



New South Wales

# Plumbing Bill 2010

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to regulate the carrying out of plumbing and drainage work, including by prescribing the standards and requirements that must be complied with in carrying out such work, and
- (b) to provide for a single plumbing regulator to oversee the regulation of plumbing and drainage work regardless of where the work is carried out in the State.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act. In particular, the terms *plumbing regulator* and the *responsible person* for plumbing and drainage work are defined. The *plumbing regulator* is the Director-General of the Department of Services, Technology and Administration. The *responsible person* for plumbing and drainage work is the person who:

- (a) is carrying out the plumbing and drainage work in the person's capacity as the holder of an appropriate licence under the *Home Building Act 1989*, or
- (b) if the person carrying out the work is doing the work on behalf of the holder of an appropriate licence under the *Home Building Act 1989*, the holder of the licence.

**Clause 4** defines the term *plumbing and drainage work* for the purposes of the proposed Act.

## **Part 2 Plumbing and drainage work**

### **Division 1 General requirements for plumbing and drainage work**

**Clause 5** provides that the responsible person for plumbing and drainage work must ensure the work complies with certain standards and other requirements.

**Clause 6** provides that the responsible person for plumbing and drainage work must ensure the fittings used in the work are fittings that have been authorised by the plumbing regulator.

### **Division 2 Notice of work for plumbing and drainage work**

**Clause 7** provides that a person must not carry out plumbing and drainage work unless the responsible person for the work has given the plumbing regulator notice of the work. The requirement to give notice does not apply in certain circumstances such as if the work is done in an emergency.

**Clause 8** provides that if the responsible person for plumbing and drainage work becomes aware, in the course of carrying out that work, that an existing plumbing installation, sanitary plumbing system, drainage installation or sanitary drainage system is defective, the responsible person must notify the owner and occupier of the land. If the defective installation or system poses an imminent risk to public health or safety the responsible person must also notify the plumbing regulator.

### **Division 3 Inspection of plumbing and drainage work**

**Clause 9** provides for the inspection of plumbing and drainage work by the plumbing regulator. Before, or as soon as practicable after, completing plumbing and drainage work the responsible person for the work must notify the plumbing regulator when the work will be ready for inspection. The plumbing regulator then advises the responsible person of a period during which the work must be available

for inspection and the responsible person must ensure the work is ready for inspection during that period and be present for the inspection during that period.

**Clause 10** provides that the plumbing regulator may issue directions to the responsible person for plumbing and drainage work requiring the responsible person to fix any defects in the work.

#### **Division 4      Obligation to supply certificates and plans**

**Clause 11** provides that the responsible person for plumbing and drainage work must, after completing the work, give a certificate of compliance for the work to the plumbing regulator and the owner of the premises on which the work was done. The certificate certifies that the plumbing and drainage work complies with the standards and other requirements of section 5 of the proposed Act.

**Clause 12** provides that after completing work on a sanitary drainage system, the responsible person for the work must supply a plan of the work to the owner of the land and either the plumbing regulator or the local council for the area in which the work has been carried out.

#### **Division 5      Obligation of land owners and occupiers**

**Clause 13** provides that if the owner or occupier of land has control of a water service or sewerage installation located on the land the owner or occupier must take all reasonable steps to ensure the service or installation does not threaten public health or safety.

### **Part 3      Plumbing regulator**

**Clause 14** provides that the plumbing regulator may, by order published on the regulator's website, authorise a fitting for plumbing and drainage work.

**Clause 15** provides that the plumbing regulator may exempt a person, or a class of persons, from certain requirements of the proposed Act including the requirement to give certain notices or to use only authorised fittings for plumbing and drainage work.

**Clause 16** provides that the plumbing regulator may, at any reasonable time, inspect a service pipe that is connected to a water main or any drain connected to a sewer main.

**Clause 17** provides that the plumbing regulator may delegate any of the regulator's functions to a local council or to any other person the regulator considers has the necessary skills, knowledge or experience to exercise the function. The council may subdelegate a function delegated to the council to the general manager of the council or a person engaged as a contractor by the council.

## **Part 4 Entry on to land and other powers**

**Clause 18** provides that a person (an *authorised person*) authorised by the plumbing regulator may, for the purposes of enabling the regulator to exercise the regulator's functions, enter premises during daytime hours or at a time when business is carried out at the premises.

**Clause 19** provides that the power to enter premises does not apply to any part of the premises being used for residential purposes unless the occupier of that part of the premises has given consent or the entry is authorised by a search warrant.

**Clause 20** provides that power to enter premises may not be exercised by a person unless the person has in the person's possession a written authority issued by the plumbing regulator and produces the authority if required to do so by the owner or occupier of the premises. This restriction does not apply if the premises are entered under a search warrant.

**Clause 21** provides that before an authorised person enters premises the plumbing regulator must give the owner or occupier of the premises written notice of the intention to enter. This requirement does not apply in certain circumstances such as if the entry is with the consent of the owner or occupier, the entry is for the purposes of carrying out an inspection of plumbing and drainage work for which the regulator has been given notice by the responsible person or the entry is required because of a serious risk to health or safety.

**Clause 22** provides that an authorised person may use reasonable force to enter premises, if authorised to do so by the plumbing regulator.

**Clause 23** provides that if an authorised person uses force to enter premises or enters the premises in an emergency the authorised person must advise the plumbing regulator of that fact.

**Clause 24** provides for the powers an authorised person may exercise after entering premises, including, for example, inspecting any article, matter or thing on the premises, taking samples and measurements and requiring any person at the premises to give the authorised person reasonable help or to answer questions or otherwise furnish information.

**Clause 25** provides that an authorised person must do as little damage as possible in exercising a function under the proposed Part.

**Clause 26** provides for the plumbing regulator to recover the costs of entering and inspecting premises from the owner or occupier of the premises, or the responsible person for the plumbing and drainage work the subject of the inspection.

**Clause 27** provides that the plumbing regulator must pay compensation for any damage caused by an authorised person unless the damage arises from work that reveals there has been a contravention of the proposed Act or any other Act or regulations.

**Clause 28** provides for the application for, and issuing of, search warrants to enter premises and search for evidence of a contravention of the proposed Act or regulations made under that Act.

**Clause 29** provides that a person must not hinder or obstruct an authorised person in exercising the authorised person's functions.

## **Part 5 Legal proceedings**

### **Division 1 Appeals**

**Clause 30** provides for appeals to the Land and Environment Court against certain decisions of the plumbing regulator.

### **Division 2 Injunctions**

**Clause 31** provides power for the Land and Environment Court to grant an injunction restraining a person from engaging in plumbing or drainage work that constitutes or may constitute a serious risk to public health or safety or a serious risk to the public.

### **Division 3 Penalty notices**

**Clause 32** provides for the issuing of penalty notices.

**Clause 33** provides that the prosecution or conviction of a person for an offence does not prevent the plumbing regulator taking civil proceedings in relation to the same matter.

### **Division 4 Proceedings**

**Clause 34** provides that proceedings for an offence against the proposed Act are to be dealt with summarily before the Local Court or the Land and Environment Court.

**Clause 35** provides for a certificate signed by the plumbing regulator to be prima facie evidence of the matters stated in it.

### **Division 5 Liability for offences**

**Clause 36** provides that it is an offence for a person to provide false or misleading documents under the proposed Act.

**Clause 37** provides that a person who aids or abets a person to commit an offence is guilty of the same offence and liable to be punished accordingly.

**Clause 38** provides that if a corporation contravenes a provision of the proposed Act or the regulations made under that Act each person who is a director of the corporation or who is concerned in its management is taken to have contravened the provision.

## **Part 6 Miscellaneous**

**Clause 39** provides that a person must not disclose information obtained in connection with the administration or execution of the proposed Act except in certain circumstances.

**Clause 40** provides for the plumbing regulator to share information with local councils, network utility operators and the Department of Health.

**Clause 41** provides that persons exercising functions under the proposed Act do not incur personal liability for acts done or omitted to be done in good faith under that Act.

**Clause 42** provides for the continuing effect of directions given under the proposed Act or regulations made under that Act.

**Clause 43** provides for the service of notices and directions under the proposed Act.

**Clause 44** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 45** provides for the review of the proposed Act in 2 years.

## **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

## **Schedule 2 Amendment of legislation**

**Schedule 2** amends the Acts and regulations specified in the Schedule.

## **Schedule 3 Additional amendments to other legislation**

**Schedule 3** amends the Act and regulation specified in the Schedule.



New South Wales

# Plumbing Bill 2010

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New South Wales

## Plumbing Bill 2010

No. , 2010

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### **A Bill for**

An Act to provide for the establishment of a single plumbing regulator; to provide for the regulation of the carrying out of plumbing and drainage work; and for other purposes.

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The Legislature of New South Wales enacts: 1

## Part 1 Preliminary 2

### 1 Name of Act 3

This Act is the *Plumbing Act 2010*. 4

### 2 Commencement 5

This Act commences on a day or days to be appointed by proclamation. 6

### 3 Definitions 7

(1) In this Act: 8

**approved form** means a form approved by the plumbing regulator. 9

**authorised fitting** means a fitting that has been authorised by the plumbing regulator under section 14. 10 11

**authorised person** means a person to whom the plumbing regulator has issued an authority under section 20 (1) (a). 12 13

**certificate of compliance** means a certificate under section 11. 14

**drainage installation** has the meaning given by section 4 (4). 15

**network utility operator** means: 16

(a) the Hunter Water Corporation constituted under the *Hunter Water Act 1991*, and 17 18

(b) the Sydney Water Corporation constituted under the *Sydney Water Act 1994*, and 19 20

(c) a licensed network operator under the *Water Industry Competition Act 2006*, and 21 22

(d) a water supply authority under the *Water Management Act 2000*, and 23 24

(e) a local council or county council exercising water or sewerage functions. 25 26

**plumbing and drainage work** has the meaning given by section 4. 27

**Plumbing Code of Australia** means the document in force from time to time called the *Plumbing Code of Australia*, produced for all State governments by the National Plumbing Regulators Forum. 28 29 30

**plumbing installation** has the meaning given by section 4 (2). 31

**plumbing regulator** means the Director-General of the Department of Services, Technology and Administration. 32 33

**premises** includes land and buildings. 34

**repair** includes make good, replace, reconstruct, remove, alter, cleanse or clear. 1  
2

**responsible person**, for plumbing and drainage work, means the person who: 3  
4

(a) is carrying out the plumbing and drainage work in the person's capacity as the holder of an appropriate licence under the *Home Building Act 1989*, or 5  
6  
7

(b) if the person carrying out the plumbing and drainage work is doing the work on behalf of the holder of an appropriate licence under the *Home Building Act 1989*, the holder of the licence. 8  
9  
10

**sanitary drainage system** has the meaning given by section 4 (5). 11

**sanitary plumbing system** has the meaning given by section 4 (3). 12

(2) Notes included in this Act do not form part of this Act. 13

#### 4 Meaning of "plumbing and drainage work" 14

(1) **Plumbing and drainage work** means the construction of, or work on: 15

(a) a plumbing installation, downstream from its point of connection to: 16  
17

(i) a water supply system, or 18

(ii) an alternative water supply system, or 19

(b) a sanitary plumbing system, or 20

(c) a drainage installation, upstream from its point of connection to: 21

(i) an authorised disposal system or authorised reuse system, or 22  
23

(ii) an on-site wastewater management or treatment system, or 24

(iii) a network utility operator's sewerage system, or 25

(d) a sanitary drainage system. 26

(2) A **plumbing installation** is an installation that conveys, or controls the conveyance of, water but does not include anything connected to, extending or situated beyond the outlet from a fixture, fitting or pressurised line. 27  
28  
29  
30

(3) A **sanitary plumbing system** means an assembly of pipes, fittings, fixtures and appliances used to collect and convey sewage to a sanitary drainage system. 31  
32  
33

(4) A **drainage installation** is an installation that conveys or controls the conveyance of sewage or other wastewater. 34  
35

(5) A **sanitary drainage system** means an assembly of pipes, fittings and apparatus (usually located below ground level) used to collect and 36  
37

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convey the discharge from a sanitary plumbing system, together with discharge from fixtures directly connected to a drain, to a sewer.	1 2
(6) <b>Plumbing and drainage work</b> does not include any of the following work:	3 4
(a) the construction of, or work on, stormwater pipes,	5
(b) the construction of, or work on, fire suppression systems,	6
(c) the construction of, or work on, network utility operator or local council water or stormwater mains, sewers or sewerage systems,	7 8
(d) roof plumbing,	9
(e) work that:	10
(i) involves repairing a tap or showerhead in a dwelling (other than a repair of a thermostatic mixing valve, tempering valve or backflow prevention device) or the installation of water-restricting or flow-regulating devices to tap end fittings (including showerheads) in a dwelling, and	11 12 13 14 15
(ii) is carried out by the owner or occupier of the dwelling, or a person authorised to carry out the work by the owner or occupier of the dwelling who does not receive payment or other consideration for carrying out the work.	16 17 18 19

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<b>Part 2</b>	<b>Plumbing and drainage work</b>	1
<b>Division 1</b>	<b>General requirements for plumbing and drainage work</b>	2
		3
<b>5</b>	<b>Plumbing and drainage work to comply with certain standards</b>	4
(1)	The responsible person for plumbing and drainage work must ensure the work complies with:	5
		6
(a)	any of the following:	7
	(i) the Plumbing Standard,	8
	(ii) an alternative solution under the <i>Plumbing Code of Australia</i> that:	9
	(A) complies with the relevant performance requirements under that Code, or	10
	(B) is at least equivalent to the Plumbing Standard,	11
	(iii) a combination of subparagraphs (i) and (ii), and	12
(b)	any other standards or requirements prescribed by the regulations.	13
		14
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	15
		16
	<b>Note.</b> See also the <i>Home Building Act 1989</i> which provides that a person must not contract to do, or do, plumbing and drainage work unless the person holds, or is otherwise doing the work under the authority of, an appropriate licence under that Act.	17
		18
(2)	In this section:	19
	<b><i>Plumbing Standard</i></b> means a standard prescribed by the regulations for the purposes of this definition.	20
		21
		22
<b>6</b>	<b>Authorised fittings to be used for plumbing and drainage work</b>	23
	The responsible person for plumbing and drainage work must ensure any fitting used in the plumbing and drainage work is an authorised fitting.	24
		25
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	26
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		29
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<b>Division 2</b>	<b>Notice of work for plumbing and drainage work</b>	32
<b>7</b>	<b>Notice of work required for plumbing and drainage work</b>	33
(1)	A person must not carry out plumbing and drainage work unless:	34

(a)	the responsible person for the plumbing and drainage work has given notice of the work to the plumbing regulator in accordance with subsection (2), and	1 2 3
(b)	if the scope of the plumbing and drainage work has changed in a material way since notice of the work was given to the plumbing regulator, a further notice of the work has been given to the plumbing regulator.	4 5 6 7
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	8 9
(2)	A notice of work must be:	10
(a)	made in the approved form, and	11
(b)	given to the plumbing regulator not less than the period (if any) prescribed by the regulations before the plumbing and drainage work is intended to be carried out.	12 13 14
(3)	Subsection (1) does not apply if:	15
(a)	the plumbing and drainage work is done in an emergency:	16
(i)	to prevent waste of water, or	17
(ii)	to restore a water supply that has been shut off to prevent waste of water, or	18 19
(iii)	to free a choked pipe, or	20
(iv)	to protect public health or safety, or	21
(v)	to prevent damage to property, and	22
(b)	the responsible person for the plumbing and drainage work gives the plumbing regulator a notice that the work has been done within the period prescribed by the regulations after carrying out the work.	23 24 25 26
<b>8</b>	<b>Responsible person's obligation to give notice of defective plumbing installation or sanitary plumbing system</b>	27 28
(1)	This section applies if:	29
(a)	the responsible person for plumbing and drainage work being carried out on land has given notice of the work to the plumbing regulator under section 7, and	30 31 32
(b)	in the course of carrying out the plumbing and drainage work the responsible person, or a person carrying out the plumbing and drainage work on the responsible person's behalf, becomes aware that a plumbing installation, sanitary plumbing system, drainage installation or sanitary drainage system on the land is defective.	33 34 35 36 37



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- |     |   |              |
|-----|---|--------------|
| (2) | The responsible person must give written notice of the defective installation or system to:   | 1<br>2       |
| (a) | the owner of the land, and  | 3            |
| (b) | if the owner of the land does not occupy the land, the occupier of the land.  | 4<br>5       |
|     | Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.   | 6<br>7       |
| (3) | The responsible person must also give written notice of the defective installation or system to the plumbing regulator if the installation or system poses an imminent threat to public health or safety. | 8<br>9<br>10 |
|     | Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.   | 11<br>12     |

### **Division 3      Inspection of plumbing and drainage work** 13

#### **9      Inspection of plumbing and drainage work** 14

- |     |   |                      |
|-----|---|----------------------|
| (1) | A responsible person for plumbing and drainage work must before, or as soon as practicable after, completing the work notify the plumbing regulator when the work will be ready for inspection by the plumbing regulator.           | 15<br>16<br>17<br>18 |
|     | Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.   | 19<br>20             |
| (2) | The responsible person may give the plumbing regulator notice that the plumbing and drainage work is ready for inspection only if the fee prescribed by the regulations for the inspection has been paid to the plumbing regulator. | 21<br>22<br>23<br>24 |
| (3) | On being notified by the responsible person that the plumbing and drainage work is available for inspection, the plumbing regulator must advise the responsible person:   | 25<br>26<br>27       |
| (a) | of the period during which the plumbing and drainage work must be available for inspection by the plumbing regulator, and   | 28<br>29             |
| (b) | that the responsible person must ensure the plumbing and drainage work is accessible for inspection during that period.   | 30<br>31             |
| (4) | The responsible person must, unless the responsible person has a reasonable excuse:   | 32<br>33             |
| (a) | ensure the plumbing and drainage work is accessible and ready to be inspected during the period specified by the plumbing regulator, and  | 34<br>35<br>36       |

(b)	be present during that period at the place at which the plumbing and drainage work has been carried out.	1 2
	Maximum penalty: 100 penalty units in the case of an individual or 200 penalty units in the case of a corporation.	3 4
(5)	To avoid any doubt, the plumbing regulator may carry out more than one inspection of the plumbing and drainage work if the regulator considers it necessary in the circumstances.	5 6 7
<b>10</b>	<b>Defective plumbing and drainage work</b>	8
(1)	The plumbing regulator may, by written notice given to the responsible person for plumbing and drainage work, direct the responsible person:	9 10
(a)	to repair, as specified by the plumbing regulator, work done otherwise than in accordance with good trade practice, or	11 12
(b)	to bring into conformity with section 5 work done otherwise than in accordance with that section, or	13 14
(c)	to repair, as specified by the plumbing regulator, a defective fitting used in any of the work done, or	15 16
(d)	if a fitting used in the plumbing and drainage work is not an authorised fitting, to replace the fitting with an authorised fitting, or	17 18 19
(e)	to disconnect the supply of water to premises, or part of premises, if there is a risk to public health.	20 21
(2)	A responsible person to whom a direction is given must comply with the direction, unless the responsible person has a reasonable excuse.	22 23
	Maximum penalty: 100 penalty units in the case of an individual or 200 penalty units in the case of a corporation.	24 25
(3)	If a direction is given to a responsible person before a certificate of compliance is given for the plumbing and drainage work, the responsible person must not continue with the work until the direction has been complied with.	26 27 28 29
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	30 31
(4)	A direction ceases to have effect if the plumbing and drainage work the subject of the direction is the subject of an order made by the Consumer, Trader and Tenancy Tribunal under the <i>Home Building Act 1989</i> .	32 33 34
(5)	A direction is of no effect if it is issued more than 2 years after the plumbing and drainage work to which it relates has been completed.	35 36

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<b>Division 4</b>	<b>Obligation to supply certificates and plans</b>	1
<b>11</b>	<b>Person to give certificate of compliance after work completed</b>	2
(1)	The responsible person for plumbing and drainage work must, within the period prescribed by the regulations after completing the work:	3
(a)	give the plumbing regulator a certificate of compliance that complies with subsection (2), and	4
(b)	give a copy of the certificate to the owner of the premises on which the work was done or to which the work was connected.	5
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	6
(2)	A certificate of compliance must:	7
(a)	be in the approved form, and	8
(b)	certify that the plumbing and drainage work to which it relates has been completed in accordance with section 5.	9
(3)	For the purposes of this section, plumbing and drainage work is completed by a responsible person when the first of the following occurs:	10
(a)	the responsible person completes, in accordance with this Act, the whole of the plumbing and drainage work the person was engaged to carry out and the period during which the plumbing and drainage work must be available for inspection by the plumbing regulator has ended,	11
(b)	the whole of the plumbing and drainage work the responsible person was engaged to carry out is capable of being used in accordance with this Act and the period during which the plumbing and drainage work must be available for inspection by the plumbing regulator has ended.	12
<b>12</b>	<b>Supply of plans</b>	13
(1)	On completion of plumbing and drainage work that consists of or includes carrying out work on a sanitary drainage system, the responsible person for the work must supply a plan of the work, in the approved form, to the following persons:	14
(a)	the owner of the land,	15
(b)	either:	16
(i)	the plumbing regulator, or	17

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Part 2 Plumbing and drainage work

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- (ii) if the sanitary drainage system is in the area of a local council to which functions under this Act have been delegated, the local council. 1  
2  
3  
Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation. 4  
5
- (2) If a person prepares a plan of a sanitary drainage system other than under subsection (1) the person must supply a copy of the plan, in the approved form, to the following persons: 6  
7  
8
  - (a) the owner of the land, 9
  - (b) either: 10
    - (i) the plumbing regulator, or 11
    - (ii) if the sanitary drainage system is in the area of a local council to which functions under this Act have been delegated, the local council. 12  
13  
14

Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation. 15  
16

**Division 5 Obligation of land owners and occupiers 17**

**13 Obligation to prevent threats to public health or safety 18**

- (1) This section applies if the owner or occupier of land has control of a water service or sewerage installation located on the land. 19  
20
- (2) The owner or occupier must take all reasonable steps to ensure the water service or sewerage installation does not threaten public health or safety. 21  
22  
23  
Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation. 24  
25

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<b>Part 3</b>	<b>Plumbing regulator</b>	1
<b>14</b>	<b>Authorisation of fittings used for plumbing and drainage work</b>	2
(1)	The plumbing regulator may, by order published on the regulator’s website, authorise a fitting for use for plumbing and drainage work.	3 4
(2)	The plumbing regulator’s authorisation may:	5
(a)	apply generally or be limited in its application by reference to specified exceptions or factors, or	6 7
(b)	apply differently according to different factors of a specified kind.	8 9
<b>15</b>	<b>Exemption from certain requirements</b>	10
(1)	The plumbing regulator may exempt a person, or any specified class of persons, from any or all of the following requirements of this Act:	11 12
(a)	the requirement to give the plumbing regulator notice of plumbing and drainage work under section 7,	13 14
(b)	the requirement to notify the plumbing regulator that plumbing and drainage work is ready for inspection,	15 16
(c)	the requirement to complete a certificate of compliance with respect to plumbing and drainage work,	17 18
(d)	the requirement to use only authorised fittings for plumbing and drainage work.	19 20
(2)	An exemption under subsection (1) (a)–(c) may relate to plumbing and drainage work generally or to a specified kind or kinds of plumbing work.	21 22 23
(3)	An exemption under subsection (1) (d) may relate to fittings generally or to a specified kind or kinds of fitting.	24 25
(4)	The plumbing regulator may vary or revoke any exemption granted by the plumbing regulator.	26 27
(5)	Notice of any exemption granted by the plumbing regulator, or of any variation or revocation of such an exemption, may be given in the way the plumbing regulator considers appropriate.	28 29 30
(6)	A person in respect of whom an exemption ceases to have effect by reason of the variation or revocation of the exemption by the plumbing regulator is not guilty of an offence under this Act as a result of the exemption having ceased to have effect unless it is established the person was aware of the variation or revocation of the exemption.	31 32 33 34 35

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Clause 16 Plumbing Bill 2010

Part 3 Plumbing regulator

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- (7) A person is taken to be aware of the variation or revocation of an exemption by the plumbing regulator if written notice of that fact is served on the person. 1  
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3
- (8) Subsection (7) does not affect any other means by which a person may be made aware of the variation or revocation of an exemption. 4  
5
- (9) The plumbing regulator must: 6
- (a) keep a register of exemptions granted by the plumbing regulator and in force under this section, and 7  
8
  - (b) make the register available on the regulator's website. 9
- (10) A regulation may exempt a class of persons from a requirement referred to in subsection (1). 10  
11
- 16 Inspection of pipes and drains** 12
- The plumbing regulator may, at any reasonable time: 13
- (a) inspect any service pipe connected to a water main, and 14
  - (b) inspect any drain connected to a sewer main. 15
- 17 Delegation** 16
- (1) The plumbing regulator may delegate any of the plumbing regulator's functions under this Act, other than this power of delegation, to: 17  
18
- (a) a local council, or 19
  - (b) any other person the regulator considers has the necessary skills, knowledge or experience to exercise the function. 20  
21
- (2) A local council may subdelegate any function delegated to it by the plumbing regulator to: 22  
23
- (a) the general manager of the council, or 24
  - (b) a person engaged as a contractor by the local council. 25

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<b>Part 4</b>	<b>Entry on to land and other powers</b>	1
<b>18</b>	<b>Power of entry</b>	2
(1)	For the purpose of enabling the plumbing regulator to exercise the regulator's functions, an authorised person may enter any premises.	3 4
(2)	Entry may only be made at:	5
(a)	a reasonable hour in the daytime, or	6
(b)	an hour during which business is in progress or is usually carried on at the premises.	7 8
<b>19</b>	<b>Entry of residence</b>	9
	The powers of entry and inspection conferred by this Part are not exercisable in relation to that part of any premises being used for residential purposes except:	10 11 12
(a)	with the permission of the occupier of that part of the premises, or	13
(b)	under the authority conferred by a search warrant.	14
<b>20</b>	<b>Authority to enter premises</b>	15
(1)	A power conferred by this Part to enter premises, or to make an inspection or take other action on premises, may not be exercised unless the person proposing to exercise the power:	16 17 18
(a)	is in possession of a written authority issued by the plumbing regulator, and	19 20
(b)	produces the authority if required to do so by the owner or occupier of the premises.	21 22
(2)	An authority issued by the plumbing regulator must:	23
(a)	state that it is issued under this Act, and	24
(b)	give the name of the person to whom it is issued, and	25
(c)	describe the nature of the powers conferred and the source of the powers, and	26 27
(d)	state the date (if any) on which it expires, and	28
(e)	describe the kind of premises to which the power extends, and	29
(f)	bear the signature of the plumbing regulator.	30
(3)	This section does not apply to a power conferred by a search warrant.	31

<b>21 Notice of entry</b>	1
(1) Before an authorised person enters premises under this Part, the plumbing regulator must give the owner or occupier of the premises written notice of the intention to enter the premises.	2 3 4
(2) The notice must specify the day on which the authorised person intends to enter the premises and must be given before that day.	5 6
(3) This section does not require notice to be given:	7
(a) if entry to the premises is made with the consent of the owner or occupier of the premises, or	8 9
(b) if entry to the premises is made for the purposes of carrying out an inspection of plumbing and drainage work for which the responsible person for the work has given the plumbing regulator notice under section 9 (1), or	10 11 12 13
(c) if entry to the premises is required because of the existence or reasonable likelihood of a serious risk to health or safety, or	14 15
(d) if entry is required urgently and the case is one in which the plumbing regulator has authorised in writing (either generally or in the particular case) entry without notice.	16 17 18
<b>22 Use of force</b>	19
(1) Reasonable force may be used for the purpose of gaining entry to premises (other than residential premises) under a power conferred by this Part, but only if authorised by the plumbing regulator in accordance with this section.	20 21 22 23
(2) The authority of the plumbing regulator:	24
(a) must be in writing, and	25
(b) must be given in respect of the particular entry concerned, and	26
(c) must specify the circumstances which are required to exist before force may be used.	27 28
<b>23 Notification of use of force or urgent entry</b>	29
(1) An authorised person must promptly advise the plumbing regulator if the person:	30 31
(a) uses force for the purpose of gaining entry to the premises, or	32
(b) enters the premises in an emergency without giving written notice to the owner or occupier.	33 34
(2) The plumbing regulator must give notice of the entry to such persons or authorities as appear to the regulator to be appropriate in the circumstances.	35 36 37



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<b>24</b>	<b>Inspections and investigations</b>	1
	For the purpose of enabling the plumbing regulator to exercise the regulator's functions, an authorised person who enters premises under this Part may:	2
		3
		4
	(a) inspect the premises and any article, matter or thing on the premises, and	5
		6
	(b) for the purpose of an inspection:	7
	(i) open any ground and remove any flooring and take such measures as may be necessary to ascertain the character and condition of the premises and of any pipe, sewer, drain or fitting, and	8
		9
		10
		11
	(ii) require the opening, cutting into or pulling down of any work if the authorised person has reason to believe or suspect that anything on the premises has been done in contravention of this Act or the regulations, and	12
		13
		14
		15
	(c) take measurements, make surveys and take levels and, for those purposes, dig trenches, break up the soil and set up any posts, stakes or marks, and	16
		17
		18
	(d) examine and test any meter, and	19
	(e) measure a supply of water, and	20
	(f) take samples or photographs in connection with any inspection, and	21
		22
	(g) take into or onto the premises any person, equipment and materials the authorised person reasonably requires for exercising a function under this Part, and	23
		24
		25
	(h) require any person at the premises to give the authorised person reasonable help to exercise the authorised person's functions under paragraphs (a)–(g), and	26
		27
		28
	(i) require any person at those premises to answer questions or otherwise furnish information in relation to the matter the subject of the inspection or investigation.	29
		30
		31
<b>25</b>	<b>Care to be taken</b>	32
	(1) In the exercise of a function under this Part, an authorised person must do as little damage as possible.	33
		34
	(2) The plumbing regulator must provide, if necessary, other means of access in place of any taken away or interrupted by an authorised person.	35
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	(3) As far as practicable, entry on to fenced land is to be made through an existing opening in the enclosing fence.	38
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(4)	If entry through an existing opening is not practicable, a new opening may be made in the enclosing fence, but the plumbing regulator is to fully restore the fence when the need for entry ceases.	1 2 3
(5)	If, in the exercise of a function under this Part, any pit, trench, hole or bore is made, the plumbing regulator must, if the owner or occupier of the premises so requires:	4 5 6
(a)	fence it and keep it securely fenced so long as it remains open or not sufficiently sloped down, and	7 8
(b)	without unnecessary delay, fill it up or level it or sufficiently slope it down.	9 10
(6)	For the purposes of complying with the plumbing regulator's duty under subsection (4) or (5), the plumbing regulator may, by written notice given to the responsible person for the plumbing and drainage work the subject of the inspection, require the responsible person to carry out the work referred to in that subsection.	11 12 13 14 15
(7)	The responsible person must not, without reasonable excuse, fail to comply with the written notice.	16 17
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	18 19
<b>26</b>	<b>Recovery of cost of entry and inspection</b>	20
	If an authorised person enters premises under this Part for the purpose of making an inspection and as a result of that inspection, under a power conferred on the plumbing regulator, the regulator requires any work to be carried out on or in the premises, the regulator may recover the reasonable costs of the entry and inspection from:	21 22 23 24 25
(a)	the owner or occupier of the premises, or	26
(b)	the responsible person for the plumbing and drainage work the subject of the inspection.	27 28
<b>27</b>	<b>Compensation</b>	29
	The plumbing regulator must pay compensation for any damage caused by an authorised person, other than damage arising from work done for the purpose of an inspection that reveals that there has been a contravention of this or any other Act or regulations made under this or any other Act.	30 31 32 33 34
<b>28</b>	<b>Search warrants</b>	35
(1)	An authorised person may apply to an authorised warrants officer for a search warrant if the authorised person has reasonable grounds for	36 37

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believing that the provisions of this Act or the regulations have been or are being contravened in or on any premises.	1 2
(2) An authorised warrants officer to whom such an application is made may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising an authorised person named in the warrant:	3 4 5
(a) to enter the premises, and	6
(b) to search the premises for evidence of a contravention of this Act or the regulations.	7 8
(3) Division 4 of Part 5 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> applies to a search warrant issued under this section.	9 10 11
(4) Without limiting the generality of section 71 of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , a police officer:	12 13
(a) may accompany an authorised person executing a search warrant issued under this section, and	14 15
(b) may take all reasonable steps to assist the authorised person in the exercise of the person's functions under this section.	16 17
(5) In this section:	18
<b><i>authorised warrants officer</i></b> means an authorised officer within the meaning of the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> .	19 20 21
<b>29 Obstruction of authorised person</b>	22
(1) A person must not, without reasonable excuse:	23
(a) hinder or obstruct an authorised person so as to interfere with the exercise of the authorised person's functions under this Part, or	24 25
(b) being an occupier of premises entered under this Part, fail to provide the authorised person with such facilities and assistance as are reasonably requested by the authorised person for the exercise of the authorised person's functions.	26 27 28 29
Maximum penalty: 100 penalty units in the case of an individual or 200 penalty units in the case of a corporation.	30 31
(2) A person is not guilty of an offence under subsection (1) (a) unless the authorised person produced for inspection, before the alleged offence occurred, the authorised person's authority under this Part.	32 33 34

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<b>Part 5</b>	<b>Legal Proceedings</b>	1
<b>Division 1</b>	<b>Appeals</b>	2
<b>30</b>	<b>Appeals to Land and Environment Court against certain decisions of plumbing regulator</b>	3 4
	A person may appeal to the Land and Environment Court against a decision by the plumbing regulator to give the person a direction under section 10.	5 6 7
<b>Division 2</b>	<b>Injunctions</b>	8
<b>31</b>	<b>Injunctions</b>	9
(1)	If, on the application of the Minister, the plumbing regulator or any other person, the Land and Environment Court is satisfied a person has engaged, or is proposing to engage, in plumbing and drainage work that constitutes or would constitute a serious risk to public health or safety or a serious risk to the public, the Court may grant an injunction in the terms the Court considers appropriate.	10 11 12 13 14 15
(2)	If an application for an injunction under subsection (1) has been made, the Land and Environment Court may, if the Court considers it appropriate, grant an injunction by consent of all the parties to the proceedings, whether or not the Court is satisfied a person has engaged, or is proposing to engage, in conduct of a kind specified in subsection (1).	16 17 18 19 20 21
(3)	If in the opinion of the Land and Environment Court it is desirable to do so, the Court may grant an injunction pending determination of an application under subsection (1).	22 23 24
(4)	The Land and Environment Court may rescind or vary an injunction granted under subsection (1), (2) or (3).	25 26
(5)	The power of the Land and Environment Court to grant an injunction restraining a person from engaging in conduct may be exercised:	27 28
(a)	whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind, and	29 30 31
(b)	whether or not the person has previously engaged in conduct of that kind, and	32 33
(c)	whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.	34 35 36

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- (6) The power of the Land and Environment Court to grant an injunction requiring a person to do an act or thing may be exercised: 1
- (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing, and 2
- (b) whether or not the person has previously refused or failed to do that act or thing, and 3
- (c) whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person refuses or fails to do that act or thing. 4
- (7) If the Minister or the plumbing regulator makes an application to the Land and Environment Court for the grant of an injunction under this section, the Court must not require the applicant or any other person, as a condition of granting an interim injunction, to give any undertaking as to damages or costs. 5
- (8) If: 6
- (a) in a case to which subsection (7) does not apply, the Land and Environment Court would, but for this subsection, require a person to give an undertaking as to damages or costs, and 7
- (b) the Minister gives the undertaking, 8
- the Court must accept the undertaking by the Minister and must not require a further undertaking from any other person. 9

### **Division 3      Penalty notices** 23

#### **32    Penalty notices** 24

- (1) An authorised person may serve a penalty notice on another person if it appears to the authorised person that the other person has committed an offence against this Act or the regulations, being an offence prescribed by the regulations as a penalty notice offence. 25
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section. 26
- (3) A penalty notice under this section is declared to be a penalty notice for the purposes of the *Fines Act 1996*. 27
- (4) A penalty notice may be served personally or by post. 28
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(5)	If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.	1 2 3
(6)	Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.	4 5 6
(7)	The regulations may:	7
(a)	prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	8 9 10
(b)	prescribe the amount of penalty payable for the offence if dealt with under this section, and	11 12
(c)	prescribe different amounts of penalties for different offences or classes of offences.	13 14
(8)	The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.	15 16 17
(9)	This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.	18 19 20
<b>33</b>	<b>Payment of penalty does not affect other proceedings</b>	21
(1)	Prosecution or conviction of a person for an act or omission that is an offence against this Act does not affect any right of the plumbing regulator to take civil proceedings or any other action to recover from the person:	22 23 24 25
(a)	an amount in respect of loss or damage caused by the act or omission, or	26 27
(b)	the expenses incurred by the plumbing regulator in remedying the loss or damage.	28 29
(2)	Payment of a penalty for an offence against this Act does not affect any right of the plumbing regulator to institute any other action or proceeding.	30 31 32
<b>Division 4</b>	<b>Proceedings</b>	33
<b>34</b>	<b>Proceedings for offences</b>	34
(1)	Proceedings for an offence against this Act are to be dealt with:	35
(a)	summarily before the Local Court, or	36

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(b)	summarily before the Land and Environment Court in its summary jurisdiction.	1 2
(2)	Proceedings for an offence against the regulations are to be dealt with summarily before the Local Court.	3 4
(3)	Proceedings for an offence against this Act or the regulations must be commenced within 3 years after the commission of the offence.	5 6
<b>35</b>	<b>Evidentiary certificates</b>	7
	A certificate purporting to be signed by the plumbing regulator and stating any of the following matters is prima facie evidence of the matter:	8 9 10
(a)	a stated document is an appointment made under this Act,	11
(b)	a stated document is a notice, direction or requirement given under this Act,	12 13
(c)	a stated document is a copy of a document referred to in paragraph (a) or (b),	14 15
(d)	on a stated day, or during a stated period, an appointment as an authorised person was or was not in force for a stated period.	16 17
<b>Division 5</b>	<b>Liability for offences</b>	18
<b>36</b>	<b>Offence to provide false or misleading documents</b>	19
	A person must not, in a document the person is required to provide by this Act, include information the person knows, or could reasonably be expected to have known, to be false or misleading in a material particular.	20 21 22 23
	Maximum penalty: 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation.	24 25
<b>37</b>	<b>Aiding and abetting etc</b>	26
	A person who:	27
(a)	aids, abets, counsels or procures a person to commit, or	28
(b)	induces or attempts to induce a person, whether by threats or promises or otherwise, to commit, or	29 30
(c)	is in any way, directly or indirectly, knowingly concerned in, or party to, the commission by a person of, or	31 32
(d)	conspires with another to commit,	33
	an offence against this Act or the regulations is guilty of the same offence and liable to be punished accordingly.	34 35

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Clause 38 Plumbing Bill 2010

Part 5 Legal Proceedings

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<b>38</b>	<b>Offence by corporation—liability of directors etc</b>	1
(1)	If a corporation contravenes any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in its management is to be taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.	2 3 4 5
(2)	A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.	6 7 8



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<b>Part 6</b>	<b>Miscellaneous</b>	1
<b>39</b>	<b>Disclosure of information</b>	2
	A person must not disclose information obtained in connection with the administration or execution of this Act unless the disclosure is made:	3
		4
	(a) with the consent of the person from whom the information was obtained, or	5
		6
	(b) in connection with the administration or execution of this Act, or	7
	(c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or	8
		9
	(d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> , or	10
		11
	(e) with other lawful excuse.	12
	Maximum penalty: 20 penalty units.	13
<b>40</b>	<b>Certain information may be provided to and by plumbing regulator</b>	14
	(1) The plumbing regulator is authorised to provide information:	15
	(a) to a local council if the local council considers the provision of the information is necessary to enable the local council to exercise its functions, or	16
		17
		18
	(b) to a network utility operator if the network utility operator considers the provision of the information is necessary to enable the operator to exercise its functions, or	19
		20
		21
	(c) to the Department of Health if that Department considers the provision of the information is necessary to prevent, or otherwise relates to, a risk to public health.	22
		23
		24
	(2) A local council or network utility operator is authorised to provide information to the plumbing regulator if the plumbing regulator considers the provision of the information is necessary to enable the plumbing regulator to exercise the regulator's functions under this Act.	25
		26
		27
		28
	(3) Information may be provided in accordance with this section despite any prohibition in, or the need to comply with any requirement of, any Act or law, including the <i>Privacy and Personal Information Protection Act 1998</i> .	29
		30
		31
		32
<b>41</b>	<b>Exclusion of liability</b>	33
	(1) A protected person is not personally liable for anything done or omitted to be done in good faith:	34
		35
	(a) in the exercise of a function under this Act, or	36

(b)	in the reasonable belief that the act or omission was in the exercise of a function under this Act.	1 2
(2)	In this section:	3
	<i>protected person</i> means any of the following:	4
(a)	the plumbing regulator,	5
(b)	an authorised person,	6
(c)	a person (other than a local council) to whom the plumbing regulator has delegated functions under this Act,	7 8
(d)	a member of a local council's staff or a contractor of a local council,	9 10
(e)	an investigator under the <i>Fair Trading Act 1987</i> .	11
<b>42</b>	<b>Continuing effect of directions</b>	12
(1)	A direction given under this Act or the regulations that specifies a time by which, or period within which, the direction must be complied with continues to have effect until the direction is complied with even though the time has passed or the period has expired.	13 14 15 16
(2)	A direction that does not specify a time by which, or period within which, the direction must be complied with continues to have effect until the direction is complied with.	17 18 19
(3)	This section does not apply to the extent that any requirement under a direction is revoked.	20 21
<b>43</b>	<b>Service of notices and directions</b>	22
(1)	A notice or direction in writing that is required or permitted to be given under this Act may be given:	23 24
(a)	to a person other than a corporation:	25
(i)	by giving it to the person personally, or	26
(ii)	by leaving it at the person's place of residence with someone who apparently resides there and has apparently reached the age of 16 years, or	27 28 29
(iii)	by leaving it at the person's place of employment or business with someone who is apparently employed there and has apparently reached the age of 16 years, or	30 31 32
(iv)	by posting it in a letter addressed to the person at the address last known to the plumbing regulator of the person's place of residence, employment or business, or	33 34 35
(b)	to a corporation:	36

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(i)	by giving it to the secretary of the corporation, or any other person concerned in the management of the corporation, personally, or	1 2 3
(ii)	by leaving it at the corporation's only or principal place of business with someone who is apparently employed there and has apparently reached the age of 16 years, or	4 5 6
(iii)	by posting it in a letter addressed to the corporation at the address last known to the plumbing regulator of its only or principal place of business.	7 8 9
(2)	Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.	10 11 12
<b>44</b>	<b>Regulations</b>	<b>13</b>
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	14 15 16 17
(2)	Without limiting subsection (1), the regulations may make provision for or with respect to:	18 19
(a)	the fees payable under this Act, and	20
(b)	the requirements for carrying out plumbing and drainage work.	21
(3)	For the purposes of subsection (2) (a), if functions of the plumbing regulator have been delegated to local councils the regulations may provide:	22 23 24
(a)	that the councils may set fees for exercising the functions, and	25
(b)	for the methodology or factors to be used by the councils in setting the fees, including maximum fees that may be charged for exercising the functions.	26 27 28
(4)	The regulations may create an offence punishable by a maximum penalty of 20 penalty units.	29 30
<b>45</b>	<b>Review of Act</b>	<b>31</b>
(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	32 33 34
(2)	The review is to be undertaken as soon as possible after the period of 2 years from the date of assent to this Act.	35 36
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.	37 38

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<b>Schedule 1</b>	<b>Savings, transitional and other provisions</b>	1
		2
<b>Part 1</b>	<b>General</b>	3
<b>1</b>	<b>Regulations</b>	4
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	5
	this Act	6
		7
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	8
		9
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	10
		11
		12
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	13
		14
		15
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	16
		17
		18
<b>Part 2</b>	<b>Provisions consequent on enactment of this Act</b>	19
		20
<b>2</b>	<b>Staged commencement</b>	21
(1)	Despite any other provision of this Act, this Act and the regulations (other than the relevant provisions) do not apply to plumbing and drainage work carried out in a relevant utility area until the date prescribed by the regulations.	22
		23
		24
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(2)	In this clause:	26
	<i>relevant provisions</i> means any of the following provisions:	27
(a)	section 3 to the extent that a definition in that section is relevant to the operation of section 5 or 6,	28
		29
(b)	section 5,	30
(c)	section 6,	31
(d)	clause 3 of this Schedule,	32
(e)	any provision of the regulations that relates to a provision referred to in paragraphs (a)–(d).	33
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<i>relevant utility area</i> means any area other than the following:	1
(a) an area that, immediately before the commencement of this clause, was within the area of operations of the Sydney Water Corporation,	2 3 4
(b) an area that, immediately before the commencement of this clause, was within the area of operations of a licensed network operator under the <i>Water Industry Competition Act 2006</i> .	5 6 7
<b>3 Plumbing and drainage work started before commencement</b>	8
(1) This clause applies if:	9
(a) before the commencement of this Act in relation to an area, a person had started, but not completed, carrying out work in that area, and	10 11 12
(b) the work is plumbing and drainage work within the meaning of this Act, and	13 14
(c) the person held a permit granted under an Act to carry out the work.	15 16
(2) On and from the commencement of the Act in relation to that area:	17
(a) the work is taken to be plumbing and drainage work carried out under this Act, and	18 19
(b) the permit is taken to be a notice of the work under section 7.	20

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<b>Schedule 2</b>	<b>Amendment of legislation</b>	1
<b>2.1</b>	<b>Home Building Act 1989 No 147</b>	2
<b>[1]</b>	<b>Section 3 Definitions</b>	3
	Omit the definition of <i>plumbing work</i> in section 3 (1). Insert instead:	4
	<i>plumbing work</i> means:	5
	(a) plumbing and drainage work within the meaning of the <i>Plumbing Act 2010</i> , and	6
	(b) plumbing or drainage work that, because of a relevant law, can be done lawfully only:	8
	(i) by the holder of an endorsed contractor licence or of a supervisor or tradesperson certificate, and	10
	(ii) if a relevant law so provides, by some other person.	12
<b>[2]</b>	<b>Section 135 Proceedings for certain offences under other Acts</b>	13
	Insert the following after section 135 (h):	14
	or	15
	(i) the <i>Plumbing Act 2010</i> ,	16
<b>2.2</b>	<b>Hunter Water Act 1991 No 53</b>	17
<b>[1]</b>	<b>Section 30A</b>	18
	Insert after section 30:	19
	<b>30A</b> <b>Unauthorised connections, alterations or use of works</b>	20
	A person must not do any of the following unless authorised to do so by the Corporation:	21
	(a) connect any pipe or fitting to a work owned by the Corporation,	23
	(b) alter or use a work owned by the Corporation.	25
	Maximum penalty: 100 penalty units (or 200 penalty units in the case of a corporation).	26
<b>[2]</b>	<b>Section 69 Work for water supply, sewerage or drainage</b>	28
	Omit the section.	29

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<b>2.3 Hunter Water Regulation 2010</b>	1
<b>Part 3 Plumbing and drainage work</b>	2
Omit the Part.	3
<b>2.4 Land and Environment Court Act 1979 No 204</b>	4
<b>[1] Section 18 Class 2—local government and miscellaneous appeals and applications</b>	5
Insert after section 18 (g):	6
(h) appeals under section 30 of the <i>Plumbing Act 2010</i> .	7
<b>[2] Section 20 Class 4—environmental planning and protection and development contract civil enforcement</b>	8
Insert after section 20 (1) (dh):	9
(di) proceedings under section 31 of the <i>Plumbing Act 2010</i> ,	10
<b>[3] Section 20 (3) (a)</b>	11
Insert after “ <i>Plantations and Reafforestation Act 1999</i> ”:	12
<i>Plumbing Act 2010</i>	13
<b>2.5 Law Enforcement (Powers and Responsibilities) Act 2002 No 103</b>	14
<b>Schedule 2 Search warrants under other Acts</b>	15
Insert in alphabetical order:	16
<i>Plumbing Act 2010</i> , section 28	17
<b>2.6 Local Government Act 1993 No 30</b>	18
<b>Section 124 What orders may be given, in what circumstances and to whom?</b>	19
Insert “or, in the case of a water supply or sewerage system, the <i>Plumbing Act 2010</i> ” after “ <i>1919</i> ” wherever occurring in item 5 of the Table to the section.	20
<b>2.7 Local Government (General) Regulation 2005</b>	21
<b>[1] Clause 16 Approvals for stormwater drainage work to be subject to a condition requiring compliance with standards and requirements</b>	22
Omit “water supply, sewerage or”.	23
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<b>[2] Clause 16A</b>	1
Insert after clause 16:	2
<b>16A Approvals for water supply or sewerage work subject to compliance with Plumbing Act 2010, standards and requirements</b>	3 4
It is a condition of an approval allowing water supply or sewerage work that the activity approved, and any building or work associated or carried out in connection with the activity, complies with:	5 6 7 8
(a) any requirements of the <i>Plumbing Act 2010</i> or the regulations made under that Act, and	9 10
(b) any applicable standards or requirements set out or referred to in this Regulation or any other regulation under the Act or the <i>Environmental Planning and Assessment Act 1979</i> .	11 12 13 14
<b>[3] Clause 151</b>	15
Omit the clause. Insert instead:	16
<b>151 Water supply and sewerage work to comply with Plumbing Act 2010</b>	17 18
Water supply work and sewerage work must comply with any requirements of the <i>Plumbing Act 2010</i> or the regulations made under that Act.	19 20 21
<b>151A Stormwater drainage work to comply with Australian and New Zealand Standard</b>	22 23
Stormwater drainage work must comply with:	24
(a) AS/NZS 3500.3:2003, <i>Plumbing and Drainage—Stormwater Drainage</i> , or	25 26
(b) section 5 of AS/NZS 3500.5:2000, <i>National Plumbing and Drainage—Domestic installations</i> .	27 28
<b>[4] Clause 153 Laying of house service pipes</b>	29
Omit the clause.	30
<b>[5] Schedule 1 Standards relating to approvals</b>	31
Omit the heading to Part 2. Insert instead:	32
<b>Part 2 Standards for stormwater drainage work</b>	33



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<b>[6] Schedule 1, clause 15</b>	1
Omit the clause. Insert instead:	2
<b>15 Compliance with Australian and New Zealand Standard</b>	3
Stormwater drainage work must comply with:	4
(a) AS/NZS 3500.3:2003, <i>Plumbing and Drainage—Stormwater Drainage</i> , or	5
(b) section 5 of AS/NZS 3500.5:2000, <i>National Plumbing and Drainage—Domestic installations</i> .	6
<b>[7] Schedule 1, clause 16 (5)</b>	7
Omit the subclause.	8
<b>[8] Schedule 1, clause 20</b>	9
Omit the clause.	10
<b>[9] Schedule 1, clause 21 (1)</b>	11
Omit “1, 4 or”.	12
<b>2.8 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</b>	13
<b>[1] Clause 4 Definitions</b>	14
Omit the definition of <i>Plumbing and Drainage Code of Practice</i> from clause 4 (1).	15
<b>[2] Clauses 27 (3) (a), 28 (3) (a), 62 (a), 101 (5) (a), 102 (5) (a) and 154 (a)</b>	16
Omit “Plumbing and Drainage Code of Practice” wherever occurring.	17
Insert instead “ <i>Plumbing Act 2010</i> and any regulations under that Act”.	18
<b>[3] Clause 29 Drainage</b>	19
Omit clause 29 (3) (a).	20
<b>[4] Clause 176</b>	21
Insert after clause 175:	22
<b>176 Transitional provision for Plumbing Act 2010</b>	23
(1) This clause applies if, immediately before the commencement of this clause:	24
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(a)	a utility service complied with the Plumbing and Drainage Code of Practice, or	1 2
(b)	a plumbing and drainage fitting was installed in accordance with the Plumbing and Drainage Code of Practice.	3 4 5
(2)	From the commencement, the utility service or plumbing and drainage fitting is taken to comply with the <i>Plumbing Act 2010</i> as in force on that day.	6 7 8
(3)	In this clause:	9
	<i>plumbing and drainage fitting</i> means the pipes and fitting in a manufactured home or relocatable home that relate to water supply, sewerage or stormwater drainage.	10 11 12
	<i>utility service</i> means:	13
(a)	the water supply service for a manufactured home estate caravan park or camping ground, and	14 15
(b)	the sewage disposal system for a manufactured home estate, caravan park or camping ground, and	16 17
(c)	the stormwater drainage system for a manufactured home estate.	18 19
<b>2.9</b>	<b>Residential Parks Regulation 2006</b>	20
	<b>Clause 15</b>	21
	Omit the clause. Insert instead:	22
	<b>15 Individual water metering standards: sections 36 and 39</b>	23
	For the purposes of sections 36 (1) (b) and 39 (1) of the Act, residential premises must be individually metered:	24 25
(a)	in accordance with any relevant standard prescribed under the <i>Plumbing Act 2010</i> , or	26 27
(b)	if a standard has not been prescribed under the <i>Plumbing Act 2010</i> , in a way that meets the requirements of a water supply authority that operates in the area in which the residential premises are located.	28 29 30 31

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<b>2.10 Sydney Water Act 1994 No 88</b>	1
<b>[1] Section 48A</b>	2
Insert after section 48:	3
<b>48A Unauthorised connections, alterations and use of works</b>	4
A person must not do any of the following unless authorised to do so by the Corporation:	5
(a) connect any pipe or fitting to a work owned by the Corporation,	6
(b) alter or use a work owned by the Corporation.	7
Maximum penalty: 100 penalty units (or 200 penalty units in the case of a corporation).	8
<b>[2] Section 99 Work for stormwater drainage</b>	9
Omit “water supply, sewerage or stormwater drainage intended for direct or indirect connection with the pipes, sewers or drains” from section 99 (1).	10
Insert instead “stormwater drainage intended for direct or indirect connection with the stormwater system”.	11
<b>[3] Section 106 Regulations</b>	12
Omit section 106 (5). Insert instead:	13
(5) The regulations may apply, adopt or incorporate a standard published or adopted by Standards Australia as in force for the time being.	14
<b>2.11 Sydney Water Regulation 2006</b>	15
<b>[1] Part 2 Plumbing and drainage</b>	16
Omit the Part.	17
<b>[2] Clause 31A</b>	18
Insert in Part 5, before clause 32:	19
<b>31A Corporation to be notified of damage to its works or other property</b>	20
(1) A person who, in the course of doing plumbing and drainage work, damages a work or other property of the Corporation must immediately notify the Corporation of the damage.	21
Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in any other case.	22

(2) In this clause:	1
<i>plumbing and drainage work</i> has the meaning given in the	2
<i>Plumbing Act 2010</i> .	3
<b>2.12 Water Industry Competition Act 2006 No 104</b>	4
<b>[1] Section 73 Unlicensed plumbing and drainage work</b>	5
Omit the section.	6
<b>[2] Schedule 2 Regulation-making powers</b>	7
Omit item 6 (a) of Schedule 2.	8
<b>2.13 Water Industry Competition (General) Regulation 2008</b>	9
<b>[1] Clause 3 Definitions</b>	10
Omit the definition of <i>Plumbing and Drainage Code of Practice</i> from	11
clause 3 (1).	12
<b>[2] Schedule 1 Conditions for network operators' licences</b>	13
Omit "the Plumbing and Drainage Code of Practice" from clause 8 (1).	14
Insert instead "any relevant standard prescribed under the <i>Plumbing</i>	15
<i>Act 2010</i> ".	16
<b>[3] Schedule 1, clause 11</b>	17
Omit "the Plumbing and Drainage Code of Practice".	18
Insert instead "section 5 of the <i>Plumbing Act 2010</i> ".	19
<b>[4] Schedule 1, clause 15</b>	20
Omit the clause.	21
<b>2.14 Water Management Act 2000 No 92</b>	22
<b>[1] Section 109 Suspension and cancellation of approvals</b>	23
Omit section 109 (1) (b). Insert instead:	24
(b) that the holder of the approval has been convicted of an	25
offence against:	26
(i) this Act or the regulations, or	27
(ii) the <i>Plumbing Act 2010</i> or the regulations under that	28
Act,	29

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<b>[2] Section 318B Unlicensed plumbing work</b>	1
Omit the section.	2
<b>[3] Section 322 Regulations</b>	3
Omit section 322 (1) (d).	4
<b>[4] Section 322 (2)</b>	5
Omit “other than a SEPP made under the <i>Environmental Planning and Assessment Act 1979</i> ”.	6
	7
Insert instead:	8
other than:	9
(a) a SEPP made under the <i>Environmental Planning and Assessment Act 1979</i> , or	10
	11
(b) a statutory instrument made under the <i>Plumbing Act 2010</i> .	12
<b>2.15 Water Management (Water Supply Authorities) Regulation 2004</b>	13
	14
<b>[1] Clause 3 Definitions</b>	15
Omit the definition of <i>sewerage service</i> from clause 3 (1).	16
<b>[2] Clause 13 Installation and maintenance of water service by owner</b>	17
Omit the clause.	18
<b>[3] Clause 33 Installation and maintenance of sewerage service by owner</b>	19
Omit the clause.	20
<b>[4] Clause 34 Sewerage service not to be shared</b>	21
Omit clause 34 (2).	22
<b>[5] Clause 34 (5)</b>	23
Insert after clause 34 (4):	24
(5) In this clause:	25
<i>sewerage service</i> has the meaning given by section 283 of the Act.	26
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<i>shared sewerage service</i> means a sewerage service that extends over, or receives sewage from, 2 or more separately owned parcels of land.	28
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<b>[6] Part 5</b>	1
Omit the Part. Insert instead:	2
<b>Part 5 Plumbing work in the area of Country Energy</b>	3 4
<b>44 Notification of damage arising in the course of plumbing work</b>	5
(1) A person who, in the course of carrying out plumbing work in the area of operations of Country Energy, damages a work or other property of a water supply authority must immediately notify the authority of the damage.	6 7 8 9
Maximum penalty: 20 penalty units.	10
(2) In this clause:	11
<i>plumbing work</i> means work comprising or affecting:	12
(a) a water service or its connection to a water supply authority's water supply system, or	13 14
(b) a sewerage service or its connection to a water supply authority's sewerage system.	15 16
<b>[7] Clause 100 Cutting off or restricting supply</b>	17
Insert “, or any requirements of the <i>Plumbing Act 2010</i> or the regulations made under that Act,” after “requirements” in clause 100 (b) (v).	18 19
<b>[8] Clause 116 Supply of plans</b>	20
Omit the clause.	21

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<b>Schedule 3</b>	<b>Additional amendments to other legislation</b>	1
		2
<b>3.1</b>	<b>Local Government Act 1993 No 30</b>	3
[1]	<b>Section 124 What orders may be given, in what circumstances and to whom?</b>	4
	Omit “or, in the case of a water supply or sewerage system, the <i>Plumbing Act 2010</i> ” wherever occurring in item 5 of the Table to the section.	5
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[2]	<b>Section 124, Table</b>	8
	Omit “, water supply or sewerage system” wherever occurring in item 5.	9
[3]	<b>Section 634 Water, sewerage and stormwater drainage offences</b>	10
	Omit “water supply work, sewerage work or” wherever occurring in section 634 (1), (2) and (4).	11
		12
[4]	<b>Section 634 (3) (b)</b>	13
	Omit the paragraph.	14
[5]	<b>Section 634 (4)</b>	15
	Omit “water supply works, sewerage works or”.	16
[6]	<b>Schedule 6 Regulations</b>	17
	Omit “Water, sewerage and drainage systems”, “Connections to water and sewer mains” and “Pipes and fittings for hot water apparatus” from the examples in item 7 of the Schedule.	18
		19
		20
<b>3.2</b>	<b>Local Government (General) Regulation 2005</b>	21
[1]	<b>Clause 20 Person carrying out stormwater drainage work to hold permit</b>	22
	Omit “1, 4,”.	23
[2]	<b>Clause 22 Defective stormwater drainage work to be rectified</b>	24
	Omit “1, 4,” from clause 22 (1).	25
[3]	<b>Clause 23 Diagrams of stormwater drainage work</b>	26
	Omit “4 or” from clause 23 (1).	27
[4]	<b>Clause 87 Water supply and sewerage system pipes, fittings and fixtures</b>	28
	Omit the clause.	29

Plumbing Bill 2010

Schedule 3 Additional amendments to other legislation

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<b>[5] Clause 88 Rectification of defective water supply or sewerage work</b>	1
Omit the clause.	2