

AUSTRALIAN CAPITAL TERRITORY

PLUMBERS, DRAINERS AND GASFITTERS ORDINANCE 1982

ORDINANCE NO. 74 of 1982

EXPLANATORY STATEMENT

The Plumbers, Drainers and Gasfitters Board Ordinance 1982 establishes a Plumbers, Drainers and Gasfitters Board to license plumbers, drainers, gasfitters and liquefied petroleum gasfitters in the Territory. It will be an offence under associated legislation, namely, the Canberra Sewerage and Water Supply Regulations, the proposed Natural Gas Ordinance and the proposed Liquefied Petroleum Gas Ordinance, to carry out certain plumbing and gasfitting work without the relevant licence. Details of the proposed Plumbers, Drainers and Gasfitters Board Ordinance 1982 are set out below.

Section 1 cites the short title of the proposed Ordinance as the Plumbers, Drainers and Gasfitters Board Ordinance 1982.

Section 2 provides that sections 1 and 2 will come into operation on the day the Ordinance is notified in the Gazette whereas the remaining sections will come into operation on a date or dates to be fixed by the Minister for the Capital Territory.

Section 3 is an interpretation section, defining, inter alia, 'Proper Authority' as the Proper Authority for the purposes of the Canberra Sewerage and Water Supply Regulations.

Section 4 establishes the Plumbers, Drainers and Gasfitters Board as a body corporate able to sue and be sued in its corporate name.

Section 5 provides that the Board consist of members nominated by the Proper Authority, the Master Plumbers and Sanitary Engineers Association of the A.C.T., the Plumbers and Gasfitters Employees Union of Australia, A.C.T. Sub-Branch, the Canberra College of Technical and Further Education, the Board of the Australian Gas Association, a member who is an officer of the Department of the Capital Territory and such other members, if any, as the Minister determines. Members will be appointed by the Minister for a period not exceeding 3 years and will be eligible for re-appointment.

Section 6 provides that a member may resign his office by writing signed by him and delivered to the Minister.

Section 7 provides that the members shall elect a Chairman from among their number.

Section 8 provides that the members shall elect a Deputy Chairman from among their number.

Section 9 provides for the nomination of deputy members of the Board with the approval of the Minister.

Section 10 provides for the removal of members of the Board by the Minister in specific circumstances.

Section 11 provides that the Minister may grant leave of absence to the Chairman and that the Chairman may grant leave of absence to the members for a period not exceeding one year.

Section 12 provides that the Board is a prescribed authority under the Remuneration Ordinance 1976.

Section 13 provides that the performance of the functions of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

Section 14 protects the members of the Board from any action, civil or criminal, in respect of any act done in good faith by the member in his capacity as a member.

Section 15 provides that a document purporting to have been signed by the Chairman or Deputy Chairman should be taken to be so signed unless the contrary is proved.

Section 16 provides for the resolution of conflicts of interest by disclosure and authorisation by the Minister or the Board.

Section 17 provides that the Board shall hold at least 4 meetings in every year and that the Chairman or the Minister may convene a meeting of the Board.

Section 18 provides that the Chairman, or in his absence, the Deputy Chairman, should preside at any meeting, and that, in the absence of both, the members present should elect one of their number to preside.

Section 19 provides that a majority of the members of the Board constitutes a quorum.

Section 20 provides that questions arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting and that, in the event of an equality, the member presiding has a casting vote.

Section 21 requires notice of motions to be given to the Chairman at least 7 days before a meeting and to be included in the notice convening the meeting and likewise requires notice of a motion to rescind any motion to be given in the notice convening the meeting.

Section 22 requires the Board to keep a record of its meetings and decisions.

Section 23 provides that the Board shall establish a register called 'The Register of Plumbers, Drainers and Gasfitters' and shall enter in the Register particulars of the name and address of any person to whom it issues a certificate of competency or licence and the certificate of competency or licence so issued.

Section 24 provides that, on application by a person who satisfies the Board that he has completed an acceptable course of study or training or holds an acceptable qualification, the Board may issue to that person a certificate of competency as a sanitary plumber, a water supply plumber, an advanced sanitary drainer, an advanced gasfitter, a gasfitter, a liquefied petroleum gasfitter (Class A) or a liquefied petroleum gasfitter (Class B).

Section 25 provides that the Board may, on application, issue a sanitary plumber's licence, a water supply plumber's licence, a journeyman plumber's licence, an advanced sanitary drainer's licence, an operative drainer's licence, an advanced gasfitter's licence, a gasfitter's licence, a journeyman gasfitter's licence, a Class A liquefied petroleum gasfitter's licence, a Class B liquefied petroleum gasfitter's licence, a Class A restricted liquefied petroleum gasfitter's licence or a Class B restricted liquefied petroleum gasfitter's licence.

Section 26 provides that 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, holds a relevant certificate of competency or an acceptable qualification or has completed an acceptable course of study or training and, in the case of an applicant for a sanitary plumber's licence, a water supply plumber's licence, a journeyman plumber's licence, an advanced sanitary drainer's licence or an operative drainer's licence, that the applicant has a sufficient knowledge of the Canberra Sewerage and Water Supply Regulations.

Section 27 provides that, for the purposes of sections 24 and 26, the Minister may, on the recommendation of the Board, declare a course of study or training or a qualification to be an acceptable course of study or training or an acceptable qualification by notice in the Gazette and that the Board shall cause to be prepared a document containing particulars of such courses and qualifications which shall be made available, on request, to members of the public.

Section 28 provides that where the Board refuses to issue a certificate of competency or a licence it should notify the applicant of its reasons for decision and his right to apply to the Administrative Appeals Tribunal for review of the decision.

Section 29 provides that licences will expire on 31 March 1983 and each succeeding 31 March thereafter, but may be renewed on payment of the prescribed fee.

Section 30 requires the holder of a licence to notify the Board within 7 days if he changes his address.

Section 31 provides that the Board may cancel a certificate of competency where the Board is satisfied that it was obtained by fraud or misrepresentation. The section further provides that the Board may cancel or suspend a licence where the licence was issued on the basis of a certificate of competency or a qualification that is cancelled or withdrawn by the issuing authority or where the Board is satisfied that the licence was obtained by fraud or misrepresentation, that the holder has been convicted of an offence under the Canberra Sewerage and Water Supply Regulations, that the holder has engaged or employed a person for the performance of plumbing, draining or gasfitting work who is not, under a law of the Territory, entitled to perform that work, or that the holder is not a fit and proper person to hold the licence. Section 31 also provides that the Board shall not cancel a certificate of competency or cancel or suspend a licence (except in the case of a licence issued on the basis of a certificate of competency or a qualification which is cancelled or withdrawn) unless it first holds an inquiry.

Section 32 provides that the Board may suspend a licence until an inquiry is completed provided that it completes the inquiry as soon as practicable.

Section 33 provides that where the Board cancels a certificate of competency or cancels or suspends a licence (other than under section 32) it should notify the holder of its reasons for decision and his right to apply to the Administrative Appeals Tribunal for review of the decision.

Section 34 requires a person whose certificate of competency is cancelled or whose licence is cancelled or suspended (other than under section 32) to surrender his certificate or licence to the Board.

Section 35 provides for the voluntary surrender of a licence at any time.

Section 36 provides for notice to be given to a person to whom an inquiry relates of the time and place, the matter to be inquired into and his right to make written submissions or to be represented and further provides for the procedure and the taking of evidence at an inquiry.

Section 37 provides that an inquiry shall be public unless the Board directs otherwise by reason of the confidential nature of any evidence.

Section 38 empowers the Chairman to summon witnesses to give evidence and produce books, documents or writings.

Section 39 provides a penalty of \$500 for refusal or failure to attend an inquiry or produce books, documents or writings.

Section 40 provides a penalty of \$500 for refusal to be sworn or to make an affirmation or to answer a relevant question. The section further provides that a statement or disclosure made

before the Board is not admissible in any civil or criminal proceedings other than proceedings for giving false testimony at an inquiry before the Board.

Section 41 provides for the protection of barristers and solicitors and witnesses appearing before the Board.

Section 42 provides for the payment of fees and travelling expenses to persons giving evidence before the Board.

Section 43 provides for the inspection and copying of books, documents or writings produced to the Board.

Section 44 provides that application may be made to the Administrative Appeals Tribunal for review of a decision by the Board refusing to issue or cancelling a certificate of competency or refusing to issue, cancelling or suspending a licence (other than under section 32).

Section 45 provides for the return of fees to unsuccessful applicants for certificates of competency or licences.

Section 46 empowers the Minister to make regulations under the Ordinance.

Section 47 provides that licences in force under the Canberra Sewerage and Water Supply Regulations continue in force as licences under the Ordinance until 31 March 1983.

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