certificate of competency issued under this section shall be signed by the Chairman or, in his absence, by the Deputy Chairman.

### **Licences**

**25. (1)** Subject to this Act, the Board may, upon application made to the Board in accordance with this section, issue to the applicant—

- (a) a sanitary plumber's licence;
- (b) a water supply plumber's licence;
- (c) a journeyman plumber's licence;
- (d) an advanced sanitary drainer's licence;
- (e) an operative drainer's licence;
- (f) an advanced gasfitter's licence;
- (g) a gasfitter's licence;
- (h) a journeyman gasfitter's licence;
- (i) a Class A liquefied petroleum gasfitter's licence;
- (j) a Class B liquefied petroleum gasfitter's licence;
- (k) a Class A restricted liquefied petroleum gasfitter's licence;
- (l) a Class B restricted liquefied petroleum gasfitter's licence; or
- (m) a sprinkler fitter's licence;

as the case requires.

(2) An application for a licence under this section—

- (a) shall be in writing;
- (b) shall specify—
  - (i) the licence in respect of which the application is made; and

- (ii) whether the application is in respect of a licence for a period of 1 year or for a period of 5 years; and

(c) shall be lodged with the Board together with the determined fee.

(3) A licence issued under this section shall be signed by the Chairman or, in his absence, by the Deputy Chairman and shall specify the period for which it is to remain in force in accordance with section 29.

(4) The Board may require an applicant to attend personally before the Board and furnish the Board with such documentary evidence as to his qualifications and character as the Board thinks fit and, if he fails to attend or to furnish documentary evidence as required, may refuse the application.

### **Qualifications for issue of licences**

26. (1) The Board shall not issue a licence under section 25 unless the Board is satisfied that the applicant has attained the age of 18 years, is a fit and proper person to hold a licence and—

- (a) in the case of an applicant for a sanitary plumber's licence, a water supply plumber's licence, an advanced sanitary drainer's licence or a sprinkler fitter's licence—
  - (i) that he has a sufficient knowledge of the Canberra Sewerage and Water Supply Regulations; and
  - (ii) that he holds a relevant certificate of competency issued by the Board under section 24 or has completed an acceptable course of study or training or holds an acceptable qualification;
- (b) in the case of an applicant for a journeyman plumber's licence or an operative drainer's licence—
  - (i) that he has a sufficient knowledge of the Canberra Sewerage and Water Supply Regulations; and
  - (ii) that he has completed an acceptable course of study or training or holds an acceptable qualification;
- (c) in the case of an applicant for an advanced gasfitter's licence, a gasfitter's licence, or a Class A or Class B liquefied petroleum gasfitter's licence—that he holds a relevant certificate of competency issued by the Board under section 24 or has completed an acceptable course of study or training or holds an acceptable qualification; or

- (d) in the case of an applicant for a journeyman gasfitter's licence or a Class A or Class B restricted liquefied petroleum gasfitter's licence—that he has completed an acceptable course of study or training or holds an acceptable qualification.
- (2) In this section, “relevant certificate of competency”, means—
  - (a) in relation to an applicant for a sanitary plumber's licence—a certificate of competency as a sanitary plumber;
  - (b) in relation to an applicant for a water supply plumber's licence—a certificate of competency as a water supply plumber;
  - (c) in relation to an applicant for an advanced sanitary drainer's licence—a certificate of competency as an advanced sanitary drainer;
  - (d) in relation to an applicant for an advanced gasfitter's licence—a certificate of competency as an advanced gasfitter;
  - (e) in relation to an applicant for a gasfitter's licence—a certificate of competency as a gasfitter;
  - (f) in relation to an applicant for a Class A liquefied petroleum gasfitter's licence—a certificate of competency as a liquefied petroleum gasfitter (Class A);
  - (g) in relation to an applicant for a Class B liquefied petroleum gasfitter's licence—a certificate of competency as a liquefied petroleum gasfitter (Class B); and
  - (h) in relation to an applicant for a sprinkler fitter's licence—a certificate of competency as a sprinkler fitter.

### **Acceptable courses of study or training**

**27. (1)** The Minister may, on the recommendation of the Board, by notice published in the *Gazette*, declare a course of study or training or a qualification to be an acceptable course of study or training or an acceptable qualification for the purposes of subsection 24 (1) or paragraph 26 (1) (a), (b), (c) or (d).

**(2)** The Board shall cause to be prepared, and brought up to date from time to time as occasion requires, a document containing particulars of the courses of study or training and the qualifications declared by the Minister to be acceptable for the purposes of subsection 24 (1) or paragraph 26 (1) (a), (b), (c) or (d) and shall cause copies of the document to be made available, on request, to members of the public.

**Notice of refusal to issue certificate or licence**

**28. (1)** Where the Board makes a decision refusing to issue a certificate of competency or a licence under this Act, the Board shall prepare and send by post to the applicant at his address last known to the Board a statement in writing—

- (a) setting out the terms of the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reason for the decision; and
- (b) notifying the applicant of his right, subject to the *Administrative Appeals Tribunal Act 1989*, to apply to the Tribunal for a review of the decision.

**(2)** The validity of a decision refusing to issue a certificate of competency or a licence under this Act shall not be taken to be affected by a failure to include in a statement under subsection (1) a notification in accordance with paragraph (1) (b).

**Duration of licence**

**29.** A licence, unless sooner cancelled or suspended, remains in force for the period of 1 year or 5 years (whichever period is specified in the licence) commencing on the date of issue, but may be renewed in accordance with section 29A.

**Renewal of licence**

**29A.** The Board shall, on application being made and on payment of the determined fee, before the expiration of the term of a licence, renew the licence for a period of 1 year or 5 years commencing on the day immediately following the day on which, but for its renewal, the licence would have expired.

**Change of address**

**30. (1)** The holder of a licence issued under this Act shall, within 7 days after any change of his address—

- (a) give to the Board notice in writing of the change; and
- (b) lodge his licence with the Board.

Penalty: \$200.



(2) Where notice of a change of address is given to the Board under subsection (1), the Board shall alter the address shown in the licence accordingly and return the licence as so altered to the holder.

### **Cancellation of certificate or licence**

31. (1) Subject to this section, the Board may cancel a certificate of competency issued to a person under section 24 where the Board is satisfied that the certificate was obtained by fraud or misrepresentation.

(2) Subject to this section, the Board may cancel, or suspend for such period as the Board thinks fit, a licence issued to a person under section 25 where—

- (a) the licence was issued on the basis of a certificate of competency or a qualification that is cancelled or withdrawn by the authority that issued or granted the certificate of competency or qualification;
- (b) the Board is satisfied that the licence was obtained by fraud or misrepresentation;
- (c) the Board is satisfied that the person has been convicted of an offence under the Canberra Sewerage and Water Supply Regulations;
- (d) the Board is satisfied that the person has engaged or employed another person for the performance of plumbing, draining or gasfitting work, and that other person is not, under a law of the Territory, entitled to perform that work; or
- (e) the Board is satisfied that the person is not a fit and proper person to hold the licence.

(3) The Board shall not cancel a certificate of competency under subsection (1), or cancel or suspend a licence under subsection (2) on a ground referred to in paragraph (2) (b), (c), (d) or (e), unless the Board has first held an inquiry.

### **Suspension pending inquiry**

32. (1) Where the Board has caused a notice under section 36 in relation to an inquiry to be held by the Board to be sent to a person who is the holder of a licence issued under this Act, the Board may suspend the licence until the inquiry is completed.

(2) Where the Board suspends a licence under subsection (1), the Board shall complete the inquiry as soon as practicable.

**Decision of Board to be notified**

**33. (1)** Where the Board makes a decision cancelling a certificate of competency under subsection 31 (1) or cancelling or suspending a licence under subsection 31 (2), the Board shall prepare and send by post to the person to whom the certificate or licence was issued at his address as last recorded in the Register a statement in writing—

- (a) setting out the terms of the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision; and
- (b) notifying the applicant of his right, subject to the *Administrative Appeals Tribunal Act 1989*, to apply to the Tribunal for a review of the decision.

**(2)** The validity of a decision cancelling a certificate of competency under subsection 31 (1) or cancelling or suspending a licence under subsection 31 (2) shall not be taken to be affected by a failure to include in a statement under subsection (1) a notification in accordance with paragraph (1) (b).

**Surrender of cancelled certificate or licence**

**34. (1)** Where the Board—

- (a) cancels a certificate of competency; or
- (b) cancels or suspends, other than under section 32, a licence,

issued to a person under this Act, the Board may, by notice in writing given to the person by post addressed to the person at his address as last recorded in the Register, require him, within one month after receipt of the notice, to deliver his certificate of competency or licence, as the case may be, to the Board.

**(2)** A person shall not refuse or fail to comply with a requirement of the Board under subsection (1).

Penalty: \$200.

**(3)** It is a defence to a prosecution for an offence against subsection (1) that—

- (a) the certificate of competency or licence has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate of competency or licence.

### **Voluntary surrender of licences**

**35. (1)** A person who holds a licence issued under this Act may at any time surrender the licence by notice in writing signed by him and lodged with the Board together with the licence.

**(2)** The surrender of a licence under this section takes effect on the date of the notice or on such later date as may be specified in the notice.

**(3)** Where the Board receives a notice of surrender of a licence under this section the Board shall enter in the Register the surrender of the licence and the date on which the surrender takes effect and the licence shall thereupon be deemed to have been cancelled on that date.

## **PART V—INQUIRIES BY THE BOARD**

### **Inquiries**

**36. (1)** Where the Board is required to hold an inquiry in pursuance of section 31, the Board shall fix a time and place for the commencement of the inquiry.

**(2)** The Board shall, not less than 14 days before the time fixed for the commencement of an inquiry, cause a notice in writing in accordance with subsection (3) to be sent by post to the person to whom the inquiry relates at his address as last recorded in the Register or as last known to the Board.

**(3)** A notice under subsection (2) shall contain—

- (a)** particulars of the matter to be inquired into;
- (b)** particulars of the time and place fixed for the commencement of the inquiry;
- (c)** particulars of the date on or before which written submissions may be made to the Board in relation to the inquiry; and
- (d)** a statement notifying the person of his rights to appear before the Board in person, to be represented by a barrister and solicitor and to make representations to the Board.

**(4)** The Board may adjourn an inquiry from time to time.

**(5)** At an inquiry, the Board may take evidence on oath or affirmation and for that purpose the member presiding at the inquiry may administer an oath or affirmation.

(6) The procedure at an inquiry is within the discretion of the Board.

(7) At an inquiry, the person to whom the inquiry relates may be represented by a barrister and solicitor who may examine witnesses and address the Board on behalf of the person for whom he appears.

(8) The Minister may appoint a barrister and solicitor to assist the Board at an inquiry and a barrister and solicitor so appointed may examine witnesses and address the Board.

(9) In conducting an inquiry, the Board is not bound by rules of evidence but may inform itself in such manner as it thinks fit.

### **Inquiry to be in public**

37. (1) Subject to this section, an inquiry shall be open to the public.

(2) Where the Board is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the Board may direct that an inquiry or part of an inquiry shall take place in private and give directions as to the persons who may be present.

### **Power to summon witnesses**

38. (1) The Chairman may, by writing signed by him, summon a person to attend an inquiry at a time and place specified in the summons and then and there to give evidence and produce the books, documents or writings in his custody or control specified in the summons, being books, documents or writings that are relevant to the matter the subject of the inquiry.

(2) A summons under this section may be served on a person—

- (a) personally;
- (b) by sending it by post to the person at his place of abode or business last known to the Chairman; or
- (c) by leaving it at that place of abode or business with a person apparently living or employed at that place and apparently not less than 16 years of age.

### **Failure to attend or produce documents**

**39.** A person served with a summons to attend an inquiry before the Board shall not, without reasonable excuse, refuse or fail to attend at the inquiry or to produce the books, documents or writings specified in the summons.

Penalty: \$500.

### **Refusal to be sworn or give evidence**

**40. (1)** A person appearing as a witness at an inquiry before the Board shall not refuse to be sworn or to make an affirmation or, except as provided by section 57 of the *Evidence Ordinance 1971*, to answer a question relevant to the inquiry put to him by the member presiding at the inquiry.

Penalty: \$500.

**(2)** A statement or disclosure made before the Board by a witness is not, except in proceedings for giving false testimony at an inquiry before the Board, admissible in evidence against him in civil or criminal proceedings in a court.

### **Protection of representatives, witnesses etc.**

**41. (1)** A barrister and solicitor appearing before the Board has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

**(2)** A witness summoned to attend or appearing before the Board has the same protection as a witness in proceedings in the Supreme Court.

### **Fees and expenses**

**42. (1)** A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations, as in force from time to time under the *Public Works Committee Act 1969* of the Commonwealth, as the Board determines.

**(2)** Subject to subsection (3), fees and travelling expenses payable to a person in accordance with subsection (1) are payable—

- (a)** if the person attended before the Board, whether on summons or not, by reason of a request by a person other than the Board—by that person; or
- (b)** in any other case—by the Territory.

(3) Where, in a case to which paragraph (2) (a) applies, it was, in the opinion of the Board, reasonable for the request by reason of which the person attended before the Board to have been made, the Board may order that the fees and expenses of the person shall be paid, in whole or in part, by the Territory.

(4) Where the Board makes an order under subsection (3) for the payment of fees and expenses, the fees and expenses are payable by the Territory.

#### **Board may inspect books etc.**

43. The Board may inspect books, documents or writings produced at an inquiry before the Board and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board.

### **PART VI—MISCELLANEOUS**

#### **Appeals**

44. Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to issue, or cancelling, a certificate of competency;
- (b) refusing to issue a licence; or
- (c) cancelling or suspending a licence, other than under section 32.

#### **Refund of fees**

45. Where the Board refuses an application made under this Act for the issue of a certificate of competency or for the issue of a licence, the Board shall cause to be refunded to the applicant the amount of the fee paid to the Board by the applicant in accordance with this Act on the lodging of the application.

#### **Power of Minister to determine fees**

45A. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

#### **Regulations**

46. The Executive may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**Transitional**

**47. (1)** A sanitary drainer's licence issued by the Proper Authority under the Canberra Sewerage and Water Supply Regulations and in force immediately before the commencement of this Ordinance shall, subject to this Ordinance, continue in force until the expiration of 31 March 1983 and this Ordinance has effect in relation to that licence as if the licence were an advanced sanitary drainer's licence issued under this Ordinance.

**(2)** A licence, other than a licence referred to in sub-section (1), issued by the Proper Authority under the Canberra Sewerage and Water Supply Regulations and in force immediately before the commencement of this Ordinance shall, subject to this Ordinance, continue in force until the expiration of 31 March 1983 and this Ordinance has effect in relation to that licence as if the licence had been issued under this Ordinance.

**(3)** Where, before the commencement of this Ordinance, a person had applied for a licence under the Canberra Sewerage and Water Supply Regulations and the Proper Authority had neither issued nor refused to issue a licence to the person, the application shall lapse on the commencement of this Ordinance and the person shall be entitled to a refund of any fee paid by him under those Regulations for the issue of such a licence.

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**NOTE**

1. The *Plumbers, Drainers and Gasfitters Board Act 1982* as shown in this reprint comprises Act No. 74, 1982 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Plumbers, Drainers and Gasfitters Board Ordinance 1982</i>	74, 1982	17 Sept 1982	Ss. 1 and 2: 17 Sept 1982 Remainder: 20 Sept 1982 (see <i>Gazette</i> 1982, No. S197, p. 2)	—
<i>Plumbers, Drainers and Gasfitters Board (Amendment) Ordinance 1984</i>	46, 1984	21 Aug 1984	22 Aug 1984	—
<i>Plumbers, Drainers and Gasfitters Board (Amendment) Ordinance 1988</i>	13, 1988	23 Mar 1988	25 Mar 1988	—
<i>Electricity and Water (Consequential Amendments) Ordinance 1988</i>	31, 1988	30 June 1988	1 July 1988	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—
<i>Remuneration (Miscellaneous Amendments) Ordinance 1989</i>	50, 1989	10 May 1989	10 May 1989	—

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 3 .....	am. No. 46, 1984; No. 31, 1988; No. 38, 1989
S. 5 .....	am. No. 38, 1989
S. 12 .....	rs. No. 50, 1989
S. 23 .....	am. No. 46, 1984
Ss. 24, 25.....	am. No. 46, 1984; No. 13, 1988



**NOTE**—continued

**Table of Amendments**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
S. 26 .....	am. No. 13, 1988
S. 28 .....	am. No. 38, 1989
S. 29 .....	am. No. 46, 1984
	rs. No. 13, 1988
S. 29A .....	ad. No. 13, 1988
S. 33 .....	am. No. 38, 1989
S. 36 .....	am. No. 38, 1989
S. 42 .....	am. No. 38, 1989
S. 45 .....	am. No. 46, 1984
S. 45A .....	ad. No. 46, 1984
S. 46 .....	am. No. 38, 1989

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