

**PLUMBERS, GASFITTERS AND DRAINERS (AMENDMENT)  
ACT, 1982, No. 13**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 13, 1982.**

An Act to amend the Plumbers, Gasfitters and Drainers Act, 1979, to regulate roof plumbing work and to make further provisions with respect to licences, certificates of registration and contractors' authorities granted under that Act, and in other respects. [Assented to, 13th April, 1982.]

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

**1.** This Act may be cited as the "Plumbers, Gasfitters and Drainers (Amendment) Act, 1982".

**Commencement.**

**2. (1)** Except as provided in subsections (2) and (3), this Act shall commence on the date of assent to this Act.

**(2)** The several provisions of Schedules 1–6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**(3)** Section 5 shall, in its application to a provision of Schedules 1–7, commence on the day on which the provision commences.

**Principal Act.**

**3.** The Plumbers, Gasfitters and Drainers Act, 1979, is referred to in this Act as the Principal Act.

**Schedules.**

**4.** This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ROOF PLUMBING.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO NOMINATED LICENSEES.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HOLDERS OF CERTIFICATES OF REGISTRATION.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON LICENCES, ETC.

SCHEDULE 5.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO CONTRACTS BY LICENSEES, ETC.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CARRYING OUT OF WORK BY UNAUTHORISED PERSONS.

SCHEDULE 7.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

**Amendment of Act No. 44, 1979.**

5. The Principal Act is amended in the manner set forth in Schedules 1-7.

**Savings provision.**

6. The amendment by this Act of a provision of the Principal Act does not affect any regulation made under that provision and in force at the time when that provision is amended by this Act and a regulation made for the purposes of, or with respect to, a provision amended or repealed and re-enacted by this Act, and in force at the time when that provision is amended or repealed and re-enacted by this Act shall be deemed to have been made for the purposes of, or with respect to, that provision as so amended or re-enacted.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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## SCHEDULE 1.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ROOF PLUMBING.

## (1) Long title—

After “drainers;”, insert “to regulate the carrying out of roof plumbing;”.

## (2) Section 3—

After the matter relating to Part VII, insert:—

PART VIIA.—ROOF PLUMBING—ss. 50A, 50B.

## (3) Section 4 (1), definition of “authorised work”—

Omit “any Act” wherever occurring, insert instead “this or any other Act”.

## (4) Part VIIA—

After Part VII, insert:—

## PART VIIA.

## ROOF PLUMBING.

**Interpretation: Part VIIA.**

50A. In this Part, “roof plumbing work” includes the fixing, installation, renovation, alteration, repair and maintenance of guttering, downpipes, roof flashing and roof coverings (other than roof coverings consisting of non-metallic tiles or slates) but does not include—

- (a) work on a dwelling within the meaning of the Builders Licensing Act, 1971, by a person who is the holder of a full licence under that Act authorising him to carry out that

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ROOF PLUMBING—  
*continued.*

kind of work or by a person as an employee under a contract of employment with a person who is the holder of such a licence;

- (b) work under a contract of employment with a person who is not a person undertaking the work under a contract (other than a contract of employment); or
- (c) work of any class or description—
  - (i) prescribed for the purposes of this subparagraph;
  - (ii) by a person who belongs to a class of persons prescribed in respect of that class or description of work in such circumstances (if any) as may be prescribed in respect of that class of persons; or
  - (iii) in circumstances prescribed in respect of that class or description of work.

**Prohibition on carrying out roof plumbing except by holders of licences, etc.**

50B. (1) A person shall not commence or perform for gain or reward (whether by way of wages, salary or any other payment) roof plumbing work of any class or description on any building (other than a non-habitable farm building) unless—

- (a) he is the holder of a licence or certificate of registration of a class prescribed in relation to roof plumbing work or roof plumbing work of that class or description; or
- (b) he does so under the immediate supervision of the holder of a licence of a class prescribed in relation to roof plumbing work or roof plumbing work of that class or description.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ROOF PLUMBING—  
*continued.*

(2) A person shall not act or knowingly employ another to act in contravention of subsection (1).

Penalty for an offence under this subsection: \$2,000.

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SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES.

(1) Section 4 (1), definition of “nominated licensee”—

After the definition of “member”, insert:—

“nominated licensee”, in relation to a contractor’s authority, means a person for the time being nominated in accordance with section 24A as responsible for the carrying out of authorised work undertaken by the holder of the contractor’s authority;

(2) Section 23 (3)—

Omit “such items or particulars”, insert instead “such particulars with respect to the proposed nominated licensee or nominated licensees in relation to the contractor’s authority and such other particulars and items”.

(3) (a) Section 24 (1) (a) (i)—

Omit the subparagraph, insert instead:—

(i) there will be such number of nominated licensees in relation to the contractor’s authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of the authorised work undertaken by the applicant is carried out in a good and workmanlike

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

manner and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with;

## (b) Section 24 (1) (a) (ii)—

Omit “work that is authorised work in relation to him”, insert instead “that kind of work”.

## (c) Section 24 (1) (b) (i)—

Omit the subparagraph, insert instead:—

- (i) there will be such number of nominated licensees in relation to the contractor’s authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of the authorised work undertaken by the applicant is carried out in a good and workmanlike manner and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with;

## (d) Section 24 (1) (b) (ii), (c) (ii)—

Omit “work that is authorised work in relation to it” wherever occurring, insert instead “that kind of work”.

## (e) Section 24 (1) (c) (i)—

Omit the subparagraph, insert instead:—

- (i) there will be such number of nominated licensees in relation to the contractor’s authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of the authorised work undertaken by the applicant is carried out in a good and workmanlike manner

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with;

## (4) Sections 24A, 24B—

After section 24, insert:—

**Holders of contractors' authorities to nominate licensees.**

24A. (1) There shall be, in relation to a contractor's authority—

- (a) at least 1 person nominated by the holder of the contractor's authority as responsible for the carrying out of the authorised work which may be undertaken by the holder of the contractor's authority; or
- (b) where the contractor's authority is of a class which corresponds to a class of licences which is prescribed for the purpose of section 12 (3) as being the equivalent of 2 or more other classes of licences—at least 1 person nominated by the holder of the contractor's authority as responsible for the carrying out of the authorised work in relation to licences of each of those classes, being work which may be undertaken by the holder of the contractor's authority.

(2) A person may be nominated as responsible for the carrying out of work undertaken by a holder of a contractor's authority if the person—

- (a) holds a licence of a class in relation to which that work is authorised work; and



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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

(b) is—

- (i) where the holder of the contractor's authority is an individual—the individual or an employee of the individual;
- (ii) where the holder of the contractor's authority is a firm—a member or an employee of the firm; or
- (iii) where the holder of the contractor's authority is a corporation—a director or an employee of the corporation.

**Board may permit a person to be nominated licensee for more than 1 holder of a contractor's authority.**

24B. (1) A person who, being nominated as responsible for the carrying out of authorised work undertaken by a holder of a contractor's authority, is nominated as responsible for the carrying out of authorised work undertaken by another holder of a contractor's authority shall be deemed not to be so nominated by the other holder unless the Board has given to each of those holders its written permission for the purpose of this section for the person to be a nominated licensee in relation to each of those contractors' authorities.

(2) The Board shall not give its permission for a person to be a nominated licensee in relation to 2 or more contractors' authorities unless it considers that special circumstances exist which warrant the giving of that permission and, where it has given its permission for the purpose of this section to 2 or more holders of contractors' authorities, may withdraw that permission from 1 or more of those holders of contractors' authorities where it considers that the circumstances no longer warrant it.

(3) A withdrawal of permission given by the Board for the purpose of this section shall be made by notice in writing served on the person or firm to whom it was given.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 2—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—continued.**

(4) Where the Board has withdrawn its permission for a person to be a nominated licensee in relation to a contractor's authority, the person shall be deemed not to be a nominated licensee in relation to the contractor's authority.

(5) Section 30A (3)—

Before "shall furnish", insert "shall inform the Board of any proposed change in the particulars of the nominated licensee or nominated licensees in relation to the contractor's authority by reason of the variation and".

(6) Section 31—

Omit the section, insert instead:—

**Holder of contractor's authority to notify Board of certain changes.**

31. A holder of a contractor's authority—

- (a) being an individual, shall notify the Board, within the prescribed period, of any change in the particulars of the nominated licensee or nominated licensees in relation to the contractor's authority;
- (b) being a firm, shall notify the Board, within the prescribed period—
  - (i) of any change in the particulars of the nominated licensee or nominated licensees in relation to the contractor's authority; or
  - (ii) of any change in the membership of the firm (including any change in the directorship of a corporation being a member of the firm); or

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 2—continued.**

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—continued.**

- (c) being a corporation, shall notify the Board, within the prescribed period—
- (i) of any change in the particulars of the nominated licensee or licensees in relation to the contractor's authority; or
  - (ii) of any change in the directorship of the corporation.

Penalty: \$200.

(7) Section 32 (1)—

Omit the subsection, insert instead:—

(1) A contractor's authority shall be deemed not to be in force at any time at which there is not, in relation to the contractor's authority, 1 or more persons nominated as required by section 24A.

(8) Section 33 (2A)–(2D)—

After section 33 (2), insert:—

(2A) It is a sufficient defence to a complaint that a holder of a contractor's authority has, in the capacity of a holder of a contractor's authority, been guilty of improper conduct in the manner referred to in subsection (1) (c), (d) or (f) in connection with work undertaken by him or it if the holder of the contractor's authority proves to the satisfaction of the Board that he or it did all that was reasonably required to ensure that a nominated licensee nominated as responsible for the carrying out of that work would exercise such degree of control over the carrying out of the work as would be necessary to prevent the occurrence of the improper conduct.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

(2B) A holder of a licence who has control over, or supervision of, the carrying out of plumbing, gasfitting or drainage work of any class or description is guilty of improper conduct if that work is carried out otherwise than in a good and workmanlike manner or if, in the course of carrying out that work, faulty or unsuitable materials are used or the requirements made by or under this or any other Act in respect of that work are otherwise not complied with.

(2C) A nominated licensee in relation to a contractor's authority shall be presumed, in the absence of evidence to the contrary, to have control over the carrying out of all work in respect of which he is nominated by the holder of the contractor's authority and which is undertaken by the holder.

(2D) It is a sufficient defence to a complaint that a holder of a licence has been guilty of improper conduct under subsection (2B) if the holder of the licence proves to the satisfaction of the Board that he used all due diligence to prevent the occurrence of the improper conduct.

(9) (a) Section 34 (a) (iv)—

Omit "or".

(b) Section 34 (a) (v)—

After "work;", insert "or".

(c) Section 34 (a) (vi)—

After section 34 (a) (v), insert:—

(vi) in the case of a holder of a contractor's authority, there is not such number of nominated licensees in relation to the contractor's authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

the authorised work which the holder undertakes is carried out in a good and workmanlike manner and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with;

(d) Section 34 (b) (iv)—

Omit “or” where lastly occurring.

(e) Section 34 (b) (vi)—

After section 34 (b) (v), insert:—

(vi) there is not such number of nominated licensees in relation to the contractor’s authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of the authorised work which the firm undertakes is carried out in a good and workmanlike manner and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with; or

(f) Section 34 (c) (iv)—

Omit “or” where lastly occurring.

(g) Section 34 (c) (v)—

Omit “that corporation.”, insert instead “that corporation; or”.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
NOMINATED LICENSEES—*continued.*

(h) Section 34 (c) (vi)—

After section 34 (c) (v), insert:—

(vi) there is not such number of nominated licensees in relation to the contractor's authority (being holders of licences of appropriate classes) as is sufficient to ensure that all of the authorised work which the corporation undertakes is carried out in a good and workmanlike manner and that, in the course of carrying out that work, good and suitable materials are used and the requirements made by or under this or any other Act in respect of that work are otherwise complied with.

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SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HOLDERS OF  
CERTIFICATES OF REGISTRATION.

(1) Section 72 (1A)—

After section 72 (1), insert:—

(1A) A person shall not knowingly represent to any person or in an advertisement, expressly or impliedly, that any individual is willing or prepared to carry out, or to enter into a contract to carry out, otherwise than as an employee of a holder of a licence or contractor's authority, work that is authorised work in relation to a certificate of registration of any class unless the individual is also the holder of a contractor's authority of a class prescribed for the purpose of this subsection in relation to that class of certificate of registration.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO HOLDERS OF  
CERTIFICATES OF REGISTRATION—*continued.*

(2) Section 72 (2A), (3)—

After “(1)” wherever occurring, insert “, (1A)”.

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SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON  
LICENCES, ETC.

(1) Section 15A—

After section 15, insert:—

**Exemption from requirements in section 14—special circumstances.**

15A. Where, on consideration of an application made under section 13 (1), the Board is of the opinion that the applicant does not satisfy all the requirements of section 14 (1) (a)–(f), the Board may, if it is of the opinion that there are special circumstances, grant a licence or certificate of registration of the class applied for subject to 1 or more restrictions imposed pursuant to section 16.

(2) (a) Section 16 (1)–(1c)—

Omit section 16 (1), insert instead:—

(1) When the Board grants a licence or certificate of registration, it may impose on the licence or certificate of registration such restrictions as it thinks fit.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON LICENCES, ETC.—*continued.*

(1A) The Board may, by notice in writing served on the holder of a licence or certificate of registration—

- (a) revoke or vary any restriction subject to which the licence or certificate of registration is held; or
- (b) impose on the licence or certificate of registration such restrictions or, as the case may be, such additional restrictions as it thinks fit.

(1B) The Board shall not, pursuant to subsection (1) or (1A), make a determination to impose a restriction on a licence or certificate of registration or to vary a restriction subject to which a licence or certificate of registration is held unless it has—

- (a) by notice in writing served on the applicant for, or holder of, the licence or certificate of registration, informed the applicant or holder that it is considering imposing that restriction or making that variation and of its reasons for so doing; and
- (b) given the applicant or holder a reasonable opportunity to show cause why the restriction should not be imposed or the variation made.

(1C) Where a restriction is prescribed, for the purpose of this section, in respect of specified licences or certificates of registration (whether specified by reference to class or otherwise), those specified licences or certificates of registration shall be deemed to be held subject to that restriction.

(b) Section 16 (2A)—

After section 16 (2), insert:—

(2A) Where, pursuant to subsection (1A), the Board varies or imposes a restriction on a licence or certificate of registration and no appeal against the Board's determination to



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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON  
LICENCES, ETC.—*continued.*

vary or impose that restriction is made within the time limited for appealing against it or such an appeal is made but is withdrawn, the holder of that licence or certificate of registration shall—

- (a) where such an appeal is made but is withdrawn after the expiration of that time, immediately after the appeal is withdrawn; or
- (b) in any other case, immediately after the expiration of that time,

lodge the licence or certificate of registration with the Board for endorsement or amendment of an existing endorsement, as the case may require.

Penalty: \$500.

(c) Section 16 (3)—

Omit “endorsed on the licence or certificate of registration held by him”, insert instead “to which the licence or certificate of registration held by him is subject”.

(3) Section 25A—

After section 25, insert:—

**Exemption from requirements in section 24—special circumstances.**

25A. Where, on consideration of an application made under section 23 (1), the Board is of the opinion that the applicant does not satisfy all the requirements of section 24 (1) (a)–(e), the Board may, if it is of the opinion that there are special circumstances, grant a contractor’s authority of the class applied for subject to 1 or more restrictions imposed pursuant to section 26.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON  
LICENCES, ETC.—*continued.*

## (4) (a) Section 26 (1)—(1C)—

Omit section 26 (1), insert instead:—

(1) When the Board grants a contractor's authority, it may impose on the contractor's authority such restrictions as it thinks fit.

(1A) The Board may, by notice in writing served on the holder of a contractor's authority—

- (a) revoke or vary any restriction subject to which the contractor's authority is held; or
- (b) impose on the contractor's authority such restrictions or, as the case may be, such additional restrictions as it thinks fit.

(1B) The Board shall not, pursuant to subsection (1) or (1A), make a determination to impose a restriction on a contractor's authority or to vary a restriction subject to which a contractor's authority is held unless it has—

- (a) by notice in writing served on the applicant for, or holder of, the contractor's authority, informed the applicant or holder that it is considering imposing that restriction or making that variation and of its reasons for so doing; and
- (b) given the applicant or holder a reasonable opportunity to show cause why the restriction should not be imposed or the variation made.

(1C) Where a restriction is prescribed, for the purpose of this section, in respect of specified contractors' authorities (whether specified by reference to class or otherwise), those specified contractors' authorities shall be deemed to be held subject to that restriction.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 4—continued.****AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON LICENCES, ETC.—continued.****(b) Section 26 (2A)—**

After section 26 (2), insert:—

(2A) Where, pursuant to subsection (1A), the Board varies or imposes a restriction on a contractor's authority and no appeal against the Board's determination to vary or impose that restriction is made within the time limited for appealing against it or such an appeal is made but is withdrawn, the holder of that contractor's authority shall—

(a) where such an appeal is made but is withdrawn after the expiration of that time, immediately after the appeal is withdrawn; or

(b) in any other case, immediately after the expiration of that time,

lodge the contractor's authority with the Board for endorsement or amendment of an existing endorsement, as the case may require.

Penalty: \$500.

**(c) Section 26 (3)—**

Omit "endorsed on the contractor's authority held by him or it", insert instead "to which the contractor's authority held by him or it is subject".

**(5) (a) Section 41 (1)—**

Omit the subsection, insert instead:—

(1) An appeal may be made to the District Court—

(a) by an applicant for the grant of a licence, certificate of registration or contractor's authority or for the restoration of a licence, certificate of registration or contractor's

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 4—*continued.*AMENDMENT TO THE PRINCIPAL ACT RELATING TO RESTRICTIONS ON  
LICENCES, ETC.—*continued.*

authority who or which is aggrieved by any determination of the Board in relation to his or its application;

(b) by a holder of a licence, certificate of registration or contractor's authority who or which is aggrieved by any determination of the Board in relation to a restriction subject to which his licence or certificate of registration or his or its contractor's authority is held; or

(c) by a defendant under Part V who or which is aggrieved by any determination of the Board made under section 40 upon the inquiry at which he or it was the defendant,

within 21 days after notice of the determination is served on him or it or, in the case of a determination referred to in subsection (7), within 21 days after the date on which that determination is deemed to have been made.

(b) Section 41 (4A)—

After section 41 (4), insert:—

(4A) Where the decision of the District Court is that a restriction be imposed on the holding of a licence, certificate of registration or contractor's authority or that a restriction subject to which a licence, certificate of registration or contractor's authority is held be varied, the holder of the licence, certificate of registration or contractor's authority, as the case may be, shall, forthwith after the decision is given, lodge it with the Board for endorsement or amendment of an existing endorsement, as the case may require.

Penalty: \$500.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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## SCHEDULE 5.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO CONTRACTS BY  
LICENSEES, ETC.

## Section 56A—

After section 56, insert:—

**Contracts relating to authorised work to be in writing.**

56A. (1) A contract under which the holder of a licence or contractor's authority undertakes to carry out, by himself or itself or by others, any authorised work or to vary any authorised work, or the manner of carrying out any authorised work, specified in a contract is not enforceable against the other party to the contract unless the contract is in writing signed by each of the parties or his agent in that behalf and sufficiently describes the authorised work the subject of the contract.

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

- (a) a contract made by a holder of a licence or contractor's authority in circumstances such that—
    - (i) if the work the subject of the contract is not done promptly, there is likely to be damage to anything or a hazard to the health or safety of any person; and
    - (ii) the work could not be done promptly if the holder required subsection (1) to be complied with before commencing the work; or
  - (b) a contract of a prescribed class.
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*Plumbers, Gasfitters and Drainers (Amendment).*

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## SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CARRYING OUT  
OF WORK BY UNAUTHORISED PERSONS.

## (1) Section 33 (2)—

Omit the subsection, insert instead:—

(2) A holder of a licence, certificate of registration or contractor's authority who or which aids or abets, or is knowingly concerned in any way with—

- (a) the doing of anything in connection with plumbing, gasfitting or drainage work of any class or description by another holder of a licence, certificate of registration or contractor's authority, being a thing which constitutes improper conduct under subsection (1) or which, if the work were authorised work in relation to the other holder, would constitute improper conduct under subsection (1); or
- (b) the doing of anything in connection with plumbing, gasfitting or drainage work of any class or description by any other person, being a thing which, if the person were a holder of a licence, certificate of registration or contractor's authority and the work were authorised work in relation to the person, would constitute improper conduct under subsection (1),

is guilty of improper conduct.

## (2) Section 72A—

After section 72, insert:—

**Holder of licence or contractor's authority not to assist others to carry on certain business.**

72A. A holder of a licence or contractor's authority shall not knowingly assist in any way a person who is not the holder of either a licence or a contractor's authority to undertake on his own behalf to carry out (otherwise than as an employee of a holder of a licence

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*Plumbers, Gasfitters and Drainers (Amendment).*


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**SCHEDULE 6—continued.**
**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CARRYING OUT OF WORK BY UNAUTHORISED PERSONS—continued.**

or contractor's authority) work, or to carry on a business of carrying out work, that is authorised work in relation to a licence of any class.

Penalty: \$2,000.

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**SCHEDULE 7.**

(Sec. 5.)

**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.**

- (1) (a) Section 4 (1), definition of "certificate of registration"—  
Omit "section 14 (1)", insert instead "Part III".
- (b) Section 4 (1), definition of "contractor's authority"—  
Omit "section 24 (1)", insert instead "Part IV".
- (c) Section 4 (1), definition of "licence"—  
Omit "section 14 (1)", insert instead "Part III".
- (2) Section 19 (5)—  
After "in force for", insert "the remaining portion of".
- (3) Section 20A—  
After section 20, insert:—

**Variation of licence or certificate of registration.**

20A. (1) The holder of a licence or certificate of registration may make application to the Board for a variation of the class of the licence or certificate.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(2) An application made under subsection (1) shall be in or to the effect of the prescribed form and, in the case of an application for a variation of the class of a licence, shall be accompanied by the prescribed fee.

(3) An applicant for a variation of the class of a licence or certificate of registration shall furnish to the Board, with his application, such items or particulars as may be required by the regulations.

(4) The Board shall consider each application made under subsection (1) by the holder of a licence or certificate of registration and shall vary the class of the licence or certificate of registration in accordance with the application if it is satisfied that it could have granted to the applicant a licence or certificate of registration of the class as varied if application had been made for a licence or certificate of registration of the class as varied at the time the application was made under this section.

(4) Section 29 (5)—

After “in force for”, insert “the remaining portion of”.

(5) Section 30A—

After section 30, insert:—

**Variation of contractor’s authority.**

30A. (1) The holder of a contractor’s authority may make application to the Board for a variation of the class of the contractor’s authority.

(2) An application made under subsection (1) shall be in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.



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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(3) An applicant for a variation of the class of a contractor's authority shall furnish to the Board, with his or its application, such items or particulars as may be required by the regulations.

(4) The Board shall consider each application made under subsection (1) by the holder of a contractor's authority and shall vary the class of the contractor's authority in accordance with the application if it is satisfied that it could have granted to the applicant a contractor's authority of the class as varied if application had been made for a contractor's authority of the class as varied at the time the application was made under this section.

(6) Section 31 (b) (ii)—

After "firm", insert "(including any change of the directors of a corporation being a member of the firm)".

(7) (a) Section 33 (3)—

Omit "that individual or any other member of the firm, as such a member,", insert instead "the firm".

(b) Section 33 (5)—

Omit "that individual or any other director of the corporation, as such a director,", insert instead "the corporation".

(8) Section 38 (3)—

Omit "given", insert instead "made".

(9) (a) Section 40 (1)—

Omit "After an inquiry held under this Part, the Board may make any of the following determinations", insert instead "After considering the evidence given and produced at an inquiry held under this Part, the Board may make any of the following determinations which to it seem proper".

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—continued.****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.****(b) Section 40 (1) (e), (f)—**

Omit section 40 (1) (e), (f) and (g), insert instead:—

(e) where the defendant is a holder of a licence, certificate of registration or contractor's authority, cancel the licence, certificate of registration or contractor's authority and, if it thinks it appropriate, disqualify the defendant, either permanently or for such period as may be specified in the determination, from being any 1 or more of the following:—

- (i) a holder of a licence, certificate of registration or contractor's authority;
- (ii) a member of a firm or a director of a corporation that is a member of a firm that is a holder of a contractor's authority;
- (iii) a director of a corporation that is a holder of a contractor's authority; or

(f) where the defendant is—

- (i) a member of a firm, or a director of a corporation that is a member of a firm, that is a holder of a contractor's authority;
- (ii) a director of a corporation that is a holder of a contractor's authority;
- (iii) a former licensee, a former certificate holder or a former authorised contractor, as respectively defined in section 35 (1); or
- (iv) a person referred to in section 35 (2) (b),

make any determination specified in paragraph (a), (b) or (c) in respect of the defendant or disqualify the defendant, either permanently or for such period as may

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—*continued.***

**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.***

be specified in the determination, from being any 1 or more of the holders, members and directors specified in paragraph (e) (i), (ii) and (iii).

(c) Section 40 (6)—

Omit the subsection, insert instead:—

(6) Where the Board determines that a licence, certificate of registration or contractor's authority be suspended or cancelled and no appeal against the Board's determination has been made within the time limited for appealing against it or such an appeal is made but is withdrawn, the holder of the licence, certificate of registration or contractor's authority, as the case may be, shall—

(a) where such an appeal is made but is withdrawn after the expiration of that time, immediately after the appeal is withdrawn; or

(b) in any other case, immediately after the expiration of that time,

lodge the licence, certificate of registration or contractor's authority with the Board.

Penalty: \$500.

(10) Section 46 (1) (b1)—

After section 46 (1) (b), insert:—

(b1) all other money received by the Board in respect of any matter not appertaining to the Education Fund;

(11) Section 54 (1) (a)—

Omit "refunded", insert instead "refused".

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 7—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (12) Section 59 (2)—

Omit “premises”, insert instead “land, building, vehicle or vessel”.

## (13) Section 64A—

After section 64, insert:—

**Order for substituted service.**

64A. (1) In this section, “prescribed instrument” means a notice or other document which, under this Act, is required to be, or may be, served.

(2) Upon being satisfied on oath that it is impracticable, otherwise than pursuant to an order under this subsection, to effect service of a prescribed instrument on an individual, firm or corporation, the Board may order that the carrying into effect of procedures specified in the order, being procedures intended to have the effect of bringing the prescribed instrument to the notice of the individual, firm or corporation, as the case may require, shall—

- (a) forthwith upon their being carried into effect, constitute service of the prescribed instrument for the purposes of this Act; or
- (b) at the expiration of a period of time specified in the order or on the occurrence of an event so specified, constitute that service.

## (3) When—

- (a) the procedures specified in an order made under subsection (2) with respect to the service of a prescribed instrument on an individual, firm or corporation have been carried into effect; and

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—continued.**

**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.**

- (b) the period of time, if any, specified under subsection (2)  
(b) in the order has expired or the event, if any, so  
specified has occurred,

the prescribed instrument shall be deemed to have been served on the  
individual, firm or corporation for the purposes of this Act.

(14) Section 68A—

After section 68, insert:—

**Proceedings for certain offences under other Acts.**

68A. Without affecting any of the provisions of—

- (a) the Local Government Act, 1919;
- (b) the Metropolitan Water, Sewerage, and Drainage Act,  
1924;
- (c) the Gas and Electricity Act, 1935;
- (d) the Hunter District Water, Sewerage and Drainage Act,  
1938;
- (e) the Broken Hill Water and Sewerage Act, 1938; or
- (f) the Liquefied Petroleum Gas Act, 1961,

an information alleging that a person has commenced or performed,  
or employed another person to commence or perform, in contraven-  
tion of a provision made by or under any of those Acts, work which,  
by reason of that provision, is authorised work in relation to a holder  
of a licence or certificate of registration may be laid in the name  
of the Board by any person authorised in writing by the Board.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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**SCHEDULE 7—*continued.*****MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*****(15) (a) Section 72 (1)—**

Omit “An individual shall not, by a statement, whether written or not, made to any person or in an advertisement, indicate, expressly or impliedly that—”, insert instead “A person shall not knowingly represent to any person or in an advertisement, expressly or impliedly, that any individual—”.

**(b) Section 72 (1)—**

Omit “he” where firstly, thirdly and fifthly occurring.

**(c) Section 72 (1)—**

Omit “he” where secondly, fourthly and sixthly occurring, insert instead “the individual”.

**(d) Section 72 (2)—**

Omit “A person or firm shall not, by a statement, whether written or not, made to any person or in an advertisement, indicate, expressly or impliedly, that any individual, firm or corporation—”, insert instead “A person shall not knowingly represent to any person or in an advertisement, expressly or impliedly, that any firm or corporation—”.

**(e) Section 72 (2) (a), (b)—**

Omit “individual,” wherever occurring.

**(f) Section 72 (2) (a)—**

Omit “or” where lastly occurring.

**(g) Section 72 (2) (b)—**

Omit “be.”, insert instead “be; or”.

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*Plumbers, Gasfitters and Drainers (Amendment).*

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SCHEDULE 7—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 72 (2) (c)—

After section 72 (2) (b), insert:—

(c) is a holder of a licence or certificate of registration.

(i) Section 72 (2A)—

After section 72 (2), insert:—

(2A) It is no defence to a prosecution for an offence against this Act arising under subsection (1) or (2) that the representation the subject of the offence was made in respect of a non-existent individual, firm or corporation.

(j) Section 72 (3)—

Omit “making a statement to any person or, in an advertisement, indicating”, insert instead “representing to any person or in an advertisement”.

(k) Section 72 (3)—

Omit “forms part only of”, insert instead “is”.

(16) Section 73 (1) (a1)—

After section 73 (1) (a), insert:—

(a1) contracts for the carrying out of prescribed work;

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