



Australian Capital Territory

# **Plumbers, Drainers and Gasfitters Board Act 1982    No 74**

## **Republication No 6**

Republication date: 11 October 2002

Last amendment made by Act 2002 No 30

Amendments incorporated to 17 September 2002

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Plumbers, Drainers and Gasfitters Board Act 1982* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 October 2002. It also includes any amendment, repeal or expiry affecting the republished law to 17 September 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
17 September 2002



Australian Capital Territory

# Plumbers, Drainers and Gasfitters Board Act 1982

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Amendments incorporated to  
17 September 2002



Australian Capital Territory

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

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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

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Plumbers, Drainers and Gasfitters Board Act 1982*.

### 3 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***board*** means the Plumbers, Drainers and Gasfitters Board established by this Act.

***chairperson*** means the chairperson of the board.

***deputy chairperson*** means the deputy chairperson of the board.

***member*** means a member of the board, and includes the chairperson.

***register*** means the register of plumbers, drainers and gasfitters established under section 23.

## **Part 2                      The Plumbers, Drainers and Gasfitters Board**

### **4        Establishment of board**

- (1) For 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; and
  - (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.

### **5        Constitution of board**

- (1) The board shall consist of—
  - (a) a member nominated by the chief executive; and
  - (b) a member nominated by the Master Plumbers and Sanitary Engineers Association of the A.C.T.; and
  - (c) a member nominated by the Plumbers and Gasfitters Employees Union of Australia, A.C.T. Sub-Branch; and
  - (d) a member nominated by the Canberra Institute of Technology; and
  - (e) a member nominated by the board of The Australian Gas Association; and
  - (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; and
  - (b) holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment; and
  - (c) is eligible for reappointment.

## **6 Resignation**

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

## **7 Chairperson**

- (1) The members shall, from time to time as occasion requires, elect 1 of their number to be the chairperson.
- (2) The chairperson holds office for a period of 12 months from the date of his or her election, unless he or she sooner ceases to be a member, and is eligible for re-election.
- (3) When a chairperson is elected under subsection (1), the chairperson shall notify the Minister in writing of his or her election as chairperson.
- (4) The chairperson may resign the office of chairperson by writing signed by him or her and delivered to the Minister.

## **8 Deputy chairperson**

- (1) The members shall, from time to time, as occasion requires, elect 1 of their number to be the deputy chairperson.
- (2) The deputy chairperson holds office for a period of 12 months from the date of his or her election, unless he or she sooner ceases to be a member, and is eligible for re-election.
- (3) The deputy chairperson may resign the office of deputy chairperson by writing signed by him or her and delivered to the chairperson.

- (4) Subject to this Act, the deputy chairperson has, and may exercise, all the powers and may perform all the functions of the chairperson.

## **9 Deputies**

- (1) If a member has been nominated for appointment as a member by a body referred to in section 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 section 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 or she 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).

## **10 Removal from office**

- (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 or her creditors or makes an assignment of his or her remuneration for their benefit; or
  - (b) the member is convicted in Australia of an offence punishable by imprisonment for 1 year or longer; or

- (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 chief executive or a body referred to in section 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.

**11 Leave of absence**

- (1) The Minister may grant leave of absence to the chairperson on terms and conditions the Minister determines.
- (2) The chairperson may grant leave of absence to a member for the period, not exceeding 1 year, and subject to the terms and conditions, the chairperson determines.

**13 Vacancy in membership**

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.

**14 Protection of members**

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 or her capacity as a member.

**15 Evidentiary provision**

For this Act, a document that purports to be signed by the chairperson or deputy chairperson shall be taken to be so signed unless the contrary is proved.

**16 Disclosure of pecuniary interest**

- (1) A member who has a direct or indirect financial 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 or her knowledge, disclose the nature of his or her 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 member 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 making 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 financial 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) If a member fails, without reasonable excuse, to comply with the requirements of this section, the Minister shall remove the member from office.

## Part 3 Meetings of board

### 17 Meetings of board

- (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 chairperson 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) If, at any time—
  - (a) the Minister directs the chairperson in writing to convene a meeting of the board; or
  - (b) a majority of the members requests the chairperson in writing to convene a meeting of the board;

the chairperson shall convene a meeting of the board in accordance with the direction or request.

### 18 Presiding member

- (1) The chairperson shall preside at all meetings of the board at which he or she is present.
- (2) In the absence of the chairperson from any meeting, the deputy chairperson shall preside.
- (3) In the absence of the chairperson and the deputy chairperson from any meeting, the members present and constituting a quorum shall elect 1 of their number to preside at that meeting.

**19 Quorum**

At a meeting of the board, a majority of the members of the board shall constitute a quorum.

**20 Voting**

- (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.

**21 Motions and resolutions**

- (1) A motion shall not be proposed at a meeting of the board unless written notice of the motion has been given to the chairperson at least 7 days before the date fixed for holding the meeting.
- (2) The chairperson shall cause a motion of which notice has been given to him or her under subsection (1) to be included in the notice convening the meeting.
- (3) No resolution passed, or any act, matter or thing done or authorised 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.

**22 Records**

- (1) The board shall keep records of its meetings and decisions.
- (2) On 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 4**

# **Qualifications and licensing of plumbers, drainers and gasfitters**

### **23 Register of plumbers, drainers and gasfitters**

- (1) The board shall establish and maintain a register called the Register of Plumbers, Drainers and Gasfitters.
- (2) If 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; and
  - (b) the certificate of competency or the licence issued to the person and the date it was issued; and
  - (c) any other matters 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 any alterations to particulars entered in the register that are necessary.
- (4) A person may inspect, or obtain a copy of, an entry in the register.

*Note* A fee may be determined under s 46 (Determination of fees) for this section.

### **24 Certificates of competency**

- (1) The board may, on application made to the board under this section by a person who satisfies the board that he or she 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; or
  - (b) a water supply plumber; or

- (c) an advanced sanitary drainer; or
- (d) an advanced gasfitter; or
- (e) a gasfitter; or
- (f) a liquefied petroleum gasfitter (Class A); or
- (g) a liquefied petroleum gasfitter (Class B); or
- (h) a sprinkler fitter;

as the case requires.

- (2) The application must be in writing.

*Note 1* A fee may be determined under s 46 (Determination of fees) for this section.

*Note 2* If a form is approved under s 47 (Approved forms) for an application, the form must be used.

- (3) A certificate of competency issued under this section shall be signed by the chairperson or, in his or her absence, by the deputy chairperson.

## **25 Licences**

- (1) Subject to this Act, the board may, on application made to the board under this section, issue to the applicant—
- (a) a sanitary plumber's licence; or
  - (b) a water supply plumber's licence; or
  - (c) a journeyman plumber's licence; or
  - (d) an advanced sanitary drainer's licence; or
  - (e) an operative drainer's licence; or
  - (f) an advanced gasfitter's licence; or
  - (g) a gasfitter's licence; or
  - (h) a journeyman gasfitter's licence; or

- (i) a Class A liquefied petroleum gasfitter's licence; or
- (j) a Class B liquefied petroleum gasfitter's licence; or
- (k) a Class A restricted liquefied petroleum gasfitter's licence; or
- (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; and
- (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 1 year or 5 years.

*Note 1* A fee may be determined under s 46 (Determination of fees) for this section.

*Note 2* If a form is approved under s 47 (Approved forms) for an application, the form must be used.

- (3) A licence issued under this section shall be signed by the chairperson or, in his or her absence, by the deputy chairperson and shall specify the period for which it is to remain in force under section 29.
- (4) The board may require an applicant to attend personally before the board and furnish the board with documentary evidence as to the applicant's qualifications and character that the board thinks fit and, if the applicant fails to attend or to furnish documentary evidence as required, may refuse the application.

**26 Qualifications for issue of licences**

- (1) The board shall not issue a licence under section 25 unless the board is satisfied that the applicant is at least 18 years old, 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 the applicant has a sufficient knowledge of the *Water and Sewerage Act 2000* and the *Water and Sewerage Regulations 2000*; and
    - (ii) that the applicant 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
  - (b) in the case of an applicant for a journeyman plumber's licence or an operative drainer's licence—
    - (i) that the applicant has a sufficient knowledge of the *Water and Sewerage Act 2000* and the *Water and Sewerage Regulations 2000*; and
    - (ii) that the applicant has completed an acceptable course of study or training or holds an acceptable qualification; or
  - (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 the applicant 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 the applicant 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; and
- (b) in relation to an applicant for a water supply plumber's licence—a certificate of competency as a water supply plumber; and
- (c) in relation to an applicant for an advanced sanitary drainer's licence—a certificate of competency as an advanced sanitary drainer; and
- (d) in relation to an applicant for an advanced gasfitter's licence—a certificate of competency as an advanced gasfitter; and
- (e) in relation to an applicant for a gasfitter's licence—a certificate of competency as a gasfitter; and
- (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); and
- (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.

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

- (1) The Minister may, on the recommendation of the board, in writing, declare a course of study or training or a qualification to be an acceptable course of study or training or an acceptable qualification for section 24 (1) or 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 section 24 (1) or 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.

- (3) A declaration under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

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

- (1) If 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 or her address last-known to the board notice of the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **29 Duration of licence**

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

### **29A Renewal of licences**

- (1) The holder of a licence may apply to the board for renewal of the licence before the licence expires.

*Note 1* A fee may be determined under s 46 (Determination of fees) for this section.

*Note 2* If a form is approved under s 47A (Approved forms) for an application, the form must be used.

- (2) If the holder of the licence applies for renewal of the licence under this Act, the board must renew the licence for 1 year or 5 years.

**30 Change of address**

- (1) The holder of a licence issued under this Act shall, within 7 days after any change of address—
  - (a) give the board written notice of the change; and
  - (b) lodge the licence with the board.

Maximum penalty: 5 penalty units.

- (2) If 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 altered licence to the holder.

**31 Cancellation of certificate or licence**

- (1) Subject to this section, the board may cancel a certificate of competency issued to a person under section 24 if 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 the period the board thinks fit, a licence issued to a person under section 25 if—
  - (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; or
  - (b) the board is satisfied that the licence was obtained by fraud or misrepresentation; or
  - (c) the board is satisfied that the person has been convicted of an offence under a relevant law; or
  - (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 Territory law, 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 subsection (2) (b), (c), (d) or (e), unless the board has first held an inquiry.
- (4) In this section:  
*relevant law* means—
  - (a) the *Water and Sewerage Act 2000*; or
  - (b) the *Water and Sewerage Regulations 2000*; or
  - (c) the *Canberra Sewerage and Water Supply Regulations* in force immediately before the repeal of the *Energy and Water Act 1988*.

### **32 Suspension pending inquiry**

- (1) If 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) If the board suspends a licence under subsection (1), the board shall complete the inquiry as soon as practicable.

### **33 Decision of board to be notified**

- (1) If the board makes a decision cancelling a certificate of competency under section 31 (1) or cancelling or suspending a licence under section 31 (2), the board shall prepare and send by post to the person to whom the certificate or licence was issued at his or her address as last recorded in the register notice of the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**34 Surrender of cancelled certificate or licence**

(1) If 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 written notice given to the person by post addressed to the person at his or her address as last recorded in the register, require the person, within 1 month after receipt of the notice, to deliver his or her 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).

Maximum penalty: 5 penalty units.

(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.

**35 Voluntary surrender of licences**

(1) A person who holds a licence issued under this Act may at any time surrender the licence by written notice signed by the person 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 a later date as may be specified in the notice.

(3) If 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 5                      Inquiries by board

### 36      Inquiries

- (1) If the board is required to hold an inquiry under 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 written notice in accordance with subsection (3) to be sent by post to the person to whom the inquiry relates at his or her 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; and
  - (b) particulars of the time and place fixed for the commencement of the inquiry; and
  - (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 or her rights to appear before the board in person, to be represented by a legal practitioner 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 legal practitioner who may examine witnesses and address the board on behalf of the person for whom he or she appears.

- (8) The Minister may appoint a legal practitioner to assist the board at an inquiry and a legal practitioner 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 any way it thinks fit.

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

- (1) Subject to this section, an inquiry shall be open to the public.
- (2) If the board is satisfied that it is desirable to do so because 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 about the persons who may be present.

### **38 Power to summon witnesses**

- (1) The chairperson may, by writing signed by him or her, 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 the person's 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; or
  - (b) by sending it by post to the person at his or her place of abode or business last-known to the chairperson; 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 old.

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

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.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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

- (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 the *Evidence Act 1971*, section 57, to answer a question relevant to the inquiry put to the person by the member presiding at the inquiry.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (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 the witness in civil or criminal proceedings in a court.

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

- (1) A legal practitioner appearing before the board has the same protection and immunity as a barrister 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.

#### **42 Witness fees and travelling expenses**

- (1) This section applies to a person (the *witness*) who attends a hearing of the board to give evidence (whether voluntarily or under a summons).
- (2) The witness is entitled to receive the fees and travelling expenses that the chairperson directs in accordance with the scale and

conditions applying to people who attend as witnesses before the Supreme Court.

*Note*        For the Supreme Court scale, see *Supreme Court Rules*, sch 4, pt 4.8.

- (3) The fees and expenses are payable by—
- (a) if the witness attended at the request of the board—the Territory; or
  - (b) in any other case—the person who requested the attendance of the witness.
- (4) However, if the board believes that it was reasonable for a person (other than the board) to request a person to appear before the board, the board may order that some or all of the fees and expenses be paid by the Territory.

#### **43      Board may inspect books etc**

The board may inspect books, documents or writings produced at an inquiry before the board and may retain them for 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 6 Miscellaneous

### 44 Appeals

Application may be made to the administrative appeals tribunal for a review of a decision of the board—

- (a) under section 24 (1) to refuse to issue a certificate of competency; or
- (b) under section 25 (1) to refuse to issue a licence; or
- (c) under section 31 (1) to cancel a certificate of competency; or
- (d) under section 31 (2) to cancel or suspend a licence.

### 45 Refund of fees

If 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 lodging the application.

### 46 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 47 Approved forms

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the *Legislation Act 2001*.

#### **48      Regulation-making power**

The Executive may make regulations for this Act.

*Note*        Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

The *Plumbers, Drainers and Gasfitters Board Act 1982* was originally the *Plumbers, Drainers and Gasfitters Board Ordinance 1982*.

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Plumbers, Drainers and Gasfitters Board Act 1982 No 74**

notified 17 September 1982 (Cwlth Gaz 1982 No S197)  
s 1, s 2 commenced 17 September 1982 (s 2 (1))  
remainder commenced 20 September 1982 (s 2 (2) and Cwlth Gaz 1982 No S197)

as amended by

##### **Plumbers, Drainers and Gasfitters Board (Amendment) Ordinance 1984 No 46**

notified 21 August 1984 (Cwlth Gaz 1984 No G32)  
commenced 22 August 1984 (s 2)

##### **Plumbers, Drainers and Gasfitters Board (Amendment) Ordinance 1988 No 13**

notified 23 March 1988 (Cwlth Gaz 1988 No GN10)  
commenced 25 March 1988 (s 2)

##### **Electricity and Water (Consequential Amendments) Ordinance 1988 No 31 sch**

notified 30 June 1988 (Cwlth Gaz 1988 No S182)  
commenced 1 July 1988 (s 2)

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

**Remuneration (Miscellaneous Amendments) Ordinance 1989 No 50 sch**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
commenced 10 May 1989

**Legislation after becoming Territory enactment****Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23 sch 1**

notified 4 June 1992 (Gaz 1992 No S71)  
commenced 4 June 1992

**Statute Law Revision (Miscellaneous Provisions) Act 1993 No 1 sch 1**

notified 1 March 1993 (Gaz 1993 No S23)  
commenced 1 March 1993

**Statute Law Revision Act 1994 No 26 sch**

notified 31 May 1994 (Gaz 1994 No S93)  
commenced 31 May 1994 (s 2)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

**Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1**

notified 19 September 1997 (Gaz 1997 No S264)  
s 1, s 2 commenced 19 September 1997 (s 2 (1))  
sch 1 commenced 23 September 1997 (s 2 (2) and Gaz 1997 No S280)

## Endnotes

### 4 Amendment history

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#### **Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

#### **Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

#### **Utilities (Consequential Provisions) Act 2000 No 66 sch 1 pt 12**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
sch 1 pt 12 commenced 1 January 2001 (Gaz 2000 No S69)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 286**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 286 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2002 No 30 pt 3.51**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.51 commenced 17 September 2002 (s 2 (1))

## 4 Amendment history

### **Commencement**

s 2 om 2001 No 44 amdt 1.3184

### **Definitions for Act**

s 3 def **chairperson** am 1993 No 1 sch 1  
def **deputy chairperson** am 1993 No 1 sch 1  
def **determined fee** ins 1984 No 46 s 4  
om 2001 No 44 amdt 1.3185  
def **member** am 1993 No 1 sch 1  
def **proper authority** sub 1988 No 31 sch  
om 2000 No 66 sch 1 pt 12  
def **tribunal** sub 1989 No 38 sch 1  
om 1994 No 60 sch 1

**Constitution of board**

s 5 am 1989 No 38 sch 1; 1993 No 1 sch 1; 1994 No 26 sch; 2000 No 66 sch 1 pt 12

**Resignation**

s 6 am 1993 No 1 sch 1

**Chairperson**

s 7 am 1993 No 1 sch 1

**Deputy chairperson**

s 8 am 1993 No 1 sch 1

**Deputies**

s 9 am 1993 No 1 sch 1

**Removal from office**

s 10 am 2000 No 66 sch 1 pt 12

**Leave of absence**

s 11 am 1993 No 1 sch 1

**Remuneration and allowances**

s 12 sub 1989 No 50 sch  
om 1997 No 41 sch 1

**Protection of members**

s 14 am 1993 No 1 sch 1

**Evidentiary provision**

s 15 am 1993 No 1 sch 1

**Disclosure of pecuniary interest**

s 16 am 1993 No 1 sch 1; 1994 No 26 sch

**Meetings of board**

s 17 am 1993 No 1 sch 1

**Presiding member**

s 18 am 1993 No 1 sch 1

**Motions and resolutions**

s 21 am 1993 No 1 sch 1

**Register of plumbers, drainers and gasfitters**

s 23 am 1984 No 46 s 5; 2001 No 44 amdt 1.3186

**Certificates of competency**

s 24 am 1984 No 46 s 6; 1988 No 13 s 4; 1993 No 1 sch 1; 2001 No 44 amdt 1.3187

**Licences**

s 25 am 1984 No 46 s 7; 1988 No 13 s 5; 1993 No 1 sch 1; 2001 No 44 amdt 1.3188, amdt 1.3189

## Endnotes

### 4 Amendment history

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

s 26 am 1988 No 13 s 6; 1993 No 1 sch 1; 2000 No 66 sch 1 pt 12

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

s 27 am 2001 No 44 amdt 1.3190, amdt 1.3191

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

s 28 am 1989 No 38 sch 1; 1993 No 1 sch 1; 1994 No 60 sch 1

#### **Duration of licence**

s 29 am 1984 No 46 s 8  
sub 1988 No 13 s 7

#### **Renewal of licences**

s 29A ins 1988 No 13 s 7  
sub 2001 No 44 amdt 1.3192

#### **Change of address**

s 30 am 1993 No 1 sch 1; 1998 No 54 sch

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

s 31 am 2000 No 66 sch 1 pt 12

#### **Decision of board to be notified**

s 33 am 1989 No 38 sch 1; 1993 No 1 sch 1; 1994 No 60 sch 1

#### **Surrender of cancelled certificate or licence**

s 34 am 1993 No 1 sch 1; 1998 No 54 sch

#### **Voluntary surrender of licences**

s 35 am 1993 No 1 sch 1

#### **Inquiries**

s 36 am 1989 No 38 sch 1; 1993 No 1 sch 1; No 96, 1997

#### **Power to summon witnesses**

s 38 am 1993 No 1 sch 1

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

s 39 am 1998 No 54 sch

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

s 40 am 1993 No 1 sch 1; 1998 No 54 sch

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

s 41 am 1997 No 96 sch 1

#### **Witness fees and travelling expenses**

s 42 am 1989 No 38 sch 1  
sub 2002 No 30 amdt 3.601

#### **Appeals**

s 44 am 1994 No 60 sch 1

#### **Refund of fees**

s 45 am 1984 No 46 s 10

**Power of Minister to determine fees**

s 45A ins No 1984 No 46  
om 2001 No 44 amdt 1.3193

**Determination of fees**

s 46 am 1989 No 38 sch 1  
sub 2001 No 44 amdt 1.3193

**Approved forms**

s 47 om 1992 No 23 sch 1  
ins 2001 No 44 amdt 1.3193

**Regulation-making power**

s 48 ins 2001 No 44 amdt 1.3193

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1989 No 50	30 June 1991
2	Act 1993 No 1	1 March 1993
3	Act 1994 No 60	28 February 1995
4	Act 1998 No 54	31 July 1999
5	Act 2001 No 44	19 April 2002

Authorised when accessed at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or in authorised printed form

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