

PLUMBERS, GASFITTERS AND DRAINERS BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

- Local Government (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Metropolitan Water, Sewerage, and Drainage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Gas and Electricity (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Hunter District Water, Sewerage and Drainage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Broken Hill Water and Sewerage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Liquefied Petroleum Gas (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Builders Licensing (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979;
- Statutory and Other Offices Remuneration (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979.

The objects of this Bill are:—

- (a) to constitute the Plumbers, Gasfitters and Drainers Board (the "Board");
- (b) to regulate, by a system of licences, certificates of registration and contractors' authorities, the carrying out of plumbing, gasfitting and drainage work;
- (c) to provide a system of disciplining plumbers, gasfitters and drainers for improper conduct;
- (d) to provide a system of appeals to the District Court from determinations of the Board; and
- (e) to provide for the financing of the Board.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Arrangement.

Clause 4. Interpretation.

Clause 5 prohibits the granting of certain licences and certificates of registration by or under any Act other than the proposed Act.

Clause 6 provides for the constitution of the Plumbers, Gasfitters and Drainers Board and further provides that the Board shall be a statutory body representing the Crown.

Clause 7 provides for the appointment by the Governor of 10 members of the Board, 1 of whom shall be appointed Chairman of the Board.

Clause 8 makes provision (by way of Schedules) with respect to the constitution, membership and meetings of the Board.

Clause 9 provides that the functions of the Board shall be those imposed by or under the proposed, or any other, Act.

Clause 10 provides for the appointment of officers and employees to carry out the provisions of the proposed Act.

Clause 11 provides for the establishment of committees by the Board.

Clause 12 provides that classes of licences and certificates of registration may be prescribed.

Clause 13 provides for the making of applications for licences or certificates of registration by individuals.

Clause 14 enables the Board to grant a licence or certificate of registration of the class applied for provided that the applicant meets certain requirements.

Clause 15 provides that licences and certificates of registration shall be in force for a prescribed period, not exceeding 3 years, or such shorter period as may be determined by the Board in respect of a particular licence or certificate of registration.

Clause 16 provides that restricted licences and certificates of registration may be granted by the Board to an applicant where the applicant does not meet all the specified or prescribed requirements for the grant of a licence or certificate of registration.

Clause 17 provides that licences and certificates of registration are non-transferable.

Clause 18 provides for the renewal of licences and certificates of registration.

Clause 19 provides for the restoration of licences and certificates of registration where a licence or certificate of registration is not renewed as a result of inadvertence or where it is just and equitable that it be restored.

Clause 20 provides for the alteration of renewal dates in respect of licences and certificates of registration.

Clause 21 makes savings provisions (by way of Schedule) with respect to existing licences and certificates granted under the Acts specified in the clause.

Clause 22 provides that classes of contractors' authorities may be prescribed, each such class being a class prescribed as corresponding to a class of licence.

Clause 23 provides for the making of applications for contractors' authorities by persons (including corporations) and firms.

Clause 24 enables the Board to grant a contractor's authority of the class applied for provided that the applicant meets certain requirements.

Clause 25 specifies that contractors' authorities shall be in force for a prescribed period, not exceeding 3 years, or such shorter period as may be determined by the Board in respect of a particular contractor's authority.

Clause 26 provides that restricted contractors' authorities may be granted by the Board to an applicant where the applicant does not meet all the specified or prescribed requirements for the grant of a contractor's authority.

Clause 27 provides that contractors' authorities are non-transferable.

Clause 28 provides for the renewal of contractors' authorities.

Clause 29 provides for the restoration of contractors' authorities where a contractor's authority is not renewed as a result of inadvertence or where it is just and equitable that it be restored.

Clause 30 provides for the alteration of renewal dates in respect of contractors' authorities.

Clause 31 specifies that the holder of a contractor's authority shall notify the Board, within a prescribed period, of changes of certain individuals.

Clause 32 provides that a contractor's authority shall be deemed not to be in force in circumstances where the holder does not have available qualified persons, and requires the holder of a contractor's authority to inform the Board in writing when these circumstances arise.

Clause 33 specifies activities which constitute improper conduct in respect of holders of licences, certificates of registration and contractors' authorities.

Clause 34 provides for the making of complaints against holders of licences, certificates of registration and contractors' authorities.

Clause 35 provides for the making of complaints against former licensees, former certificate holders and former authorised contractors, as defined within the clause, and certain persons concerned with the conduct of the businesses of former authorised contractors.

Clause 36 makes provision for the manner of making complaints.

Clause 37 specifies the procedure to be taken when a complaint is made.

Clause 38 specifies the manner in which an inquiry into a complaint is to be held.

Clause 39 makes provision for the issue of subpoenas by the Board.

Clause 40 specifies the determinations that may be made by the Board after an inquiry is held.

Clause 41 makes provision for appeals from determinations of the Board to the District Court.

Clause 47 contains interpretation provisions for the purposes of the finance provisions contained in Part VII of the proposed Act.

Clause 43 provides for the establishing of the Plumbers, Gasfitters and Drainers Account in the Special Deposits Account in the Treasury.

Clause 44 provides that the Treasurer may advance money to the Board.

Clause 45 specifies that the Board shall establish in its books—

- (a) the Plumbers, Gasfitters and Drainers General Fund (the "General Fund"); and
- (b) the Plumbers, Gasfitters and Drainers Education and Research Fund (the "Education Fund").

Clause 46 specifies the money that constitutes the General Fund and the way in which the money in that Fund may be applied.

Clause 47 specifies the money that constitutes the Education Fund and the way in which the money in that Fund may be applied.

Clause 48 makes provision for the investment of money held in the General Fund or in the Education Fund.

Clause 49 requires the Board to keep accounts.

Clause 50 provides for the audit of the accounts of the Board.

Clause 51 provides that registers shall be kept by the Board.

Clause 52 empowers the Board to delegate its functions.

Clause 53 deals with the surrender of licences, certificates of registration and contractors' authorities.

Clause 54 provides for the refund of fees by the Board in certain circumstances.

Clause 55 imposes a penalty for making false or misleading statements in applications for licences, certificates of registration and contractors' authorities.

Clause 56 provides that the proposed Act does not affect the rights and remedies that any person may have against a holder of a licence, certificate of registration or contractor's authority.

Clause 57 provides that the Board may acquire premises with the approval of the Minister and may make and enter into contracts.

Clause 58 provides that the Board may disseminate information regarding its functions.

Clause 59 gives a power of entry to persons authorised in writing by the Board.

Clause 60 empowers the Board to require a person to give information to it.

Clause 61 provides that information obtained by a person in the administration or execution of the proposed Act shall not be disclosed except when certain conditions are complied with.

Clause 62 provides that a certificate purporting to be under the hand of a prescribed officer shall be prima facie evidence of the matters stated therein.

Clause 63 provides that proof of certain matters in legal proceedings is not required unless evidence to the contrary is given.

Clause 64 makes provision for the manner of serving notices and other documents.

Clause 65 makes provision for the manner of serving notices, summonses, writs and other proceedings on the Board.

Clause 66 makes provision for the manner in which documents may be executed by the Board.

Clause 67 provides that summonses and other documents requiring authentication may be sufficiently authenticated without the seal of the Board if signed by the Chairman.

Clause 68 makes provision with respect to proceedings for offences.

Clause 69 makes provision for protection from liability of members of the Board and other persons.

Clause 70 provides for the recovery of charges.

Clause 71 requires the Board to prepare annually a report of its work and activities and forward the report to the Minister for tabling in Parliament.

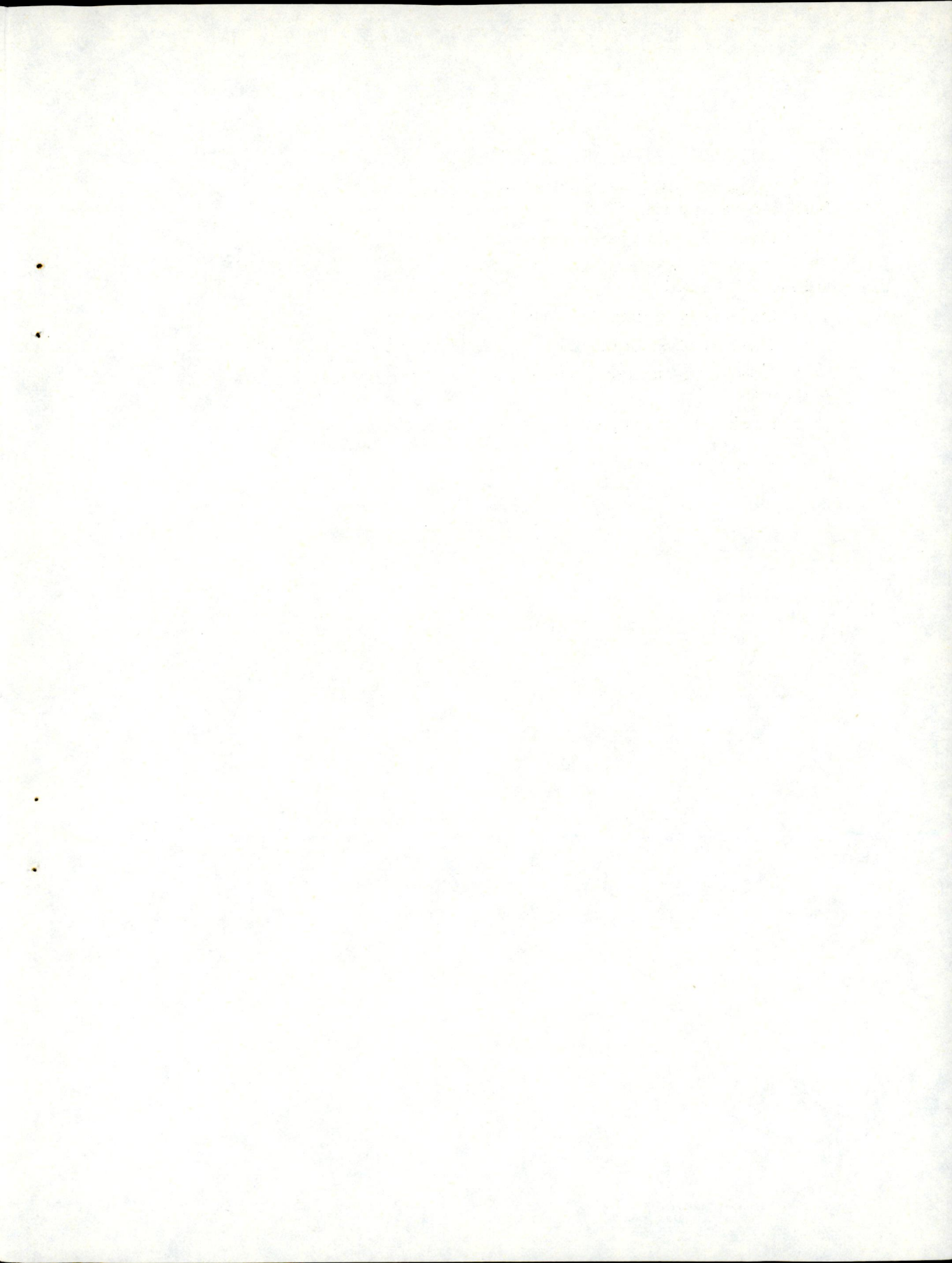
Clause 72 specifies offences against the proposed Act.

Clause 73 enables regulations to be made for the purposes of the proposed Act.

Schedule 1 contains provisions with respect to the constitution and membership of the Board.

Schedule 2 contains provisions with respect to meetings of the Board.

Schedule 3 contains savings and transitional provisions.



**PLUMBERS, GASFITTERS AND DRAINERS BILL,
1979**

No. , 1979.

A BILL FOR

An Act to constitute the Plumbers, Gasfitters and Drainers Board and to confer on it functions with respect to the licensing and registration of plumbers, gasfitters and drainers; and for other purposes.

[MR FERGUSON—22 *March*, 1979.]

See also Local Government (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Metropolitan Water, Sewerage, and Drainage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Gas and Electricity (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Hunter District Water, Sewerage and Drainage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Broken Hill Water and Sewerage (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Liquefied Petroleum Gas (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Builders Licensing (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979; Statutory and Other Offices Remuneration (Plumbers, Gasfitters and Drainers) Amendment Bill, 1979.

Plumbers, Gasfitters and Drainers.

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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited as the "Plumbers, Gasfitters and Short title. Drainers Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
10 of assent to this Act. ment.

(2) Part I (except sections 1 and 2), Parts II and VII and Schedules 1 and 2, and so much of Part VIII as relates to the constitution, membership and meetings of the Board, shall commence on such day as may be appointed by the Governor in respect
15 thereof and as may be notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day, being a day later than the day appointed and notified under subsection (2), as may be appointed
20 by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Arrange-
ment.

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE PLUMBERS, GASFITTERS
25 AND DRAINERS BOARD—ss. 6–11.**

**PART III.—LICENCES AND CERTIFICATES OF REGISTRATION
—ss. 12–21.**

PART IV.—CONTRACTORS' AUTHORITIES—ss. 22–32.

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PART V.—DISCIPLINARY PROVISIONS—*ss.* 33–40.

PART VI.—APPEALS—*s.* 41.

PART VII.—FINANCE—*ss.* 42–50.

PART VIII.—GENERAL—*ss.* 51–73.

5 SCHEDULE 1.—PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD.

SCHEDULE 2.—PROVISIONS RELATING TO MEETINGS OF THE BOARD.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

10 4. (1) In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“authorised work”—

15 (a) in relation to a licence of any class, a holder of a licence of any class or an applicant for a licence of any class, means work (being plumbing, gasfitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a
20 licence of that class or by any other class of persons specified in the provision;

25 (b) in relation to a certificate of registration of any class, a holder of a certificate of registration of any class or an applicant for a certificate of registration of any class, means work (being plumbing, gasfitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a
30 certificate of registration of that class or by any other class of persons specified in the provision; and

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(c) in relation to a contractor's authority of any class, a holder of a contractor's authority of any class or an applicant for a contractor's authority of any class, means work (being plumbing, gas-fitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a licence of a class to which that class of contractor's authority corresponds or by any other class of persons specified in the provision;

"Board" means the Plumbers, Gasfitters and Drainers Board constituted under section 6;

"certificate of registration" means a certificate granted under section 14 (1);

"Chairman" means the person appointed and holding office as Chairman of the Board;

"contractor's authority" means an authority granted under section 24 (1);

"defendant" means any person or firm against whom or which a complaint is made under section 34 or 35 or on whom or which a notice issued under section 37 (4) is served;

"District Court" means the District Court of New South Wales;

"firm" means a firm within the meaning of the Business Names Act, 1962;

"functions" includes powers, authorities and duties;

"gasfitting work" does not include the installation, alteration, repair, connection or disconnection of pipes, fittings, apparatus, appliances or storage equipment used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas for use in internal combustion engines;

"individual" means a person other than a corporation;

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“inspector” means a person appointed under section 10 (1) or (2) (c) as an inspector;

“licence” means a licence granted under section 14 (1);

5 “local authority” means a council or county council within the meaning of the Local Government Act, 1919, the Metropolitan Water Sewerage and Drainage Board, the Hunter District Water Board, the Broken Hill Water Board, the Australian Gas Light Company and any body declared under subsection (3) to be a local authority
10 within the meaning of this definition;

“member” means a member of the Board;

“regulations” means regulations made under this Act.

(2) A reference in this Act to the performance of a function includes, where the function is a power or authority, the
15 exercise of that power or authority.

(3) The Governor may, by order published in the Gazette, declare any body, whether incorporated or not, to be a local authority within the meaning of the definition of “local authority” in subsection (1).

20 (4) A reference in this Act to a class of contractors’ authorities that corresponds to a class of licences is a reference to a class of contractors’ authorities that is prescribed under section 22 as corresponding to a class of licences.

5. On and from the day appointed and notified under section
25 2 (3), a licence or certificate of registration of a kind specified in the regulations shall not be granted under any provision made by or under any other Act.

Prohibition on granting certain licences and certificates of registration under other Acts.

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PART II.

CONSTITUTION OF THE PLUMBERS, GASFITTERS AND
DRAINERS BOARD.

6. (1) There is hereby constituted a corporation under the
5 corporate name of the "Plumbers, Gasfitters and Drainers Board". Constitu-
tion of
the Board.

(2) The Board is, for the purpose of any Act, a statutory
body representing the Crown.

7. (1) The Board shall consist of 10 members, appointed by Members of
the Board.
the Governor, of whom—

10 (a) 1 shall be appointed as Chairman of the Board by the
instrument of his appointment or by a subsequent
instrument executed by the Governor;

15 (b) 1 shall be an officer of the Department of Public Works
nominated by the Minister administering the Public
Works Act, 1912;

(c) 1 shall be an officer of the Department of Technical and
Further Education nominated by the Minister adminis-
tering the Technical and Further Education Act, 1974;

20 (d) 1 shall be an officer of the Energy Authority of New
South Wales nominated by the Minister administering
the Gas and Electricity Act, 1935;

25 (e) 1 shall be an officer of the Metropolitan Water Sewerage
and Drainage Board nominated by the Minister
administering the Metropolitan Water, Sewerage, and
Drainage Act, 1924;

(f) 1 shall be an officer of the Hunter District Water Board
nominated by the Minister administering the Hunter
District Water, Sewerage and Drainage Act, 1938;

30 (g) 1 shall be a person chosen by the Minister from a panel
of 3 persons nominated by the Executive of the New
South Wales Plumbers and Gasfitters Employees' Union;

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- (h) 1 shall be a person chosen by the Minister from a panel of 3 persons nominated by the Executive Committee of the Master Plumbers and Sanitary Engineers' Association of New South Wales;
- 5 (i) 1 shall be a person chosen by the Minister from a panel of 3 persons nominated by the Board of the Australian Gas Association; and
- 10 (j) 1 shall be a person chosen by the Minister from a panel of 3 persons who shall be members of the Australian Institute of Health Surveyors and who shall be nominated jointly by the Executive Committee of the Local Government Association of New South Wales, the Executive Council of the Shires Association of New South Wales and the State Council of the Australian
- 15 Institute of Health Surveyors.

(2) Where, for the purposes of subsection (1) (b)–(j), a nomination of a person, or nominations of persons to constitute a panel, is or are not made within the time or in the manner specified by the Minister in a written notice given to the person or

20 body or bodies entitled to make the nomination or nominations, the Governor may appoint a person to be a member instead of the person required to be appointed on that nomination or from that panel and the person so appointed shall be deemed to have been duly nominated.

25 (3) A person shall not be appointed as a member unless he is a holder of a licence or has other qualifications which, in the opinion of the Governor, justify his being appointed as a member.

8. (1) Schedule 1 has effect with respect to the constitution and membership of the Board.

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(2) Schedule 2 has effect with respect to the meetings of the Board.

Provisions relating to the constitution, membership and meetings of the Board.

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9. The Board shall have and may perform the functions Functions of the Board. conferred or imposed on it by or under this or any other Act.

10. (1) The Governor shall, under and subject to the Public Officers and employees. Service Act, 1902, appoint such officers and employees as may be 5 necessary for the purpose of carrying out the provisions of this Act.

(2) For the purpose of performing its functions, the Board may—

10 (a) with the approval of the Minister of the department concerned and on such terms as may be arranged, make use of the services of any officers or employees of the department;

15 (b) with the approval of the local authority concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of the local authority; and

(c) with the approval of the Public Service Board, appoint and employ, on a casual basis and on such other terms as may be approved by the Board, persons to act in the administration of this Act.

20 (3) A person referred to in subsection (2) (c) is not, in his capacity as an employee of the Board, an officer within the meaning of the Public Service Act, 1902, but, if the terms and conditions upon which he is appointed so provide, any specified provisions of that Act or the regulations thereunder, whether with 25 or without specified modifications, shall apply to and in respect of him as if he were an employee within the meaning of that Act.

11. (1) The Board may establish such committees as the Committees. Board thinks fit.

(2) The function of a committee is to advise the Board 30 in relation to such of the Board's functions as are referred to it by the Board for advice.

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(3) A committee shall consist of a member of the Board, who shall be chairman of the committee, and such other persons, whether members of the Board or not, as may be appointed by the Board.

5 (4) The Board may determine a quorum for a meeting of a committee.

(5) The proceedings of a committee shall be in accordance with any directions given by the Board or, in the absence of any such directions, as may be determined by the committee.

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PART III.

LICENCES AND CERTIFICATES OF REGISTRATION.

12. (1) Licences and certificates of registration shall be of such classes as may be prescribed.

Classes of
licences
and
certificates
of
registration.

15 (2) A class of licences or certificates of registration shall not be prescribed under subsection (1) unless, by or under an Act, it is provided that work (being plumbing, gasfitting or drainage work, or any class or description of any such work) may not be carried out except by a person who is a holder of a licence or certificate of registration of that class or by any other class of
20 persons specified in the provision.

(3) Without limiting subsections (1) and (2), a class of licences or certificates of registration may be prescribed as being the equivalent of 2 or more other classes of licences or certificates of registration, as the case may be, and a holder of a licence or
25 certificate of registration of a class so prescribed shall be deemed to be a holder of each of those other classes of licences or certificates of registration, as the case may be.

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13. (1) An individual may make application to the Board for the grant of a licence or certificate of registration of any class. Applica-
tions.

(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 licence, shall be accompanied by the prescribed fee.

(3) An applicant for 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.

14. (1) The Board shall consider each application made under section 13 (1) and shall grant a licence or certificate of registration of the class applied for to the individual making the application if it is satisfied that— Grant of
licences
and certifi-
cates of
registration.

(a) he is of or above the age of 18 years;

(b) he is a fit and proper person to be a holder of a licence or certificate of registration, as the case may be, and is otherwise of good character;

(c) he has such qualifications or has passed such examinations as are determined by the Board in relation to the licence or certificate of registration of the class applied for;

(d) he has had adequate experience under the supervision of a holder of a licence of a class that the Board considers appropriate;

(e) he is capable of carrying out work that is authorised work in relation to him; and

(f) he satisfies such other requirements as may be prescribed.

(2) Where the Board makes a determination that an application made under section 13 (1) be refused, it shall cause a notice, setting out the reasons for the refusal, to be served on the applicant.

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- 15.** (1) Subject to this Act, a licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of a particular licence or certificate of registration. Duration of licences and certificates of registration.
- 5 (2) The period for which a licence or certificate of registration is in force shall be endorsed on it.
- 16.** (1) Where, on consideration of an application made under section 13 (1), the Board is of the opinion that the individual making the application 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 which is restricted in relation to either or both of the following matters :— Restricted licences and certificates of registration.
- 10 (a) the type of authorised work that the holder of the licence or certificate of registration may carry out;
- 15 (b) the location in which authorised work may be carried out.
- (2) A restriction subject to which a licence or certificate of registration is granted shall be endorsed on it.
- 20 (3) A holder of a licence or certificate of registration who carries out any authorised work contrary to any restriction endorsed on the licence or certificate of registration held by him shall be deemed not to be a holder of the licence or certificate of registration when he carries out that work.
- 25 **17.** A licence or certificate of registration is not transferable. Licences and certificates of registration not transferable.
- 18.** (1) A holder of a licence or certificate of registration may make application to the Board, within the prescribed period, for the renewal of the licence or certificate of registration held by him. Renewals of licences and certificates of registration.

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(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 the renewal of a licence, shall be accompanied by the prescribed fee.

5 (3) An applicant for the renewal 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) On receipt of an application made in accordance with subsections (1), (2) and (3), the Board shall grant to the
10 applicant the renewal of the licence or certificate of registration applied for unless the application is withdrawn.

(5) Subject to this Act, where an application for renewal of a licence or certificate of registration is made on or before the date on which the licence or certificate of registration would, but
15 for this subsection, have ceased to be in force (which day is, in this subsection, referred to as the "date of expiry") and—

(a) the renewal is granted on or before the date of expiry—
20 on the grant of the renewal, the licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry; or

(b) the renewal is not granted on or before the date of
25 expiry and the application is not withdrawn on or before the date of expiry—

(i) the licence or certificate of registration shall be
30 deemed to continue in force on and from the day after the date of expiry until the renewal is granted or the application is withdrawn, whichever first occurs; and

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- 5 (ii) on the grant of the renewal, the licence or certificate of registration shall be in force for the remaining portion of the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry, and the renewal shall be expressed to have taken effect on and from that day.

10 **19.** (1) Where an application for renewal of a licence or certificate of registration is not made on or before the date on which the licence or certificate of registration ceases to be in force, the individual who held the licence or certificate of registration may make application to the Board for the restoration of the
 15 licence or certificate of registration held by him. Restoration and renewal of licences and certificates of registration.

(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 the restoration of a licence, shall be accompanied by the prescribed fee.

20 (3) Where an application is made in accordance with subsections (1) and (2), the applicant shall, except in respect of—

- 25 (a) any contravention for which proceedings have been or may be instituted against him under section 72 in respect of any statement made prior to the making of that application; or
- (b) any complaint which has been made against him under section 35,

be deemed to be and to have been, on and from the day after the date on which the licence or certificate of registration in respect of
 30 which the application for restoration is made ceased to be in force, a holder of a licence or certificate of registration of the same class as that licence or certificate of registration until—

- (c) the licence or certificate of registration is restored by the Board;

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(d) where the Board has determined, or is deemed under section 41 (7) to have made a determination, that the application be refused, and—

5 (i) no appeal has been lodged under Part VI—the expiration of 21 days after that determination; or

(ii) an appeal has been lodged under Part VI—the appeal is dealt with or withdrawn; or

(e) the application is withdrawn,
whichever first occurs.

10 (4) The Board may, if it is satisfied that the non-renewal of the licence or certificate of registration is due to inadvertence or that for any reason it is just and equitable that the licence or certificate of registration should be restored, restore the licence or
15 certificate of registration and grant a renewal of the licence or certificate of registration.

(5) Subject to this Act, on the grant of a renewal of a licence or certificate of registration under this section, the licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may
20 be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry.

(6) The Board may, if in its opinion the circumstances warrant its so doing, by notice in writing served on an applicant under this section, request the applicant to appear before it, or to
25 be represented before it by a duly appointed agent, in support of his application at a time and place nominated by the Board.

(7) If an applicant fails to appear, or to be represented by a duly appointed agent, before the Board in answer to a request made under subsection (6), the Board may treat the application
30 as having been withdrawn.

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(8) Anything done by the Board in relation to the matters referred to in subsection (6) or (7) does not constitute a determination by the Board for the purposes of section 41.

20. (1) Notwithstanding any other provision of this Act, the Board may, at any time before the commencement of the period prescribed under section 18 (1) within which an application for the renewal of a licence or certificate of registration may be made, direct that the further period for which the licence or certificate of registration shall be in force on renewal shall be a period, not exceeding 3 years, determined by the Board.

Alteration
of renewal
dates.

(2) Notwithstanding section 18 (5) or 19 (5), but otherwise subject to this Act, on the grant of a renewal of a licence or certificate of registration in respect of which a direction has been given under subsection (1), the licence or certificate of registration shall—

- (a) if the renewal is of a licence or certificate of registration to which section 18 (5) (a) applies—be in force for the further period specified in the direction; or
- (b) if the renewal is of a licence or certificate of registration to which section 18 (5) (b) or 19 applies—be in force for the period that is the sum of the period referred to in section 18 (5) (b) or 19, as the case may be, in respect of that licence or certificate of registration and that part of the period specified in the direction that is in excess of the prescribed period, not exceeding 3 years, or for such shorter period as may have been determined by the Board.

(3) The renewal of a licence in respect of which a direction under subsection (1) has been given shall not be granted by the Board unless an additional prescribed fee is lodged with the application for renewal of the licence or, where the licence has ceased to be in force, with the application for restoration of the licence.

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21. Schedule 3 has effect in relation to licences and certificates granted under the Local Government Act, 1919, the Metropolitan Water, Sewerage, and Drainage Act, 1924, the Gas and Electricity Act, 1935, the Hunter District Water, Sewerage and Drainage Act, 1938, the Broken Hill Water and Sewerage Act, 1938, and the Liquefied Petroleum Gas Act, 1961, being licences and certificates referred to in that Schedule. Savings and transitional provisions relating to certain licences, etc.

PART IV.

CONTRACTORS' AUTHORITIES.

22. Contractors' authorities shall be of such classes as may be prescribed, each such class being a class prescribed as corresponding to a class of licences. Classes of contractors' authorities.

23. (1) A person or firm may make application to the Board for the grant of a contractor's authority of any class. Applications for contractors' authorities.

(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.

(3) An applicant for 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.

24. (1) The Board shall consider each application made under section 23 (1) and shall grant a contractor's authority of the class applied for if it is satisfied that— Grant of contractors' authorities.

(a) where the application is made by an individual—

(i) he is or employs a holder of a licence of a class to which the class of contractor's authority applied for corresponds;

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- (ii) he has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to him; and
- 5 (iii) he is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (b) where the application is made by a firm—
- 10 (i) a member or an employee of the firm is a holder of a licence of a class to which the class of contractor's authority applied for corresponds;
- (ii) it has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to it; and
- 15 (iii) it is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (c) where the application is made by a corporation—
- 20 (i) a director or employee of the corporation is a holder of a licence of a class to which the class of contractor's authority applied for corresponds;
- (ii) it has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to it; and
- 25 (iii) it is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (d) where the application is made by—
- 30 (i) an individual—the individual;

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- (ii) a firm—each member of the firm, being an individual, or each director of any corporation that is a member of the firm; or
- (iii) a corporation—each director of the corporation,
5 is—
- (iv) of or above the age of 18 years;
- (v) a fit and proper person to be a holder of a contractor's authority;
- 10 (vi) not disqualified from holding a licence, certificate of registration or contractor's authority; and
- (vii) not an individual whose licence, certificate of registration or contractor's authority is suspended; and
- 15 (e) the applicant satisfies such other requirements as may be prescribed.

(2) Where the Board makes a determination that an application made under section 23 (1) be refused, it shall cause a notice, setting out the reasons for the refusal, to be served on the applicant.

20 **25.** (1) Subject to this Act, a contractor's authority shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of a particular contractor's authority. Duration of contractors' authorities.

(2) The period for which a contractor's authority is
25 in force shall be endorsed on it.

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- 26.** (1) 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 applicable to him 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 which is restricted in relation to either or both of the following matters :—
- 5
- (a) the type of authorised work that the holder of the contractor's authority may undertake to carry out;
- 10** (b) the location in which authorised work undertaken to be carried out by him or it may be carried out.
- (2) A restriction subject to which a contractor's authority is granted shall be endorsed on it.
- (3) A holder of a contractor's authority who or which
- 15** undertakes to carry out any authorised work contrary to any restriction endorsed on the contractor's authority held by him or it shall be deemed not to be a holder of the contractor's authority when he or it undertakes to carry out that work.
- 27.** A contractor's authority is not transferable.
- 20** **28.** (1) A holder of a contractor's authority may make application to the Board, within the prescribed period, for the renewal of the contractor's authority held by him or it.
- (2) An application made under subsection (1) shall be in or to the effect of the prescribed form and shall be accompanied
- 25** by the prescribed fee.
- (3) An applicant for the renewal 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.

Restricted
contractors'
authorities.

Contractors'
authorities
not trans-
ferable.

Renewal of
contractors'
authorities.

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(4) On receipt of an application made in accordance with subsections (1), (2) and (3), the Board shall grant to the applicant the renewal of the contractor's authority applied for unless the application is withdrawn.

5 (5) Subject to this Act, where an application for the renewal of a contractor's authority is made on or before the date on which the contractor's authority would, but for this subsection, have ceased to be in force (which day is, in this subsection, referred to as the "date of expiry") and—

10 (a) the renewal is granted on or before the date of expiry—
on the grant of the renewal, the contractor's authority shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority,
15 commencing on the day after the date of expiry; or

(b) the renewal is not granted on or before the date of expiry and the application is not withdrawn on or before the date of expiry—

20 (i) the contractor's authority shall be deemed to continue in force on and from the day after the date of expiry until the renewal is granted or the application is withdrawn, whichever first occurs; and

25 (ii) on the grant of the renewal, the contractor's authority shall be in force for the remaining portion of the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority, commencing on the day after the date of expiry, and the renewal shall be
30 expressed to have taken effect on and from that day.

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29. (1) Where an application for the renewal of a contractor's authority is not made on or before the date on which the contractor's authority ceases to be in force, the person or firm who or which held the contractor's authority may make application 5 to the Board for the restoration of the contractor's authority held by him or it.

Restoration
and renewal
of con-
tractors'
authorities.

(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.

10 (3) Where an application is made in accordance with subsections (1) and (2), the applicant shall, except in respect of—

(a) any contravention for which proceedings have been or may be instituted against him or it under section 72 in respect of any statement made prior to the making of 15 that application; or

(b) any complaint which has been made against him or it under section 35,

be deemed to be and to have been, on and from the day after the date on which the contractor's authority in respect of which the 20 application for restoration is made ceased to be in force, a holder of a contractor's authority of the same class as that contractor's authority until—

(c) the contractor's authority is restored by the Board;

(d) where the Board has determined, or is deemed under 25 section 41 (7) to have made a determination, that the application be refused, and—

(i) no appeal has been lodged under Part VI—the expiration of 21 days after that determination; or

(ii) an appeal has been lodged under Part VI—the 30 appeal is dealt with or withdrawn; or

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(e) the application is withdrawn,
whichever first occurs.

(4) The Board may, if it is satisfied that the non-renewal of the contractor's authority is due to inadvertence or that for any
5 reason it is just and equitable that the contractor's authority should be restored, restore the contractor's authority and grant a renewal of the contractor's authority.

(5) Subject to this Act, on the grant of a renewal of a contractor's authority under this section, the contractor's authority
10 shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority, commencing on the day after the date of expiry.

(6) The Board may, if in its opinion the circumstances
15 warrant its so doing, by notice in writing served on an applicant under this section, request the applicant—

- (a) where the applicant is an individual, to appear before it, or to be represented before it by a duly appointed agent, in support of his application; or
- 20 (b) where the applicant is a firm or a corporation, to be represented before it by a duly appointed agent in support of its application,

at a time and place nominated by the Board.

(7) If an applicant fails to appear, or to be represented
25 by a duly appointed agent, before the Board in answer to a request made under subsection (6), the Board may treat the application as having been withdrawn.

(8) Anything done by the Board in relation to the matters referred to in subsection (6) or (7) does not constitute a
30 determination by the Board for the purposes of section 41.

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30. (1) Notwithstanding any other provision of this Act, the Board may, at any time before the commencement of the period prescribed under section 28 (1) within which an application for the renewal of a contractor's authority may be made, direct that the
 5 further period for which the contractor's authority shall be in force on renewal shall be a period, not exceeding 3 years, determined by the Board.

Alteration
of renewal
dates.

(2) Notwithstanding section 28 (5) or 29 (5), but otherwise subject to this Act, on the grant of a renewal of a
 10 contractor's authority in respect of which a direction has been given under subsection (1), the contractor's authority shall—

- (a) if the renewal is of a contractor's authority to which section 28 (5) (a) applies—be in force for the further period specified in the direction; or
- 15 (b) if the renewal is of a contractor's authority to which section 28 (5) (b) or 29 applies—be in force for the period that is the sum of the period referred to in section 28 (5) (b) or 29, as the case may be, in respect of that contractor's authority and that part of the period
 20 specified in the direction that is in excess of the prescribed period, not exceeding 3 years, or for such shorter period as may have been determined by the Board.

(3) The renewal of a contractor's authority in respect of
 25 which a direction under subsection (1) has been given shall not be granted by the Board unless an additional prescribed fee is lodged with the application for renewal of the contractor's authority or, where the contractor's authority has ceased to be in force, with the application for restoration of the contractor's
 30 authority.

31. A holder of a contractor's authority—

- (a) being an individual, shall notify the Board, within the prescribed period, of any change of the employee, if any, referred to in section 24 (1) (a) (i), by virtue of whom
 35 he may have obtained his contractor's authority;

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

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(b) being a firm, shall notify the Board, within the prescribed period—

(i) of any change of the member, if any, or employee, if any, referred to in section 24 (1)

5 (b) (i), by virtue of whom it obtained its contractor's authority; or

(ii) of any change of other members of the firm; or

(c) being a corporation, shall notify the Board, within the prescribed period—

10 (i) of any change of the director, if any, or employee, if any, referred to in section 24 (1)

(c) (i), by virtue of whom it obtained its contractor's authority; or

15 (ii) of any change of other directors of the corporation.

Penalty: \$200.

32. (1) During any period during which the holder of a contractor's authority—

Termination of contractor's authority if no holder of a licence.

20 (a) being an individual—is not, or does not have an employee who is, a holder of a licence of a class to which the class of that contractor's authority corresponds;

25 (b) being a firm—does not have a member or an employee who is a holder of a licence of a class to which the class of that contractor's authority corresponds; or

30 (c) being a corporation—does not have a director or an employee who is a holder of a licence of a class to which the class of that contractor's authority corresponds,

that contractor's authority shall be deemed not to be in force.

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(2) Within the prescribed period after a contractor's authority ceases to be in force by virtue of subsection (1), the holder of the contractor's authority shall so inform the Board in writing.

5 Penalty for an offence against this subsection : \$500.

PART V.

DISCIPLINARY PROVISIONS.

- 33.** (1) A holder of a licence, certificate of registration or contractor's authority is guilty of improper conduct if that holder—
- 10 (a) commits an offence against this Act or the regulations, whether or not that holder is convicted of the offence;
 - (b) without reasonable cause, commits a breach of a contract to carry out work that is authorised work in relation to that holder;
 - 15 (c) carries out any work that is authorised work in relation to that holder otherwise than in a good and workmanlike manner;
 - (d) in the course of carrying out work that is authorised work in relation to that holder, knowingly uses faulty or
20 unsuitable materials;
 - (e) fails or refuses to comply with an award made on the arbitration of a dispute arising under a contract for the carrying out of work that is authorised work in relation to that holder;
 - 25 (f) in the course of carrying out work that is authorised work in relation to that holder, fails to comply with the requirements made by or under this or any other Act in respect of that work;

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(g) commits fraud or makes any misrepresentation in connection with any contract for the carrying out of work that is authorised work in relation to that holder; or

5 (h) is convicted of any offence under the Workers' Compensation Act, 1926, or any regulations made under that Act.

(2) A holder of a licence, certificate of registration or contractor's authority is guilty of improper conduct if, with the
10 consent or as a result of the connivance of the holder, any employee or agent of that holder does anything referred to in subsection (1).

(3) An individual who is a member of a firm that is a holder of a contractor's authority, is guilty of improper conduct if
15 that individual or any other member of the firm, as such a member, does any of the things referred to in subsection (1) or (2).

(4) A reference in subsection (3) to an individual who is a member of a firm includes a reference to an individual who is a director of a corporation that is a member of a firm.

20 (5) An individual who is a director of a corporation that is a holder of a contractor's authority, is guilty of improper conduct if that individual or any other director of the corporation, as such a director, does any of the things referred to in subsection (1) or (2).

25 (6) It is a sufficient defence to a complaint that an individual who is a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, has been guilty of improper conduct if the individual proves to the
30 satisfaction of the Board that—

(a) the improper conduct occurred without his knowledge;

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- 5 (b) he was not in a position to influence the conduct of the other members of the firm or other directors of the corporation, of which he was a member or director, as the case may be, so as to prevent the occurrence of the improper conduct; or
- (c) he, being in such a position, used all due diligence to prevent the occurrence of the improper conduct.

(7) Proceedings for improper conduct may be taken against an individual who is a member of a firm, a director of a
10 corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, whether or not any such proceedings have been taken against the firm or corporation.

34. A complaint may be made to the Board—

- 15 (a) in relation to a holder of a licence or certificate of registration or a holder of a contractor's authority, being an individual, that—
- 20 (i) the holder was not entitled to obtain the licence, certificate of registration or contractor's authority;
- (ii) the holder has been guilty of improper conduct;
- 25 (iii) the holder is not a fit and proper person to hold the licence, certificate of registration or contractor's authority, as the case may be, or is not of good character;
- (iv) the holder is not capable of carrying out work that is authorised work in relation to that holder; or
- 30 (v) in the case of a holder of a contractor's authority, the holder does not have sufficient financial resources to enable him to carry on the business of carrying out authorised work;

Complaints
against
holders of
licences, etc.

Plumbers, Gasfitters and Drainers.

(b) where a firm is a holder of a contractor's authority, that—

- 5 (i) the firm was not entitled to obtain the contractor's authority;
- (ii) the firm, any of its members or any director of a corporation that is a member of the firm has been guilty of improper conduct;
- 10 (iii) the firm is not a fit and proper firm to hold the contractor's authority;
- (iv) the firm is not capable of undertaking the carrying out, by a member, a director of a corporation that is a member of the firm or an employee, of work that is authorised work in relation to that firm; or
- 15 (v) the firm does not have sufficient financial resources to enable it to carry on the business of carrying out work that is authorised work in relation to that firm; or

20 (c) where a corporation is a holder of a contractor's authority, that—

- (i) the corporation was not entitled to obtain the contractor's authority;
- (ii) the corporation or any of its directors has been guilty of improper conduct;
- 25 (iii) the corporation is not a fit and proper corporation to hold the contractor's authority;
- (iv) the corporation is not capable of undertaking the carrying out, by a director or an employee, of work that is authorised work in relation to that corporation; or
- 30 (v) the corporation does not have sufficient financial resources to enable it to carry on the business of carrying out work that is authorised work in relation to that corporation.

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35. (1) In this section—

Complaints
against
former
licensees,
etc.

5 “former authorised contractor” means an individual, firm or corporation who or which, at any time during a period of 5 years before a complaint in respect of that individual, firm or corporation is made under subsection (2), has been a holder of a contractor’s authority and has ceased to hold that authority;

10 “former certificate holder” means a person who, at any time during a period of 5 years before a complaint in respect of that person is made under subsection (2), has been a holder of a certificate of registration and has ceased to hold that certificate;

15 “former licensee” means a person who, at any time during a period of 5 years before a complaint in respect of that person is made under subsection (2), has been a holder of a licence and has ceased to hold that licence.

(2) A complaint may be made to the Board by any person that—

20 (a) a former licensee, a former certificate holder or a former authorised contractor has, as a holder of a licence, a certificate of registration or a contractor’s authority, as the case may be, been guilty of improper conduct; or

25 (b) at any time during a period of 5 years before the complaint is made, a person (not at that time being a holder of a licence or certificate of registration) was, as a member of a firm, a director of a corporation that was a member of a firm or a director of a corporation, that is a former authorised contractor, guilty of conduct that renders him unfit to be a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, that is a holder of a contractor’s authority.

35 36. (1) A complaint made under section 34 or 35 shall be in or to the effect of the prescribed form and, except as provided by subsection (2), shall be accompanied by the prescribed fee.

Manner
of making
complaints.

Plumbers, Gasfitters and Drainers.

(2) A complaint referred to in subsection (1) need not be accompanied by the prescribed fee where it is made by—

- (a) an officer of the Public Service in his capacity as such an officer;
- 5 (b) an officer or employee of a local authority in his capacity as such an officer or employee; or
- (c) a person employed by the Board as an inspector in his capacity as such an inspector.

10 **37.** (1) Upon receipt of a complaint made under section 34 or 35, together with the prescribed fee (where applicable) required by section 36, the Board shall consider the complaint and, if it is of the opinion that the nature of the complaint warrants its so doing, shall cause a notice to be issued calling upon the person or firm to whom or which the complaint relates to show cause why any
15 licence, certificate of registration or contractor's authority held by him or it, or why he or it, should not be dealt with under this Part and cause that notice to be served on that person or firm.

Procedure
on com-
plaints.

20 (2) Subsection (1) does not apply so as to require the Board to consider any complaint which an officer of the Board, authorised by the Board for the purposes of this subsection, has determined to be of such a nature as not to warrant the issue of a notice under subsection (1) with respect to the complaint.

25 (3) As soon as practicable after the receipt of the complaint, the Board shall cause the complainant to be informed in writing of any action taken under this section with respect to the complaint.

30 (4) The Board may, if in its opinion its investigations warrant its so doing and without having received a complaint, cause a notice to be issued calling upon a person or firm against whom or which a complaint may be made under section 34 or 35 to show cause why any licence, certificate of registration or

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contractor's authority held by him or it, or why he or it, should not be dealt with under this Part and cause the notice to be served on that person or firm.

- (5) A notice served under subsection (1) or (4) shall—
- 5 (a) give particulars of the grounds upon which the defendant is required to show cause; and
- (b) appoint a time and place for the holding of an inquiry for the defendant to show cause,
- as required by the notice.
- 10 (6) Where the defendant is a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, a copy of a notice issued under subsection
- 15 (1) or (4) shall be served on the firm, corporation and firm, or corporation, as the case may be.
- (7) Not earlier than the day on which the period fixed under subsection (8) in respect of a defendant expires, the Board shall at the time and place appointed by the notice served on the defendant, or at such other time or place appointed by the Board
- 20 and notified by notice in writing served on the defendant, cause an inquiry to be held into the grounds upon which the defendant has been called to show cause as required by that notice.
- (8) The period referred to in subsection (7) is—
- 25 (a) except as provided by paragraph (b)—7 days after service on the defendant of the notice referred to in subsection (5); or
- (b) where a copy of the notice issued under subsection (1) or (4) is required to be served under subsection (6)—
- 30 7 days after the service or later service effected pursuant to subsection (1) or (4), as the case may be, or subsection (6).

(9) Where, under subsection (7), the Board appoints another time or place to hold an inquiry and the defendant is a member of a firm, a director of a corporation that is a member

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of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, a copy of the notice referred to in that subsection shall be served on the firm, corporation and firm, or corporation, as the case may be.

5 **38.** (1) An inquiry held under this Part shall be held before— Inquiries—
how held.

(a) the Board; or

(b) 1 or more members appointed by the Board to hold the inquiry,

and shall be held as in open court.

10 (2) Where 2 or more members are appointed under subsection (1) (b) to hold an inquiry under this Part—

(a) the Board may appoint 1 of those members to preside at the inquiry; and

15 (b) the member so appointed shall have, in addition to a deliberative vote, a second or casting vote on any matter arising during the inquiry in respect of which there is an equality of votes.

(3) The determination of the Board on an inquiry shall be given at a meeting of the Board at which a quorum is present.

20 (4) At any inquiry under this Part—

(a) the defendant may appear by himself or by a barrister, solicitor or agent appointed by the defendant; and

(b) the Board or member or members before whom the inquiry is held—

25 (i) may conduct the inquiry in such manner as it or he sees or they see fit and is not or are not bound to observe rules of law governing the admission of evidence but may inform itself or himself or themselves of any matter in such manner as it or he thinks or they think fit;

30

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- 5 (ii) may allow a barrister or solicitor, or a member of the Public Service, instructed by the Board, or a person employed by the Board as an inspector and instructed by the Board, to appear before the Board or that member or those members for the purpose of adducing evidence tending to establish the grounds upon which the defendant has been called upon to show cause as referred to in section 37;
- 10 (iii) may call and receive evidence as to any matter relevant to the inquiry;
- (iv) may from time to time as it or he sees or they see fit adjourn the inquiry; and
- 15 (v) may, subject to section 13 of the Oaths Act, 1900, require any evidence at the inquiry to be given on oath.

(5) An inquiry under this Part may be held in the absence of the defendant if the Board or member or members before whom the inquiry is held is or are satisfied that the defendant was served
20 with reasonable notice of the time and place of the inquiry.

(6) Service of any such notice may be proved by the oath of the person who effected the service or by affidavit.

39. (1) The Board or member or members before whom an inquiry under this Part is held may of its or his or their own motion
25 or on the application of the defendant issue a subpoena in or to the effect of the prescribed form requiring the person to whom the subpoena is addressed to attend as a witness at the inquiry or so to attend and to produce at the inquiry any books, deeds, papers, writings or articles in his possession or under his control relating
30 to any matter relevant to the inquiry and specified in the subpoena. Subpoenas.

(2) A person who is served with a subpoena addressed to him and to whom, at the time of service, is tendered an amount that is sufficient to cover his travelling and other out-of-pocket

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expenses in attending the inquiry specified in the subpoena and producing anything required by the subpoena to be produced shall not, without reasonable cause, fail or refuse to obey the subpoena.

Penalty : \$200.

5 (3) A person to whom a subpoena is addressed is entitled to receive—

(a) where the subpoena was issued by the Board or member or members of its or his or their own motion, from the Board; or

10 (b) where the subpoena was issued by the Board or member or members on the application of the defendant, from the defendant,

his reasonable costs, including any loss of earnings, incurred by him in obeying the subpoena, calculated in accordance with the 15 scales relating to subpoenas issued out of the District Court.

40. (1) After an inquiry held under this Part, the Board may make any of the following determinations, that is to say, the Board may :—

Determina-
tion by
the Board.

20 (a) determine that no further action be taken against the defendant;

(b) caution or reprimand the defendant;

25 (c) make a determination requiring the defendant to pay to the Board, as a penalty, an amount not exceeding \$500 or, where a larger amount is prescribed, not exceeding that larger amount;

30 (d) where the defendant is a holder of a licence, certificate of registration or contractor's authority, suspend, for a term not exceeding the unexpired term of the licence, certificate of registration or contractor's authority, the licence, certificate of registration or contractor's authority, as the case may be, held by the defendant;

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- 5 (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 disqualify the defendant, either permanently or for such period as may be specified in the determination, from holding a licence, certificate of registration or contractor's authority;
- 10 (f) where the defendant is a holder of a licence, certificate of registration or contractor's authority, disqualify him, either permanently or for such period as may be specified in the determination, from being any 1 or more of the following :—
- 15 (i) a holder of a 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
- 20 (g) where the defendant is a former licensee, a former certificate holder or a former authorised contractor, as defined in section 35 (1), or a person referred to in section 35 (2) (b)—
- (i) make any of the determinations in paragraph (a), (b) or (c) in respect of the defendant; or
- 25 (ii) disqualify, either permanently or for such period as may be specified in the determination, the defendant from holding a licence, certificate of registration or a contractor's authority or from being a member of a firm, a director of a corporation that is a member of a firm or a
- 30 director of a corporation, that is a holder of a contractor's authority.

(2) The Board shall not make a determination under subsection (1) (c) if the only ground on which the defendant 35 was required to show cause under this Part was a ground referred to in section 33 (1) (a) or (h).

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(3) Where the Board makes a determination—

5 (a) referred to in subsection (1) (a), it may pay to the defendant such amount as it thinks fit for or towards the reasonable costs and expenses incurred by the defendant in connection with the inquiry in connection with which the determination was made; or

10 (b) referred to in subsection (1), paragraph (a) excepted, it may, by that determination, require the defendant to pay to the Board for and towards the costs and expenses incurred in holding the inquiry in connection with which the determination was made such amount as is specified in that determination.

(4) A determination of the Board to pay an amount referred to in subsection (3) (a) does not constitute a
15 determination of the Board for the purposes of section 41.

(5) A determination of the Board under subsection (1), paragraph (a) excepted, has no force or effect until notice of the determination is served on the defendant and the time limited for appealing against the Board's determination has expired and,
20 where within that time an appeal against the determination has been made under section 41, until the appeal has been dealt with or withdrawn.

(6) Where the Board determines that a licence, certificate of registration or contractor's authority be suspended
25 or cancelled and no appeal against the Board's determination has been made within the time limited for appealing against it, the holder of the licence, certificate of registration or contractor's authority, as the case may be, shall, immediately after the expiration of that time, lodge it with the Board.

30 Penalty : \$500.

(7) Where the Board makes a determination under subsection (1) (c) or (3) (b) and—

(a) no appeal is made against that determination within the time limited for appealing against it; or

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- (b) such an appeal is made but is withdrawn,
and the amount required to be paid by the defendant has not been
paid to the Board within the time referred to in paragraph (a) or
when the appeal is withdrawn, as the case may be, or within such
5 further time as the Board in writing may allow—
- (c) any licence, certificate of registration or contractor's
authority held by the defendant shall be deemed to be
suspended until that amount is paid to the Board by or
on behalf of the defendant or, if that amount is not so
10 paid to the Board before any such licence, certificate or
authority would, but for this paragraph, expire, to be
cancelled; and
- (d) that amount may be recovered by the Board as a debt in
any court of competent jurisdiction.
- 15 (8) Nothing in subsection (1) affects the liability of a
defendant for any offence against this Act or the regulations or
against a provision made by or under any other Act.

PART VI.**APPEALS.**

- 20 **41.** (1) An applicant for a licence, certificate of registration Appeals.
or contractor's authority or for the restoration of a licence,
certificate of registration or contractor's authority, or a defendant
under Part V, who or which is aggrieved by any determination
of the Board in relation to his or its application or any
25 determination of the Board made under section 40 upon the inquiry
at which he or it was the defendant, may, 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
30 made, appeal against the determination to the District Court.

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(2) Any such appeal shall be made in accordance with the regulations and shall be dealt with by way of rehearing on the evidence, if any, given before the Board and on any evidence in addition to or in substitution for the evidence so given.

5 (3) The District Court, in deciding any such appeal, may confirm the determination of the Board appealed against or substitute for that determination any determination that the Board might have made.

10 (4) The decision of the District Court in respect of any such appeal shall be final and shall, except for the purposes of subsection (1), be deemed to be the determination of the Board.

15 (5) Where the decision of the District Court is that a licence, certificate of registration or contractor's authority be suspended or cancelled, 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.

Penalty : \$500.

(6) Where —

20 (a) the decision of the District Court is that a determination made by the Board under section 40 (1) (c) or (3) (b) be confirmed or that there be substituted for such a determination a determination that the defendant be required to pay to the Board an amount that is different from the amount specified in the Board's determination;
25 and

(b) the amount as so confirmed or substituted is not paid to the Board by or on behalf of the defendant within such time as may be specified in the decision of the District Court or, if no time is so specified, within 14 days after

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the decision of the District Court is given or, in either case, within such further time as the Board, in writing, may, on the application of the defendant, allow—

then—

- 5 (c) any licence, certificate of registration or contractor's
authority, as the case may be, held by the defendant
shall be deemed to be suspended until the amount as so
confirmed or substituted is paid to the Board by or on
10 behalf of the defendant or, if that amount is not so paid
to the Board before any such licence, certificate of
registration or contractor's authority, as the case may be,
would, but for this paragraph, expire, to be cancelled;
and
- 15 (d) the amount as so confirmed or substituted may be
recovered by the Board from the defendant as a debt in
any court of competent jurisdiction.

(7) If the Board does not, within a period of 40 days
after an application (not being an application which is withdrawn
or has been treated as having been withdrawn during that period)
20 for a licence, certificate of registration or contractor's authority, as
the case may be, or for the restoration of a licence, certificate of
registration or contractor's authority, as the case may be, is made
to it, serve on the applicant notice of its determination in respect
25 of the application, the Board shall, for the purposes of this section,
be deemed to have made at the expiration of that period a
determination that the application be refused.

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PART VII.

FINANCE.

42. In this Part—

Inter-
pretation:
Part VII.

5 "Education Fund" means the Plumbers, Gasfitters and
Drainers Education and Research Fund established
under section 45 (1) (b);

"financial year" means—

10 (a) the period commencing on the date of
commencement of this section and ending with
the 30th day of June next following that date;
and

15 (b) in relation to each year following the year in
which that 30th day of June falls, the period of
12 months ending with the 30th day of June in
that following year;

"General Fund" means the Plumbers, Gasfitters and Drainers
General Fund established under section 45 (1) (a).

43. There shall be established in the Special Deposits Account
in the Treasury a Plumbers, Gasfitters and Drainers Account into
20 which shall be deposited all money received by the Board and
from which shall be paid all amounts required to meet expenditure
incurred in accordance with this Act. Plumbers,
Gasfitters
and Drainers
Account.

44. The Treasurer may advance such money to the Board, on
such terms as to repayment and interest, as he and the Board may
25 agree on. Grants to
Board.

Plumbers, Gasfitters and Drainers.

45. (1) The Board shall establish the following funds in its ^{Funds of} books— ^{the Board.}

- (a) the Plumbers, Gasfitters and Drainers General Fund;
and
- 5 (b) the Plumbers, Gasfitters and Drainers Education and
Research Fund.

(2) The funds mentioned in subsection (1) shall be separate and distinct.

46. (1) The General Fund shall consist of— ^{General}

- 10 (a) all money received by or due to the Board as charges
or fees under this Act;
- (b) all money received by the Board under section 44 and
allocated by the Board to the General Fund; and
- 15 (c) all investments made by the Board out of money in the
General Fund and the proceeds of any such investments.

(2) The General Fund may be applied in—

- (a) meeting the expenses incurred in or in connection with
the performance of the Board's functions;
- 20 (b) making payments to the Treasurer in accordance with
subsection (3) and section 50 (6);
- (c) making payments to the Education Fund in accordance
with any direction of the Treasurer referred to in section
47 (1) (a); and
- 25 (d) any lawful purpose under this Act in respect of which
expenditure is not chargeable to the Education Fund.

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(3) The Board shall, as required by notices in writing from time to time given to the Board by the Treasurer, pay to the Treasurer for payment into the Consolidated Revenue Fund the amount specified in any such notice and certified by the Treasurer to be the amount chargeable against the Board in respect of officers and employees of the Public Service appointed for the purpose of carrying out the provisions of this Act.

47. (1) The Education Fund shall consist of—

Education
Fund.

- 10 (a) such money as the Treasurer may from time to time direct to be allocated to that fund from the General Fund;
- (b) all money received by the Board under section 44 and allocated by the Board to the Education Fund; and
- 15 (c) all investments made by the Board out of money in the Education Fund and the proceeds of any such investments.

(2) The Board may, with the approval of the Treasurer, from time to time appropriate any part of the money in the Education Fund towards—

- 20 (a) the encouragement of apprenticeship, by way of subsidy or otherwise, in any 1 or more of the trades in respect of which a licence may be granted; and
- (b) the assistance of education or research in, or any public purpose connected with, any 1 or more of the trades in respect of which a licence may be granted.
- 25

48. The Board may invest money held in the General Fund or the Education Fund in any securities authorised by section 14 (2) of the Trustee Act, 1925. Investment.

49. (1) The Board shall cause to be kept proper accounts and records in relation to all its operations. Accounts.

30

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(2) The Board shall, as soon as practicable, but within 6 months, after the end of each financial year of the Board, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate 5 given under this section in relation to the statement.

(3) The statement of accounts shall be in a form approved by the Auditor-General, shall include such information as is requested by him and shall exhibit a true and fair view of the financial position and transactions of the Board.

10 (4) The Board shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

15 (5) The Auditor-General's certificate shall state that he has audited the accounts of the Board relating to the relevant financial year, shall indicate whether the statement of accounts complies with subsection (3) and shall set forth any qualifications subject to which the certificate is given.

20 (6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

25 (7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

50. (1) The accounts and records of financial transactions of the Board, and records relating to assets of or in the custody of the Board, shall be inspected and audited by the Auditor-General. Audit of accounts.

30 (2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Board and may make copies thereof or take extracts therefrom.

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(3) The Auditor-General or a person authorised by him may require a person, being a member, officer or employee of the Board, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-
5 General or person authorised thinks necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with any part of
10 the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Board and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for
15 a special notice or as are prescribed.

(6) Towards the costs of defraying the costs of any such inspection and audit, the Board shall pay to the Treasurer for payment into the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

20

PART VIII.

GENERAL.

51. (1) The Board shall keep—

Registers.

- (a) a register of licences;
- (b) a register of certificates of registration; and
- 25 (c) a register of contractors' authorities,

which shall be open to inspection, upon payment of the prescribed fee, by any person at the office of the Board at all times when that office is open for business.

(2) Licences, certificates of registration and contractors'
30 authorities shall respectively be numbered consecutively.

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(3) The register of licences and the register of certificates of registration shall respectively contain—

(a) particulars of—

- (i) all licences and certificates of registration;
- 5 (ii) the cancellation or suspension of licences and certificates of registration; and
- (iii) all individuals disqualified from holding a licence or certificate of registration; and

10 (b) such other particulars as may be required by the regulations.

(4) The register of contractors' authorities shall contain—

(a) particulars of—

- (i) all contractors' authorities;
- 15 (ii) the cancellation or suspension of contractors' authorities;
- (iii) all persons or firms disqualified from holding contractors' authorities; and
- 20 (iv) any individual who is disqualified from being a member of a firm, a director of a corporation that is a member of a firm, or a director of a corporation, that is a holder of a contractor's authority; and

(b) such other particulars as may be required by the regulations.

25 **52.** (1) The Board may, by instrument in writing, delegate— **Delegation.**

- (a) to any member;
- (b) to any committee established under section 11;
- (c) to any local authority that consents to the delegation; or
- 30 (d) to any officer or employee referred to in section 10 (1) or (2),

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the performance of such of the functions (other than this power of delegation) conferred or imposed on the Board by or under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such
5 delegation.

(2) A function, the performance of which has been delegated under this section, may, while the delegation remains unrevoked, be performed from time to time in accordance with the terms of the delegation by the delegate to whom the performance
10 thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

15 (4) Notwithstanding any delegation made under this section, the Board may continue to perform all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the performance of a delegation under this section shall
20 have the same force and effect as if the act or thing had been done or suffered by the Board.

(6) An instrument purporting to be signed by a delegate of the Board in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as
25 if it were an instrument executed by the Board and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Board under this section.

53. A holder of a licence, certificate of registration or contractor's authority, as the case may be, may surrender it by
30 delivering it to the Board with a notification in or to the effect of the prescribed form, that the licence, certificate of registration or contractor's authority is surrendered. Surrender of licence, etc.

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54. (1) Where—

Refund
of fees.

- (a) an application for a licence or contractor's authority is refunded or withdrawn or treated as withdrawn;
- 5 (b) an application for the restoration of a licence or contractor's authority is refused or withdrawn or treated as withdrawn;
- (c) an application for the renewal of a licence or contractor's authority is refused or withdrawn or treated as withdrawn; or
- 10 (d) a licence or contractor's authority is surrendered, cancelled or suspended,

the Board may refund to the applicant or the holder of the licence or contractor's authority, or to any other person who appears entitled thereto, the whole or any part of the fee which has been
15 paid by the applicant or the holder of the licence or contractor's authority.

(2) Anything done by the Board in relation to the matters referred to in subsection (1) does not constitute a determination by the Board for the purposes of section 41.

20 **55.** A person shall not, in an application for—

False or
misleading
statements
in applica-
tions.

- (a) a licence or the renewal or restoration of a licence;
- (b) a certificate of registration or the renewal or restoration of a certificate of registration; or
- 25 (c) a contractor's authority or the renewal or restoration of a contractor's authority,

make any false or misleading statement.

Penalty : \$500.

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56. Nothing in this Act affects the rights and remedies that a person may have—

Other rights
and
remedies
not affected.

- 5 (a) where a holder of a licence or certificate of registration carries out authorised work of any class or description, against that holder;
- (b) where a holder of a licence supervises the carrying out of authorised work of any class or description, against that holder;
- 10 (c) where a holder of a licence or certificate of registration carries out authorised work of any class or description on behalf of a holder of a contractor's authority, against the holder of that authority; or
- 15 (d) where a holder of a licence supervises the carrying out of authorised work of any class or description on behalf of a holder of a contractor's authority, against the holder of that authority.

57. (1) The Board may, with the approval of the Minister, acquire by way of purchase or lease premises to be used for or to be used partly for the performance of its functions under this Act and the regulations.

Acquiring
premises,
etc.

(2) Except in relation to the acquisition, by way of purchase or lease, of any premises, subsection (1) does not affect the application of section 38 of the Interpretation Act, 1897, to the Board.

25 (3) The Board may make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material in connection with the performance by the Board of its functions under this or any other Act.

30 (4) A contract or agreement entered into for the purposes of this section shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

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58. The Board may cause to be published, in such manner as it thinks fit, any information relating to its functions under this or any other Act. Information.

59. (1) Subject to his complying with subsection (3), a person authorised in writing by the Board may enter any land, building, vehicle or vessel at any reasonable time to carry out, for the purposes of this Act, any examination or inspection in connection with any work that is authorised work in relation to a holder of a licence, certificate of registration or contractor's authority, whether or not it has been completed. Power of entry.

(2) A person shall not wilfully delay or obstruct a person authorised under subsection (1) in the exercise of his powers under that subsection or, being the occupier of any premises, refuse to permit or to assist a person so authorised to exercise those powers.

Penalty : \$1,000.

(3) Every person authorised under subsection (1) shall be provided by the Board with a certificate of his authority, and on applying for admission to any land, building, vehicle or vessel which he is empowered by this section to enter shall, if requested to do so, produce the certificate to the occupier of the land or building or the person having control of the vehicle or vessel.

60. (1) The Board may, by notice in writing, require any person to furnish to it, within such period as may be specified in the notice, such information in connection with any work (being work that is authorised work in relation to a holder of a licence, certificate of registration or contractor's authority) as may be so specified. Board may require information.

(2) A person shall not neglect or fail to comply with a requirement made under this section.

Penalty : \$1,000.

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(3) Any information furnished pursuant to a requirement made under subsection (1) shall not, if the person furnishing the information objected, at the time of furnishing it, so doing on the ground that it may tend to incriminate him or might be used in any proceedings against him under Part V, be admissible in evidence in any prosecution against that person for any offence, not being the offence of neglecting or failing to comply with any requirement made under that subsection, or be admissible in any such proceedings.

10 **61.** A person shall not disclose any information obtained by him in connection with the administration or execution of this Act, unless the disclosure is made— Disclosure of information.

(a) with the consent of the person from whom the information was obtained;

15 (b) in connection with the administration or execution of this Act;

(c) subject to section 60, for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or

20 (d) for the purpose of an inquiry held under Part V.

Penalty : \$1,000.

62. A certificate purporting to be under the hand of a prescribed officer certifying— Certificate as to whether an individual is a holder of a licence, etc.

25 (a) that an individual was or was not, on a date specified in the certificate, a holder of a licence or certificate of registration, as the case may be, of a class so specified;

(b) that a person or firm was or was not, on a date so specified, a holder of a contractor's authority of a class so specified;

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- (c) that an individual so specified as a holder of a licence was the person by virtue of whom a holder of a contractor's authority was granted that authority;
- 5 (d) that the Board was or was not, during a period so specified, notified by a holder of a contractor's authority so specified of any change, referred to in section 31, that is so specified;
- 10 (e) that any licence, certificate of registration or contractor's authority, granted to a person or firm so specified was, on a date so specified—
- (i) suspended for a period so specified; or
 - (ii) cancelled on that date;
- 15 (f) that, on a date so specified, a licence, certificate of registration or contractor's authority so specified, that is subject to a restriction referred to in section 16 or 26, authorised the holder of that licence, certificate of registration or contractor's authority to carry out or undertake to carry out, as the case may be, authorised work so specified, subject to conditions so specified;
- 20 (g) that any individual was or was not, on a date so specified, disqualified, either permanently or for a period so specified, from being—
- (i) a holder of a licence, certificate of registration or contractor's authority;
 - 25 (ii) a member of a firm or a director of a corporation that is a member of a firm, that firm being a holder of a contractor's authority; or
 - (iii) a director of a corporation that is a holder of a contractor's authority;
- 30 (h) that any firm or corporation was or was not, on a date so specified, disqualified, either permanently or for a period so specified, from being a holder of a contractor's authority; or

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- (i) that any individual, firm or corporation, so specified, was, on a date so specified, a former authorised contractor, a former certificate holder or a former licensee, as the case may be, referred to in section 35 (1),

5 is admissible in evidence in any proceedings and is prima facie evidence of the matters stated therein.

63. In any legal proceedings by or against the Board no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.

- 10 (a) the due constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Board.

64. (1) Where under this Act a notice or other document is required to be, or may be, given or served, that notice or other document may be given to or served on—

Service of notice, etc.

- 15 (a) an individual—
- 20 (i) by delivering it to him personally;
- (ii) by leaving it at his place of residence last known to the Board with someone who apparently resides there or at his place of business or employment last known to the Board with someone who is apparently employed there, being in either case a person who has or who apparently has attained the age of 16 years; or
- 25 (iii) by posting it by certified mail in an envelope duly stamped and addressed to him at the place of his residence, business or employment last known to the Board; or

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(b) a firm or corporation—

- (i) by delivering it to a person who is or who is apparently concerned in the management of the firm or corporation;
- 5 (ii) by leaving it at the only or principal place of business of the firm or corporation with a person apparently employed there, being a person who has or who apparently has attained the age of 16 years; or
- 10 (iii) by posting it by certified mail in an envelope duly stamped and addressed to the firm or corporation at the only or principal place of business of the firm or corporation last known to the Board.

15 (2) A notice or document that is delivered, left or posted in accordance with subsection (1) shall be deemed to have been given or served on its being so delivered or left or, if it is posted, shall, in the absence of evidence to the contrary, be prima facie
20 delivered in the ordinary course of post.

65. (1) A notice, summons, writ or other proceeding required to be served on the Board may be served—

Service of
notice, etc.,
on the
Board.

- 25 (a) by being left with some person apparently employed in the administration of this Act at the office of the Board;
or
- (b) in the case of a notice, by posting it by certified mail in an envelope duly stamped and addressed to the Board at its office.

(2) Any document referred to in subsection (1) shall—

- 30 (a) be deemed to have been served upon its being so left;
or

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- (b) in the case of a notice served by so posting it, shall be prima facie deemed to have been served when it would have been delivered in the ordinary course of post.

66. (1) Every document (including deeds and contracts) shall be deemed to be duly executed by the Board— Execution of documents.

(a) if sealed with the seal of the Board in accordance with section 38 (II) of the Interpretation Act, 1897; or

10 (b) if executed by any 2 members of the Board or by 1 member of the Board and an employee of the Board, who have been appointed for that purpose.

(2) A document executed in accordance with subsection (1) shall, subject to any exception which may be taken to it on any ground other than the competence of the executing party, be effective to bind the Board and its successors, and may be varied 15 or discharged in the same manner as provided for the execution of documents under subsection (1).

67. Every summons, process, demand, order, notice, statement or other document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed 20 by the Chairman. Authentication of documents.

68. (1) A penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary 25 magistrate sitting in petty sessions alone. Proceedings for offences.

(2) A prosecution for an offence under any of the provisions of this Act may be commenced at any time within 1 year after the Board first becomes aware of the alleged commission of the offence.

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69. (1) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by a member or by any other person acting under the direction, or as a delegate, of the Board shall, if the matter or thing was done, or the
5 contract was entered into, in good faith for the purposes of executing this Act or the regulations, subject a member or other person personally to any action, liability, claim or demand.

Protection
from
liability.

(2) Nothing in subsection (1) shall exempt a member or other person from liability to be surcharged with the amount of
10 any payment which is disallowed by the Auditor-General in the accounts of, or relating to, the Board and which the member or other person authorised or joined in authorising.

70. (1) Any charge, fee, remuneration or money due to the Board under the provisions of this Act or the regulations may be
15 recovered by the Board as a debt in a court of competent jurisdiction.

Recovery
of charges.

(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Board shall be deemed to be for the recovery of a debt or liquidated demand.

71. (1) The Board shall, as soon as practicable after the 30th
20 day of June, but not later than the 31st day of December, in each year forward to the Minister a report of its work and activities for the year ended that 30th day of June then last past.

Annual
report.

(2) The Minister shall lay that report, or cause it to be
25 laid, before both Houses of Parliament when he lays the statement of accounts before both Houses under section 49 (7), or causes it to be so laid.

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72. (1) An individual shall not, by a statement, whether written or not, made to any person or in an advertisement, indicate, expressly or impliedly that—

Offences.

- 5 (a) he is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a licence, certificate of registration or contractor's authority of any class unless he is a holder of a licence, certificate of registration or contractor's authority in relation to which that work is authorised work;
- 10 (b) he is a holder of a licence, certificate of registration or contractor's authority unless he is a holder of a licence, certificate of registration or contractor's authority, as the case may be; or
- 15 (c) he is a holder of a licence, certificate of registration or contractor's authority of any class unless he is a holder of a licence, certificate of registration or contractor's authority of that class.

Penalty : \$2,000.

20 (2) 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—

- 25 (a) is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a contractor's authority of any class, unless the individual, firm or corporation is a holder of a contractor's authority of that class; or
- 30 (b) is a holder of a contractor's authority or a contractor's authority of any class, unless the individual, firm or corporation is a holder of a contractor's authority or a contractor's authority of that class, as the case may be.

Penalty : \$2,000.

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(3) Subsections (1) and (2) do not apply so as to prevent a person who is the holder of a full licence within the meaning of the Builders Licensing Act, 1971, from making a statement to any person or, in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a licence, certificate of registration or contractor's authority where that work forms part only of building work within the meaning of that Act.

- 10 **73.** (1) The Governor may make regulations, not inconsistent **Regulations.** 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 and, in particular, for or with respect to—
- 15 (a) advertisements relating to the carrying out of any prescribed work;
- (b) the information required to be furnished to the Board in support of any application for a licence, certificate of registration or contractor's authority;
- 20 (c) the display of signs by holders of licences, certificates of registration or contractors' authorities;
- (d) the inspection of any prescribed work, and the qualifications of persons carrying out inspections of work prescribed for the purposes of this Act;
- 25 (e) inquiries held for the purposes of Part V and the hearing of appeals under Part VI;
- (f) the charging and payment of a fee for any inspection made or information supplied by the Board;
- 30 (g) the form of licenses, certificates of registration and contractors' authorities;

Plumbers, Gasfitters and Drainers.

- 5 (h) qualifications for the issue of licences, certificates of registration and contractors' authorities;
- (i) the furnishing by the holders of licences, certificates of registration or contractors' authorities of particulars of any persons apprenticed to them or to any of their employees;
- (j) the production on demand of licences, certificates of registration or contractors' authorities;
- 10 (k) the issue of certificates of competency in respect of plumbing, gasfitting or drainage work; and
- (l) the conduct of examinations for the purposes of this Act.
- (2) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- 15 (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person, body or committee,

20 or may do any combination of those things.

(3) The regulations may impose a penalty not exceeding \$500 for any offence against the regulations and, in the case of a continuing offence, a further penalty not exceeding \$50 per day for each day the offence continues.

Plumbers, Gasfitters and Drainers.

SCHEDULE 1.

Sec. 8 (1).

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD.

1. A person who is of or above the age of 65 years shall not be appointed as a member. Age of member.

2. A member shall, subject to this Act, be appointed for such term, not exceeding 4 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment as a member. Term of office.

3. The office of a member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown. Office of member not to be office of profit under Crown.

4. The Chairman shall devote the whole of his time to the duties of his office. Chairman to be full-time member.

5. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member, other than the office of Chairman, or from accepting and retaining any remuneration (including travelling and subsistence allowances) paid to him under clause 7. Member (other than Chairman) holding other office.

6. The Chairman is entitled to be paid— Remuneration, etc., of Chairman.
 - (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
 - (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

*Plumbers, Gasfitters and Drainers.*SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

7. Each member (other than the Chairman) is entitled to be paid out of the Plumbers, Gasfitters and Drainers General Fund established under section 45 (1) (a) such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration, etc., of member (other than Chairman).
8. The Governor may remove a member from office for any cause which to him seems sufficient. Removal from office.
9. A member shall be deemed to have vacated his office— Vacation of office.
- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
- (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) if he is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to him, unless on leave granted to him by the Board or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Board for his absence from those meetings;
- (g) if he is removed from office by the Governor;
- (h) if he ceases to reside in New South Wales;
- (i) if he ceases to possess a qualification by virtue of which he was appointed as a member;
- (j) upon his attaining the age of 65 years;

Plumbers, Gasfitters and Drainers.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

- 5 (k) if, being the Chairman, he engages during his term of office in any paid employment outside the duties of his office; or
- (l) if, being the Chairman, he absents himself from duty for a period exceeding 14 consecutive days except on leave granted by the Minister, unless his absence is caused by illness or other unavoidable cause.
- 10 10. On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to the vacant office for such term, not exceeding 4 years, as is specified in the instrument of his appointment, so that the Board consists of persons appointed in accordance with section 7 (1) or (2). Filling of casual vacancy.
- 15 11. (1) The Minister may at any time appoint as an alternate member to act during the absence or illness of a member (other than the Chairman) a person who has qualifications referred to in section 7 (3) and is nominated in the same manner, if any, as the person for whom he is the alternate member. Alternate members.
- 20 (2) The Minister may at any time appoint a person who holds qualifications which are acceptable to him to act as an alternate for the Chairman during the absence or illness of the Chairman.
- (3) An alternate member shall have and may exercise, while acting as a member, the functions, as such a member, of the person for whom he is the alternate member.
- 25 (4) An alternate member for the Chairman shall have and may exercise, while acting as the Chairman, the functions of the Chairman.
- (5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a member or the Chairman, and all things done or omitted to be done by that person while so acting shall be as valid and effectual and shall have the same consequence as if they had been done or omitted to be done by that member or the Chairman, as the case may be.
- 30 12. (1) In this clause—
- 35 “statutory body” means any body declared under clause 14 to be a statutory body for the purposes of this Schedule; Preservation of rights of Chairman.
- “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Plumbers, Gasfitters and Drainers.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

5 (2) Subject to subclause (3) of this clause and to the terms of his appointment, where the Chairman was, immediately before his appointment as Chairman—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or

10 (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

15 (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chairman; and

20 (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Chairman, and—

25 (h) his service as Chairman shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

30 (3) If the Chairman would, but for this subclause, be entitled under subclause (2) of this clause to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme he shall not be so entitled upon his becoming (whether upon his appointment as
35 Chairman or at any later time while he holds office as Chairman) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) of this clause cease to apply to or in respect of him in any case where he becomes a contributor to such another superannuation scheme.

Plumbers, Gasfitters and Drainers.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

5 (4) Subclause (3) of this clause does not prevent the payment to the Chairman upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

10 (5) The Chairman shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

13. (1) In this clause—

“retiring age” means—

15 (a) in relation to a person who was immediately before his appointment as Chairman, an officer of the Public Service—the age of 60 years; and

20 (b) in relation to a person who was, immediately before his appointment as Chairman, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chairman), as the case may be, of that statutory body are entitled to retire;

“statutory body” means any body declared under clause 14 to be a statutory body for the purposes of this Schedule.

25 (2) A person who ceases to be Chairman otherwise than pursuant to clause 9 (paragraph (b) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Chairman, he was—

30 (a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as Chairman.

Chairman entitled to reappointment in former employment in certain cases.

Plumbers, Gasfitters and Drainers.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

- 5 14. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule. Declaration of statutory bodies.

SCHEDULE 2.

Sec. 8 (2).

PROVISIONS RELATING TO MEETINGS OF THE BOARD.

- 10 1. The number of members which constitutes a quorum at any meeting of the Board is 5. Quorum.

- 2. A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board. Meetings.

- 3. Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting. Determination of questions.

- 15 4. A decision of a majority of the members present at a meeting of the Board shall be the decision of the Board. Decisions.

- 5. At a meeting of the Board— Presiding at meeting.
 - (a) the Chairman;

- 20 (b) in the absence of the Chairman, where there is an alternate member for the Chairman, that alternate member; or

- (c) in the absence of the Chairman and, where there is an alternate member for the Chairman, in the absence of that alternate member, a member elected by the members present at the meeting from their number,

25 shall preside.

*Plumbers, Gasfitters and Drainers.*SCHEDULE 2—*continued.*PROVISIONS RELATING TO MEETINGS OF THE BOARD—*continued.*

6. The person presiding at a meeting of the Board has a deliberative vote **Votes.** and, in the event of an equality of votes, also has a casting vote.
- 5 7. (1) The procedure for the calling of, and for the conduct of business **General** at, meetings of the Board shall, subject to any procedure that is specified **procedure.** in this Act or prescribed, be as determined by the Board.
- (2) The first meeting of the Board shall be called in such manner as the Minister directs.
- 10 8. The Board shall cause full and accurate minutes to be kept of its **Minutes.** proceedings at meetings and shall submit to the Minister a copy of the minutes of each meeting within 14 days after the day on which it was held.
- 15 9. (1) Except in relation to its disciplinary functions under Part V, the **Transaction** Board may, if it thinks fit, transact any of its business by the circulation **of business** of papers, and a resolution in writing approved in writing by a majority **outside** of the members of the Board shall be as valid and effectual as if it had **meetings.** been passed at a meeting of the Board by the votes of the members approving the resolution.
- 20 (2) Where there is an equality of votes in respect of any business transacted under subclause (1) of this clause, the Chairman shall have a casting vote as well as a deliberative vote.

SCHEDULE 3.

Sec. 21.

SAVINGS AND TRANSITIONAL PROVISIONS.

- 25 1. Where immediately before the day appointed and notified under **Existing** section 2 (2) a person was the holder of a licence or certificate of a kind **licences** prescribed under section 5, that person is entitled, upon application made **and cer-** by him in accordance with clause 2, to be granted a licence or certificate **tificates.** of registration of a class prescribed as equivalent to the licence or certificate
- 30 of the kind so prescribed.
2. (1) A person referred to in clause 1 may make application to the **Applications** Board for the licence or certificate of registration to which he is entitled. **for new** **licences,** **etc.**

*Plumbers, Gasfitters and Drainers.*SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

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

(3) The regulations may require a person who makes application under subclause (1) of this clause to furnish to the Board, with his application, such items or particulars as may be prescribed.

10 3. (1) Where a person is, upon application being made under clause 2, entitled to be granted a licence or certificate of registration under clause 1, the licence or certificate of a class referred to in that clause held by him immediately before his becoming so entitled shall be deemed to be a licence or a certificate of registration of a class prescribed as equivalent to the firstmentioned class. Certain licences deemed to remain in force.

15 (2) The Governor may prescribe a date upon which subclause (1) of this clause shall cease to have effect.

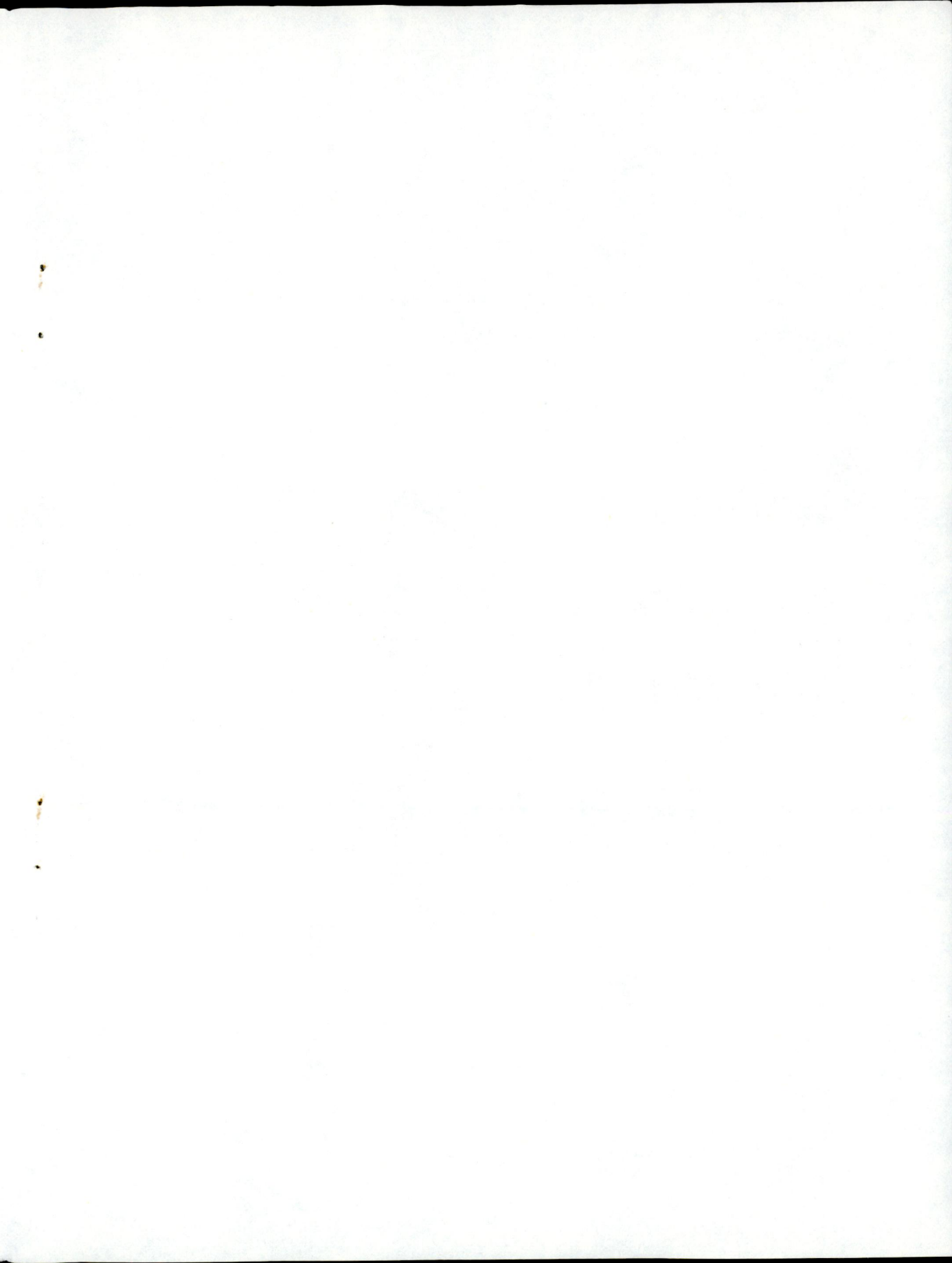
(3) Any condition subject to which a licence or certificate of registration of a kind prescribed under section 5 was granted shall, in so far as it is a condition that imposes a restriction of a kind referred to in section 16 (1) (a) or (b), be deemed to be a restriction imposed pursuant to section 16 and to have been endorsed on the licence or certificate of registration as referred to in section 16 (3).

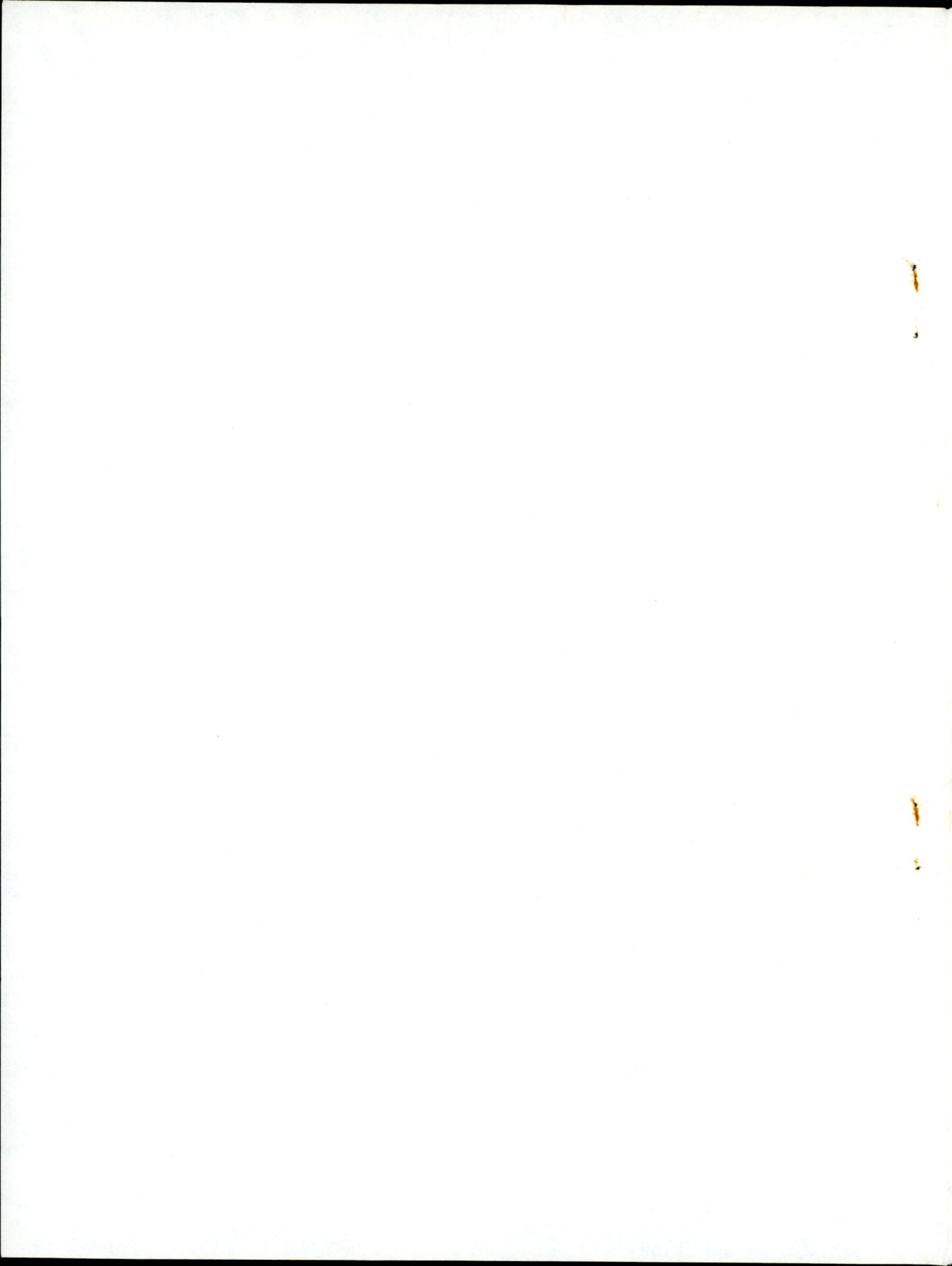
25 4. Where a person referred to in clause 1 makes application for a licence pursuant to clause 2 (1), the fee payable by him shall be reduced proportionally having regard to the unexpired term of his licence or certificate. Reduction of fees.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[\$1.36]





**PLUMBERS, GASFITTERS AND DRAINERS
ACT, 1979, No. 44**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 44, 1979.

An Act to constitute the Plumbers, Gasfitters and Drainers Board and to confer on it functions with respect to the licensing and registration of plumbers, gasfitters and drainers; and for other purposes. [Assented to, 9th May, 1979.]

See also Local Government (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Metropolitan Water, Sewerage, and Drainage (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Gas and Electricity (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Hunter District Water, Sewerage and Drainage (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Broken Hill Water and Sewerage (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Liquefied Petroleum Gas (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Builders Licensing (Plumbers, Gasfitters and Drainers) Amendment Act, 1979; Statutory and Other Offices Remuneration (Plumbers, Gasfitters and Drainers) Amendment Act, 1979.

Plumbers, Gasfitters and Drainers.

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 :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Plumbers, Gasfitters and Drainers Act, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Part I (except sections 1 and 2), Parts II and VII and Schedules 1 and 2, and so much of Part VIII as relates to the constitution, membership and meetings of the Board, shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day, being a day later than the day appointed and notified under subsection (2), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Arrange-
ment.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—CONSTITUTION OF THE PLUMBERS, GASFITTERS
AND DRAINERS BOARD—ss. 6–11.**

**PART III.—LICENCES AND CERTIFICATES OF REGISTRATION
—ss. 12–21.**

PART IV.—CONTRACTORS' AUTHORITIES—ss. 22–32.

Plumbers, Gasfitters and Drainers.

PART V.—DISCIPLINARY PROVISIONS—*ss.* 33–40.

PART VI.—APPEALS—*s.* 41.

PART VII.—FINANCE—*ss.* 42–50.

PART VIII.—GENERAL—*ss.* 51–73.

SCHEDULE 1.—PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD.

SCHEDULE 2.—PROVISIONS RELATING TO MEETINGS OF THE BOARD.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. (1) In this Act, except in so far as the context or **Interpre-**
subject-matter otherwise indicates or requires— **tation.**

“authorised work”—

- (a) in relation to a licence of any class, a holder of a licence of any class or an applicant for a licence of any class, means work (being plumbing, gasfitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a licence of that class or by any other class of persons specified in the provision;
- (b) in relation to a certificate of registration of any class, a holder of a certificate of registration of any class or an applicant for a certificate of registration of any class, means work (being plumbing, gasfitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a certificate of registration of that class or by any other class of persons specified in the provision; and

Plumbers, Gasfitters and Drainers.

- (c) in relation to a contractor's authority of any class, a holder of a contractor's authority of any class or an applicant for a contractor's authority of any class, means work (being plumbing, gasfitting or drainage work, or any class or description of any such work) that, by reason of a provision made by or under any Act, may not be carried out except by a holder of a licence of a class to which that class of contractor's authority corresponds or by any other class of persons specified in the provision;

"Board" means the Plumbers, Gasfitters and Drainers Board constituted under section 6;

"certificate of registration" means a certificate granted under section 14 (1);

"Chairman" means the person appointed and holding office as Chairman of the Board;

"contractor's authority" means an authority granted under section 24 (1);

"defendant" means any person or firm against whom or which a complaint is made under section 34 or 35 or on whom or which a notice issued under section 37 (4) is served;

"District Court" means the District Court of New South Wales;

"firm" means a firm within the meaning of the Business Names Act, 1962;

"functions" includes powers, authorities and duties;

"gasfitting work" does not include the installation, alteration, repair, connection or disconnection of pipes, fittings, apparatus, appliances or storage equipment used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas for use in internal combustion engines;

"individual" means a person other than a corporation;

Plumbers, Gasfitters and Drainers.

“inspector” means a person appointed under section 10 (1) or (2) (c) as an inspector;

“licence” means a licence granted under section 14 (1);

“local authority” means a council or county council within the meaning of the Local Government Act, 1919, the Metropolitan Water Sewerage and Drainage Board, the Hunter District Water Board, the Broken Hill Water Board, the Australian Gas Light Company and any body declared under subsection (3) to be a local authority within the meaning of this definition;

“member” means a member of the Board;

“regulations” means regulations made under this Act.

(2) A reference in this Act to the performance of a function includes, where the function is a power or authority, the exercise of that power or authority.

(3) The Governor may, by order published in the Gazette, declare any body, whether incorporated or not, to be a local authority within the meaning of the definition of “local authority” in subsection (1).

(4) A reference in this Act to a class of contractors’ authorities that corresponds to a class of licences is a reference to a class of contractors’ authorities that is prescribed under section 22 as corresponding to a class of licences.

5. On and from the day appointed and notified under section 2 (3), a licence or certificate of registration of a kind specified in the regulations shall not be granted under any provision made by or under any other Act.

Prohibition
on granting
certain
licences
and certifi-
cates of
registration
under other
Acts.

Plumbers, Gasfitters and Drainers.

PART II.

CONSTITUTION OF THE PLUMBERS, GASFITTERS AND
DRAINERS BOARD.Constitu-
tion of
the Board.

6. (1) There is hereby constituted a corporation under the corporate name of the "Plumbers, Gasfitters and Drainers Board".

(2) The Board is, for the purpose of any Act, a statutory body representing the Crown.

Members of
the Board.

7. (1) The Board shall consist of 10 members, appointed by the Governor, of whom—

- (a) 1 shall be appointed as Chairman of the Board by the instrument of his appointment or by a subsequent instrument executed by the Governor;
- (b) 1 shall be an officer of the Department of Public Works nominated by the Minister administering the Public Works Act, 1912;
- (c) 1 shall be an officer of the Department of Technical and Further Education nominated by the Minister administering the Technical and Further Education Act, 1974;
- (d) 1 shall be an officer of the Energy Authority of New South Wales nominated by the Minister administering the Gas and Electricity Act, 1935;
- (e) 1 shall be an officer of the Metropolitan Water Sewerage and Drainage Board nominated by the Minister administering the Metropolitan Water, Sewerage, and Drainage Act, 1924;
- (f) 1 shall be an officer of the Hunter District Water Board nominated by the Minister administering the Hunter District Water, Sewerage and Drainage Act, 1938;
- (g) 1 shall be a person chosen by the Minister from a panel of 3 persons nominated by the Executive of the New South Wales Plumbers and Gasfitters Employees' Union;

Plumbers, Gasfitters and Drainers.

- (h) 1 shall be a person chosen by the Minister from a panel of 3 persons nominated by the Executive Committee of the Master Plumbers and Sanitary Engineers' Association of New South Wales;
- (i) 1 shall be a person chosen by the Minister from a panel of 3 persons nominated by the Board of the Australian Gas Association; and
- (j) 1 shall be a person chosen by the Minister from a panel of 3 persons who shall be members of the Australian Institute of Health Surveyors and who shall be nominated jointly by the Executive Committee of the Local Government Association of New South Wales, the Executive Council of the Shires Association of New South Wales and the State Council of the Australian Institute of Health Surveyors.

(2) Where, for the purposes of subsection (1) (b)–(j), a nomination of a person, or nominations of persons to constitute a panel, is or are not made within the time or in the manner specified by the Minister in a written notice given to the person or body or bodies entitled to make the nomination or nominations, the Governor may appoint a person to be a member instead of the person required to be appointed on that nomination or from that panel and the person so appointed shall be deemed to have been duly nominated.

(3) A person shall not be appointed as a member unless he is a holder of a licence or has other qualifications which, in the opinion of the Governor, justify his being appointed as a member.

- 8.** (1) Schedule 1 has effect with respect to the constitution and membership of the Board.
- (2) Schedule 2 has effect with respect to the meetings of the Board.

Provisions relating to the constitution, membership and meetings of the Board.

Plumbers, Gasfitters and Drainers.

Functions of
the Board.

9. The Board shall have and may perform the functions conferred or imposed on it by or under this or any other Act.

Officers
and
employees.

10. (1) The Governor shall, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the purpose of carrying out the provisions of this Act.

(2) For the purpose of performing its functions, the Board may—

- (a) with the approval of the Minister of the department concerned and on such terms as may be arranged, make use of the services of any officers or employees of the department;
- (b) with the approval of the local authority concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of the local authority; and
- (c) with the approval of the Public Service Board, appoint and employ, on a casual basis and on such other terms as may be approved by the Board, persons to act in the administration of this Act.

(3) A person referred to in subsection (2) (c) is not, in his capacity as an employee of the Board, an officer within the meaning of the Public Service Act, 1902, but, if the terms and conditions upon which he is appointed so provide, any specified provisions of that Act or the regulations thereunder, whether with or without specified modifications, shall apply to and in respect of him as if he were an employee within the meaning of that Act.

Commit-
tees.

11. (1) The Board may establish such committees as the Board thinks fit.

(2) The function of a committee is to advise the Board in relation to such of the Board's functions as are referred to it by the Board for advice.

Plumbers, Gasfitters and Drainers.

(3) A committee shall consist of a member of the Board, who shall be chairman of the committee, and such other persons, whether members of the Board or not, as may be appointed by the Board.

(4) The Board may determine a quorum for a meeting of a committee.

(5) The proceedings of a committee shall be in accordance with any directions given by the Board or, in the absence of any such directions, as may be determined by the committee.

PART III.

LICENCES AND CERTIFICATES OF REGISTRATION.

12. (1) Licences and certificates of registration shall be of such classes as may be prescribed.

(2) A class of licences or certificates of registration shall not be prescribed under subsection (1) unless, by or under an Act, it is provided that work (being plumbing, gasfitting or drainage work, or any class or description of any such work) may not be carried out except by a person who is a holder of a licence or certificate of registration of that class or by any other class of persons specified in the provision.

(3) Without limiting subsections (1) and (2), a class of licences or certificates of registration may be prescribed as being the equivalent of 2 or more other classes of licences or certificates of registration, as the case may be, and a holder of a licence or certificate of registration of a class so prescribed shall be deemed to be a holder of each of those other classes of licences or certificates of registration, as the case may be.

Plumbers, Gasfitters and Drainers.

Applica-
tions.

13. (1) An individual may make application to the Board for the grant of a licence or certificate of registration of any class.

(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 licence, shall be accompanied by the prescribed fee.

(3) An applicant for 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.

Grant of
licences
and certifi-
cates of
registration.

14. (1) The Board shall consider each application made under section 13 (1) and shall grant a licence or certificate of registration of the class applied for to the individual making the application if it is satisfied that—

- (a) he is of or above the age of 18 years;
- (b) he is a fit and proper person to be a holder of a licence or certificate of registration, as the case may be, and is otherwise of good character;
- (c) he has such qualifications or has passed such examinations as are determined by the Board in relation to the licence or certificate of registration of the class applied for;
- (d) he has had adequate experience under the supervision of a holder of a licence of a class that the Board considers appropriate;
- (e) he is capable of carrying out work that is authorised work in relation to him; and
- (f) he satisfies such other requirements as may be prescribed.

(2) Where the Board makes a determination that an application made under section 13 (1) be refused, it shall cause a notice, setting out the reasons for the refusal, to be served on the applicant.

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15. (1) Subject to this Act, a licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of a particular licence or certificate of registration.

Duration of licences and certificates of registration.

(2) The period for which a licence or certificate of registration is in force shall be endorsed on it.

16. (1) Where, on consideration of an application made under section 13 (1), the Board is of the opinion that the individual making the application 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 which is restricted in relation to either or both of the following matters :—

Restricted licences and certificates of registration.

- (a) the type of authorised work that the holder of the licence or certificate of registration may carry out;
- (b) the location in which authorised work may be carried out.

(2) A restriction subject to which a licence or certificate of registration is granted shall be endorsed on it.

(3) A holder of a licence or certificate of registration who carries out any authorised work contrary to any restriction endorsed on the licence or certificate of registration held by him shall be deemed not to be a holder of the licence or certificate of registration when he carries out that work.

17. A licence or certificate of registration is not transferable.

Licences and certificates of registration not transferable.

18. (1) A holder of a licence or certificate of registration may make application to the Board, within the prescribed period, for the renewal of the licence or certificate of registration held by him.

Renewals of licences and certificates of registration.

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(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 the renewal of a licence, shall be accompanied by the prescribed fee.

(3) An applicant for the renewal 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) On receipt of an application made in accordance with subsections (1), (2) and (3), the Board shall grant to the applicant the renewal of the licence or certificate of registration applied for unless the application is withdrawn.

(5) Subject to this Act, where an application for renewal of a licence or certificate of registration is made on or before the date on which the licence or certificate of registration would, but for this subsection, have ceased to be in force (which day is, in this subsection, referred to as the "date of expiry") and—

- (a) the renewal is granted on or before the date of expiry—
on the grant of the renewal, the licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry; or
- (b) the renewal is not granted on or before the date of expiry and the application is not withdrawn on or before the date of expiry—
 - (i) the licence or certificate of registration shall be deemed to continue in force on and from the day after the date of expiry until the renewal is granted or the application is withdrawn, whichever first occurs; and

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- (ii) on the grant of the renewal, the licence or certificate of registration shall be in force for the remaining portion of the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry, and the renewal shall be expressed to have taken effect on and from that day.

19. (1) Where an application for renewal of a licence or certificate of registration is not made on or before the date on which the licence or certificate of registration ceases to be in force, the individual who held the licence or certificate of registration may make application to the Board for the restoration of the licence or certificate of registration held by him. Restoration and renewal of licences and certificates of registration.

(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 the restoration of a licence, shall be accompanied by the prescribed fee.

(3) Where an application is made in accordance with subsections (1) and (2), the applicant shall, except in respect of—

- (a) any contravention for which proceedings have been or may be instituted against him under section 72 in respect of any statement made prior to the making of that application; or
- (b) any complaint which has been made against him under section 35,

be deemed to be and to have been, on and from the day after the date on which the licence or certificate of registration in respect of which the application for restoration is made ceased to be in force, a holder of a licence or certificate of registration of the same class as that licence or certificate of registration until—

- (c) the licence or certificate of registration is restored by the Board;

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- (d) where the Board has determined, or is deemed under section 41 (7) to have made a determination, that the application be refused, and—
- (i) no appeal has been lodged under Part VI—the expiration of 21 days after that determination; or
 - (ii) an appeal has been lodged under Part VI—the appeal is dealt with or withdrawn; or
- (e) the application is withdrawn,
- whichever first occurs.

(4) The Board may, if it is satisfied that the non-renewal of the licence or certificate of registration is due to inadvertence or that for any reason it is just and equitable that the licence or certificate of registration should be restored, restore the licence or certificate of registration and grant a renewal of the licence or certificate of registration.

(5) Subject to this Act, on the grant of a renewal of a licence or certificate of registration under this section, the licence or certificate of registration shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that licence or certificate of registration, commencing on the day after the date of expiry.

(6) The Board may, if in its opinion the circumstances warrant its so doing, by notice in writing served on an applicant under this section, request the applicant to appear before it, or to be represented before it by a duly appointed agent, in support of his application at a time and place nominated by the Board.

(7) If an applicant fails to appear, or to be represented by a duly appointed agent, before the Board in answer to a request made under subsection (6), the Board may treat the application as having been withdrawn.

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(8) Anything done by the Board in relation to the matters referred to in subsection (6) or (7) does not constitute a determination by the Board for the purposes of section 41.

20. (1) Notwithstanding any other provision of this Act, the Board may, at any time before the commencement of the period prescribed under section 18 (1) within which an application for the renewal of a licence or certificate of registration may be made, direct that the further period for which the licence or certificate of registration shall be in force on renewal shall be a period, not exceeding 3 years, determined by the Board. Alteration of renewal dates.

(2) Notwithstanding section 18 (5) or 19 (5), but otherwise subject to this Act, on the grant of a renewal of a licence or certificate of registration in respect of which a direction has been given under subsection (1), the licence or certificate of registration shall—

- (a) if the renewal is of a licence or certificate of registration to which section 18 (5) (a) applies—be in force for the further period specified in the direction; or
- (b) if the renewal is of a licence or certificate of registration to which section 18 (5) (b) or 19 applies—be in force for the period that is the sum of the period referred to in section 18 (5) (b) or 19, as the case may be, in respect of that licence or certificate of registration and that part of the period specified in the direction that is in excess of the prescribed period, not exceeding 3 years, or for such shorter period as may have been determined by the Board.

(3) The renewal of a licence in respect of which a direction under subsection (1) has been given shall not be granted by the Board unless an additional prescribed fee is lodged with the application for renewal of the licence or, where the licence has ceased to be in force, with the application for restoration of the licence.

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Savings and transitional provisions relating to certain licences, etc.

21. Schedule 3 has effect in relation to licences and certificates granted under the Local Government Act, 1919, the Metropolitan Water, Sewerage, and Drainage Act, 1924, the Gas and Electricity Act, 1935, the Hunter District Water, Sewerage and Drainage Act, 1938, the Broken Hill Water and Sewerage Act, 1938, and the Liquefied Petroleum Gas Act, 1961, being licences and certificates referred to in that Schedule.

PART IV.

CONTRACTORS' AUTHORITIES.

Classes of contractors' authorities.

22. Contractors' authorities shall be of such classes as may be prescribed, each such class being a class prescribed as corresponding to a class of licences.

Applications for contractors' authorities.

23. (1) A person or firm may make application to the Board for the grant of a contractor's authority of any class.

(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.

(3) An applicant for 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.

Grant of contractors' authorities.

24. (1) The Board shall consider each application made under section 23 (1) and shall grant a contractor's authority of the class applied for if it is satisfied that—

(a) where the application is made by an individual—

(i) he is or employs a holder of a licence of a class to which the class of contractor's authority applied for corresponds;

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- (ii) he has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to him; and
 - (iii) he is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (b) where the application is made by a firm—
- (i) a member or an employee of the firm is a holder of a licence of a class to which the class of contractor's authority applied for corresponds;
 - (ii) it has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to it; and
 - (iii) it is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (c) where the application is made by a corporation—
- (i) a director or employee of the corporation is a holder of a licence of a class to which the class of contractor's authority applied for corresponds;
 - (ii) it has adequate financial resources to carry on the business of a contractor undertaking the carrying out of work that is authorised work in relation to it; and
 - (iii) it is capable of carrying on the business of a contractor undertaking the carrying out of that kind of work;
- (d) where the application is made by—
- (i) an individual—the individual;

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- (ii) a firm—each member of the firm, being an individual, or each director of any corporation that is a member of the firm; or
- (iii) a corporation—each director of the corporation, is—
 - (iv) of or above the age of 18 years;
 - (v) a fit and proper person to be a holder of a contractor's authority;
 - (vi) not disqualified from holding a licence, certificate of registration or contractor's authority; and
 - (vii) not an individual whose licence, certificate of registration or contractor's authority is suspended; and
- (e) the applicant satisfies such other requirements as may be prescribed.

(2) Where the Board makes a determination that an application made under section 23 (1) be refused, it shall cause a notice, setting out the reasons for the refusal, to be served on the applicant.

**Duration of
contractors'
authorities.**

25. (1) Subject to this Act, a contractor's authority shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of a particular contractor's authority.

(2) The period for which a contractor's authority is in force shall be endorsed on it.

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26. (1) 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 applicable to him 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 which is restricted in relation to either or both of the following matters :—

Restricted
contractors'
authorities.

- (a) the type of authorised work that the holder of the contractor's authority may undertake to carry out;
- (b) the location in which authorised work undertaken to be carried out by him or it may be carried out.

(2) A restriction subject to which a contractor's authority is granted shall be endorsed on it.

(3) A holder of a contractor's authority who or which undertakes to carry out any authorised work contrary to any restriction endorsed on the contractor's authority held by him or it shall be deemed not to be a holder of the contractor's authority when he or it undertakes to carry out that work.

27. A contractor's authority is not transferable.

Contractors'
authorities
not trans-
ferable.

28. (1) A holder of a contractor's authority may make application to the Board, within the prescribed period, for the renewal of the contractor's authority held by him or it.

Renewal of
contractors'
authorities.

(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.

(3) An applicant for the renewal 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.

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(4) On receipt of an application made in accordance with subsections (1), (2) and (3), the Board shall grant to the applicant the renewal of the contractor's authority applied for unless the application is withdrawn.

(5) Subject to this Act, where an application for the renewal of a contractor's authority is made on or before the date on which the contractor's authority would, but for this subsection, have ceased to be in force (which day is, in this subsection, referred to as the "date of expiry") and—

- (a) the renewal is granted on or before the date of expiry—
 - on the grant of the renewal, the contractor's authority shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority, commencing on the day after the date of expiry; or
- (b) the renewal is not granted on or before the date of expiry and the application is not withdrawn on or before the date of expiry—
 - (i) the contractor's authority shall be deemed to continue in force on and from the day after the date of expiry until the renewal is granted or the application is withdrawn, whichever first occurs; and
 - (ii) on the grant of the renewal, the contractor's authority shall be in force for the remaining portion of the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority, commencing on the day after the date of expiry, and the renewal shall be expressed to have taken effect on and from that day.

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29. (1) Where an application for the renewal of a contractor's authority is not made on or before the date on which the contractor's authority ceases to be in force, the person or firm who or which held the contractor's authority may make application to the Board for the restoration of the contractor's authority held by him or it.

Restoration and renewal of contractors' authorities.

(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.

(3) Where an application is made in accordance with subsections (1) and (2), the applicant shall, except in respect of—

- (a) any contravention for which proceedings have been or may be instituted against him or it under section 72 in respect of any statement made prior to the making of that application; or
- (b) any complaint which has been made against him or it under section 35,

be deemed to be and to have been, on and from the day after the date on which the contractor's authority in respect of which the application for restoration is made ceased to be in force, a holder of a contractor's authority of the same class as that contractor's authority until—

- (c) the contractor's authority is restored by the Board;
- (d) where the Board has determined, or is deemed under section 41 (7) to have made a determination, that the application be refused, and—
 - (i) no appeal has been lodged under Part VI—the expiration of 21 days after that determination; or
 - (ii) an appeal has been lodged under Part VI—the appeal is dealt with or withdrawn; or

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(e) the application is withdrawn,
whichever first occurs.

(4) The Board may, if it is satisfied that the non-renewal of the contractor's authority is due to inadvertence or that for any reason it is just and equitable that the contractor's authority should be restored, restore the contractor's authority and grant a renewal of the contractor's authority.

(5) Subject to this Act, on the grant of a renewal of a contractor's authority under this section, the contractor's authority shall be in force for the prescribed period, not exceeding 3 years, or for such shorter period as may be determined by the Board in respect of that contractor's authority, commencing on the day after the date of expiry.

(6) The Board may, if in its opinion the circumstances warrant its so doing, by notice in writing served on an applicant under this section, request the applicant—

- (a) where the applicant is an individual, to appear before it, or to be represented before it by a duly appointed agent, in support of his application; or
- (b) where the applicant is a firm or a corporation, to be represented before it by a duly appointed agent in support of its application,

at a time and place nominated by the Board.

(7) If an applicant fails to appear, or to be represented by a duly appointed agent, before the Board in answer to a request made under subsection (6), the Board may treat the application as having been withdrawn.

(8) Anything done by the Board in relation to the matters referred to in subsection (6) or (7) does not constitute a determination by the Board for the purposes of section 41.

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30. (1) Notwithstanding any other provision of this Act, the Board may, at any time before the commencement of the period prescribed under section 28 (1) within which an application for the renewal of a contractor's authority may be made, direct that the further period for which the contractor's authority shall be in force on renewal shall be a period, not exceeding 3 years, determined by the Board.

Alteration
of renewal
dates.

(2) Notwithstanding section 28 (5) or 29 (5), but otherwise subject to this Act, on the grant of a renewal of a contractor's authority in respect of which a direction has been given under subsection (1), the contractor's authority shall—

- (a) if the renewal is of a contractor's authority to which section 28 (5) (a) applies—be in force for the further period specified in the direction; or
- (b) if the renewal is of a contractor's authority to which section 28 (5) (b) or 29 applies—be in force for the period that is the sum of the period referred to in section 28 (5) (b) or 29, as the case may be, in respect of that contractor's authority and that part of the period specified in the direction that is in excess of the prescribed period, not exceeding 3 years, or for such shorter period as may have been determined by the Board.

(3) The renewal of a contractor's authority in respect of which a direction under subsection (1) has been given shall not be granted by the Board unless an additional prescribed fee is lodged with the application for renewal of the contractor's authority or, where the contractor's authority has ceased to be in force, with the application for restoration of the contractor's authority.

31. A holder of a contractor's authority—

- (a) being an individual, shall notify the Board, within the prescribed period, of any change of the employee, if any, referred to in section 24 (1) (a) (i), by virtue of whom he may have obtained his contractor's authority;

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

Plumbers, Gasfitters and Drainers.

- (b) being a firm, shall notify the Board, within the prescribed period—
 - (i) of any change of the member, if any, or employee, if any, referred to in section 24 (1) (b) (i), by virtue of whom it obtained its contractor's authority; or
 - (ii) of any change of other members of the firm; or
- (c) being a corporation, shall notify the Board, within the prescribed period—
 - (i) of any change of the director, if any, or employee, if any, referred to in section 24 (1) (c) (i), by virtue of whom it obtained its contractor's authority; or
 - (ii) of any change of other directors of the corporation.

Penalty: \$200.

Termination of contractor's authority if no holder of a licence.

32. (1) During any period during which the holder of a contractor's authority—

- (a) being an individual—is not, or does not have an employee who is, a holder of a licence of a class to which the class of that contractor's authority corresponds;
- (b) being a firm—does not have a member or an employee who is a holder of a licence of a class to which the class of that contractor's authority corresponds; or
- (c) being a corporation—does not have a director or an employee who is a holder of a licence of a class to which the class of that contractor's authority corresponds,

that contractor's authority shall be deemed not to be in force.

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(2) Within the prescribed period after a contractor's authority ceases to be in force by virtue of subsection (1), the holder of the contractor's authority shall so inform the Board in writing.

Penalty for an offence against this subsection : \$500.

PART V.

DISCIPLINARY PROVISIONS.

33. (1) A holder of a licence, certificate of registration or contractor's authority is guilty of improper conduct if that holder—

- (a) commits an offence against this Act or the regulations, whether or not that holder is convicted of the offence;
- (b) without reasonable cause, commits a breach of a contract to carry out work that is authorised work in relation to that holder;
- (c) carries out any work that is authorised work in relation to that holder otherwise than in a good and workmanlike manner;
- (d) in the course of carrying out work that is authorised work in relation to that holder, knowingly uses faulty or unsuitable materials;
- (e) fails or refuses to comply with an award made on the arbitration of a dispute arising under a contract for the carrying out of work that is authorised work in relation to that holder;
- (f) in the course of carrying out work that is authorised work in relation to that holder, fails to comply with the requirements made by or under this or any other Act in respect of that work;

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- (g) commits fraud or makes any misrepresentation in connection with any contract for the carrying out of work that is authorised work in relation to that holder; or
- (h) is convicted of any offence under the Workers' Compensation Act, 1926, or any regulations made under that Act.

(2) A holder of a licence, certificate of registration or contractor's authority is guilty of improper conduct if, with the consent or as a result of the connivance of the holder, any employee or agent of that holder does anything referred to in subsection (1).

(3) An individual who is a member of a firm that is a holder of a contractor's authority, is guilty of improper conduct if that individual or any other member of the firm, as such a member, does any of the things referred to in subsection (1) or (2).

(4) A reference in subsection (3) to an individual who is a member of a firm includes a reference to an individual who is a director of a corporation that is a member of a firm.

(5) An individual who is a director of a corporation that is a holder of a contractor's authority, is guilty of improper conduct if that individual or any other director of the corporation, as such a director, does any of the things referred to in subsection (1) or (2).

(6) It is a sufficient defence to a complaint that an individual who is a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, has been guilty of improper conduct if the individual proves to the satisfaction of the Board that—

- (a) the improper conduct occurred without his knowledge;

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- (b) he was not in a position to influence the conduct of the other members of the firm or other directors of the corporation, of which he was a member or director, as the case may be, so as to prevent the occurrence of the improper conduct; or
- (c) he, being in such a position, used all due diligence to prevent the occurrence of the improper conduct.

(7) Proceedings for improper conduct may be taken against an individual who is a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, whether or not any such proceedings have been taken against the firm or corporation.

34. A complaint may be made to the Board—

- (a) in relation to a holder of a licence or certificate of registration or a holder of a contractor's authority, being an individual, that—
 - (i) the holder was not entitled to obtain the licence, certificate of registration or contractor's authority;
 - (ii) the holder has been guilty of improper conduct;
 - (iii) the holder is not a fit and proper person to hold the licence, certificate of registration or contractor's authority, as the case may be, or is not of good character;
 - (iv) the holder is not capable of carrying out work that is authorised work in relation to that holder; or
 - (v) in the case of a holder of a contractor's authority, the holder does not have sufficient financial resources to enable him to carry on the business of carrying out authorised work;

Complaints
against
holders of
licences, etc.

Plumbers, Gasfitters and Drainers.

- (b) where a firm is a holder of a contractor's authority, that—
- (i) the firm was not entitled to obtain the contractor's authority;
 - (ii) the firm, any of its members or any director of a corporation that is a member of the firm has been guilty of improper conduct;
 - (iii) the firm is not a fit and proper firm to hold the contractor's authority;
 - (iv) the firm is not capable of undertaking the carrying out, by a member, a director of a corporation that is a member of the firm or an employee, of work that is authorised work in relation to that firm; or
 - (v) the firm does not have sufficient financial resources to enable it to carry on the business of carrying out work that is authorised work in relation to that firm; or
- (c) where a corporation is a holder of a contractor's authority, that—
- (i) the corporation was not entitled to obtain the contractor's authority;
 - (ii) the corporation or any of its directors has been guilty of improper conduct;
 - (iii) the corporation is not a fit and proper corporation to hold the contractor's authority;
 - (iv) the corporation is not capable of undertaking the carrying out, by a director or an employee, of work that is authorised work in relation to that corporation; or
 - (v) the corporation does not have sufficient financial resources to enable it to carry on the business of carrying out work that is authorised work in relation to that corporation.

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35. (1) In this section—

Complaints
against
former
licensees,
etc.

“former authorised contractor” means an individual, firm or corporation who or which, at any time during a period of 5 years before a complaint in respect of that individual, firm or corporation is made under subsection (2), has been a holder of a contractor’s authority and has ceased to hold that authority;

“former certificate holder” means a person who, at any time during a period of 5 years before a complaint in respect of that person is made under subsection (2), has been a holder of a certificate of registration and has ceased to hold that certificate;

“former licensee” means a person who, at any time during a period of 5 years before a complaint in respect of that person is made under subsection (2), has been a holder of a licence and has ceased to hold that licence.

(2) A complaint may be made to the Board by any person that—

- (a) a former licensee, a former certificate holder or a former authorised contractor has, as a holder of a licence, a certificate of registration or a contractor’s authority, as the case may be, been guilty of improper conduct; or
- (b) at any time during a period of 5 years before the complaint is made, a person (not at that time being a holder of a licence or certificate of registration) was, as a member of a firm, a director of a corporation that was a member of a firm or a director of a corporation, that is a former authorised contractor, guilty of conduct that renders him unfit to be a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, that is a holder of a contractor’s authority.

36. (1) A complaint made under section 34 or 35 shall be in or to the effect of the prescribed form and, except as provided by subsection (2), shall be accompanied by the prescribed fee.

Manner
of making
complaints.

Plumbers, Gasfitters and Drainers.

(2) A complaint referred to in subsection (1) need not be accompanied by the prescribed fee where it is made by—

- (a) an officer of the Public Service in his capacity as such an officer;
- (b) an officer or employee of a local authority in his capacity as such an officer or employee; or
- (c) a person employed by the Board as an inspector in his capacity as such an inspector.

Procedure
on com-
plaints.

37. (1) Upon receipt of a complaint made under section 34 or 35, together with the prescribed fee (where applicable) required by section 36, the Board shall consider the complaint and, if it is of the opinion that the nature of the complaint warrants its so doing, shall cause a notice to be issued calling upon the person or firm to whom or which the complaint relates to show cause why any licence, certificate of registration or contractor's authority held by him or it, or why he or it, should not be dealt with under this Part and cause that notice to be served on that person or firm.

(2) Subsection (1) does not apply so as to require the Board to consider any complaint which an officer of the Board, authorised by the Board for the purposes of this subsection, has determined to be of such a nature as not to warrant the issue of a notice under subsection (1) with respect to the complaint.

(3) As soon as practicable after the receipt of the complaint, the Board shall cause the complainant to be informed in writing of any action taken under this section with respect to the complaint.

(4) The Board may, if in its opinion its investigations warrant its so doing and without having received a complaint, cause a notice to be issued calling upon a person or firm against whom or which a complaint may be made under section 34 or 35 to show cause why any licence, certificate of registration or

Plumbers, Gasfitters and Drainers.

contractor's authority held by him or it, or why he or it, should not be dealt with under this Part and cause the notice to be served on that person or firm.

(5) A notice served under subsection (1) or (4) shall—

- (a) give particulars of the grounds upon which the defendant is required to show cause; and
- (b) appoint a time and place for the holding of an inquiry for the defendant to show cause,

as required by the notice.

(6) Where the defendant is a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, a copy of a notice issued under subsection (1) or (4) shall be served on the firm, corporation and firm, or corporation, as the case may be.

(7) Not earlier than the day on which the period fixed under subsection (8) in respect of a defendant expires, the Board shall at the time and place appointed by the notice served on the defendant, or at such other time or place appointed by the Board and notified by notice in writing served on the defendant, cause an inquiry to be held into the grounds upon which the defendant has been called to show cause as required by that notice.

(8) The period referred to in subsection (7) is—

- (a) except as provided by paragraph (b)—7 days after service on the defendant of the notice referred to in subsection (5); or
- (b) where a copy of the notice issued under subsection (1) or (4) is required to be served under subsection (6)—7 days after the service or later service effected pursuant to subsection (1) or (4), as the case may be, or subsection (6).

(9) Where, under subsection (7), the Board appoints another time or place to hold an inquiry and the defendant is a member of a firm, a director of a corporation that is a member

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of a firm or a director of a corporation, being a firm or corporation that is a holder of a contractor's authority, a copy of the notice referred to in that subsection shall be served on the firm, corporation and firm, or corporation, as the case may be.

Inquiries—
how held.

38. (1) An inquiry held under this Part shall be held before—

- (a) the Board; or
- (b) 1 or more members appointed by the Board to hold the inquiry,

and shall be held as in open court.

(2) Where 2 or more members are appointed under subsection (1) (b) to hold an inquiry under this Part—

- (a) the Board may appoint 1 of those members to preside at the inquiry; and
- (b) the member so appointed shall have, in addition to a deliberative vote, a second or casting vote on any matter arising during the inquiry in respect of which there is an equality of votes.

(3) The determination of the Board on an inquiry shall be given at a meeting of the Board at which a quorum is present.

(4) At any inquiry under this Part—

- (a) the defendant may appear by himself or by a barrister, solicitor or agent appointed by the defendant; and
- (b) the Board or member or members before whom the inquiry is held—
 - (i) may conduct the inquiry in such manner as it or he sees or they see fit and is not or are not bound to observe rules of law governing the admission of evidence but may inform itself or himself or themselves of any matter in such manner as it or he thinks or they think fit;

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- (ii) may allow a barrister or solicitor, or a member of the Public Service, instructed by the Board, or a person employed by the Board as an inspector and instructed by the Board, to appear before the Board or that member or those members for the purpose of adducing evidence tending to establish the grounds upon which the defendant has been called upon to show cause as referred to in section 37;
- (iii) may call and receive evidence as to any matter relevant to the inquiry;
- (iv) may from time to time as it or he sees or they see fit adjourn the inquiry; and
- (v) may, subject to section 13 of the Oaths Act, 1900, require any evidence at the inquiry to be given on oath.

(5) An inquiry under this Part may be held in the absence of the defendant if the Board or member or members before whom the inquiry is held is or are satisfied that the defendant was served with reasonable notice of the time and place of the inquiry.

(6) Service of any such notice may be proved by the oath of the person who effected the service or by affidavit.

39. (1) The Board or member or members before whom an inquiry under this Part is held may of its or his or their own motion or on the application of the defendant issue a subpoena in or to the effect of the prescribed form requiring the person to whom the subpoena is addressed to attend as a witness at the inquiry or so to attend and to produce at the inquiry any books, deeds, papers, writings or articles in his possession or under his control relating to any matter relevant to the inquiry and specified in the subpoena. Subpoenas.

(2) A person who is served with a subpoena addressed to him and to whom, at the time of service, is tendered an amount that is sufficient to cover his travelling and other out-of-pocket

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expenses in attending the inquiry specified in the subpoena and producing anything required by the subpoena to be produced shall not, without reasonable cause, fail or refuse to obey the subpoena.

Penalty : \$200.

(3) A person to whom a subpoena is addressed is entitled to receive—

- (a) where the subpoena was issued by the Board or member or members of its or his or their own motion, from the Board; or
- (b) where the subpoena was issued by the Board or member or members on the application of the defendant, from the defendant,

his reasonable costs, including any loss of earnings, incurred by him in obeying the subpoena, calculated in accordance with the scales relating to subpoenas issued out of the District Court.

Determina-
tion by
the Board.

40. (1) After an inquiry held under this Part, the Board may make any of the following determinations, that is to say, the Board may :—

- (a) determine that no further action be taken against the defendant;
- (b) caution or reprimand the defendant;
- (c) make a determination requiring the defendant to pay to the Board, as a penalty, an amount not exceeding \$500 or, where a larger amount is prescribed, not exceeding that larger amount;
- (d) where the defendant is a holder of a licence, certificate of registration or contractor's authority, suspend, for a term not exceeding the unexpired term of the licence, certificate of registration or contractor's authority, the licence, certificate of registration or contractor's authority, as the case may be, held by the defendant;

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(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 disqualify the defendant, either permanently or for such period as may be specified in the determination, from holding a licence, certificate of registration or contractor's authority;

(f) where the defendant is a holder of a licence, certificate of registration or contractor's authority, disqualify him, 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 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

(g) where the defendant is a former licensee, a former certificate holder or a former authorised contractor, as defined in section 35 (1), or a person referred to in section 35 (2) (b)—

(i) make any of the determinations in paragraph (a), (b) or (c) in respect of the defendant; or

(ii) disqualify, either permanently or for such period as may be specified in the determination, the defendant from holding a licence, certificate of registration or a contractor's authority or from being a member of a firm, a director of a corporation that is a member of a firm or a director of a corporation, that is a holder of a contractor's authority.

(2) The Board shall not make a determination under subsection (1) (c) if the only ground on which the defendant was required to show cause under this Part was a ground referred to in section 33 (1) (a) or (h).

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(3) Where the Board makes a determination—

- (a) referred to in subsection (1) (a), it may pay to the defendant such amount as it thinks fit for or towards the reasonable costs and expenses incurred by the defendant in connection with the inquiry in connection with which the determination was made; or
- (b) referred to in subsection (1), paragraph (a) excepted, it may, by that determination, require the defendant to pay to the Board for and towards the costs and expenses incurred in holding the inquiry in connection with which the determination was made such amount as is specified in that determination.

(4) A determination of the Board to pay an amount referred to in subsection (3) (a) does not constitute a determination of the Board for the purposes of section 41.

(5) A determination of the Board under subsection (1), paragraph (a) excepted, has no force or effect until notice of the determination is served on the defendant and the time limited for appealing against the Board's determination has expired and, where within that time an appeal against the determination has been made under section 41, until the appeal has been dealt with or withdrawn.

(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, the holder of the licence, certificate of registration or contractor's authority, as the case may be, shall, immediately after the expiration of that time, lodge it with the Board.

Penalty : \$500.

(7) Where the Board makes a determination under subsection (1) (c) or (3) (b) and—

- (a) no appeal is made against that determination within the time limited for appealing against it; or

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(b) such an appeal is made but is withdrawn, and the amount required to be paid by the defendant has not been paid to the Board within the time referred to in paragraph (a) or when the appeal is withdrawn, as the case may be, or within such further time as the Board in writing may allow—

(c) any licence, certificate of registration or contractor's authority held by the defendant shall be deemed to be suspended until that amount is paid to the Board by or on behalf of the defendant or, if that amount is not so paid to the Board before any such licence, certificate or authority would, but for this paragraph, expire, to be cancelled; and

(d) that amount may be recovered by the Board as a debt in any court of competent jurisdiction.

(8) Nothing in subsection (1) affects the liability of a defendant for any offence against this Act or the regulations or against a provision made by or under any other Act.

PART VI.

APPEALS.

41. (1) An applicant for a licence, certificate of registration or contractor's authority or for the restoration of a licence, certificate of registration or contractor's authority, or a defendant under Part V, who or which is aggrieved by any determination of the Board in relation to his or its application or any determination of the Board made under section 40 upon the inquiry at which he or it was the defendant, may, 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, appeal against the determination to the District Court. Appeals.

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(2) Any such appeal shall be made in accordance with the regulations and shall be dealt with by way of rehearing on the evidence, if any, given before the Board and on any evidence in addition to or in substitution for the evidence so given.

(3) The District Court, in deciding any such appeal, may confirm the determination of the Board appealed against or substitute for that determination any determination that the Board might have made.

(4) The decision of the District Court in respect of any such appeal shall be final and shall, except for the purposes of subsection (1), be deemed to be the determination of the Board.

(5) Where the decision of the District Court is that a licence, certificate of registration or contractor's authority be suspended or cancelled, 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.

Penalty : \$500.

(6) Where —

- (a) the decision of the District Court is that a determination made by the Board under section 40 (1) (c) or (3) (b) be confirmed or that there be substituted for such a determination a determination that the defendant be required to pay to the Board an amount that is different from the amount specified in the Board's determination; and
- (b) the amount as so confirmed or substituted is not paid to the Board by or on behalf of the defendant within such time as may be specified in the decision of the District Court or, if no time is so specified, within 14 days after

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the decision of the District Court is given or, in either case, within such further time as the Board, in writing, may, on the application of the defendant, allow—

then—

- (c) any licence, certificate of registration or contractor's authority, as the case may be, held by the defendant shall be deemed to be suspended until the amount as so confirmed or substituted is paid to the Board by or on behalf of the defendant or, if that amount is not so paid to the Board before any such licence, certificate of registration or contractor's authority, as the case may be, would, but for this paragraph, expire, to be cancelled; and
- (d) the amount as so confirmed or substituted may be recovered by the Board from the defendant as a debt in any court of competent jurisdiction.

(7) If the Board does not, within a period of 40 days after an application (not being an application which is withdrawn or has been treated as having been withdrawn during that period) for a licence, certificate of registration or contractor's authority, as the case may be, or for the restoration of a licence, certificate of registration or contractor's authority, as the case may be, is made to it, serve on the applicant notice of its determination in respect of the application, the Board shall, for the purposes of this section, be deemed to have made at the expiration of that period a determination that the application be refused.

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PART VII.

FINANCE.

Inter-
pretation:
Part VII.

42. In this Part—

“Education Fund” means the Plumbers, Gasfitters and Drainers Education and Research Fund established under section 45 (1) (b);

“financial year” means—

- (a) the period commencing on the date of commencement of this section and ending with the 30th day of June next following that date; and
- (b) in relation to each year following the year in which that 30th day of June falls, the period of 12 months ending with the 30th day of June in that following year;

“General Fund” means the Plumbers, Gasfitters and Drainers General Fund established under section 45 (1) (a).

Plumbers,
Gasfitters
and Drainers
Account.

43. There shall be established in the Special Deposits Account in the Treasury a Plumbers, Gasfitters and Drainers Account into which shall be deposited all money received by the Board and from which shall be paid all amounts required to meet expenditure incurred in accordance with this Act.

Grants to
Board.

44. The Treasurer may advance such money to the Board, on such terms as to repayment and interest, as he and the Board may agree on.

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45. (1) The Board shall establish the following funds in its ^{Funds of} books— _{the Board.}

- (a) the Plumbers, Gasfitters and Drainers General Fund;
and
- (b) the Plumbers, Gasfitters and Drainers Education and
Research Fund.

(2) The funds mentioned in subsection (1) shall be
separate and distinct.

46. (1) The General Fund shall consist of— ^{General} _{Fund.}

- (a) all money received by or due to the Board as charges
or fees under this Act;
- (b) all money received by the Board under section 44 and
allocated by the Board to the General Fund; and
- (c) all investments made by the Board out of money in the
General Fund and the proceeds of any such investments.

(2) The General Fund may be applied in—

- (a) meeting the expenses incurred in or in connection with
the performance of the Board's functions;
- (b) making payments to the Treasurer in accordance with
subsection (3) and section 50 (6);
- (c) making payments to the Education Fund in accordance
with any direction of the Treasurer referred to in section
47 (1) (a); and
- (d) any lawful purpose under this Act in respect of which
expenditure is not chargeable to the Education Fund.

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(3) The Board shall, as required by notices in writing from time to time given to the Board by the Treasurer, pay to the Treasurer for payment into the Consolidated Revenue Fund the amount specified in any such notice and certified by the Treasurer to be the amount chargeable against the Board in respect of officers and employees of the Public Service appointed for the purpose of carrying out the provisions of this Act.

Education
Fund.

47. (1) The Education Fund shall consist of—

- (a) such money as the Treasurer may from time to time direct to be allocated to that fund from the General Fund;
- (b) all money received by the Board under section 44 and allocated by the Board to the Education Fund; and
- (c) all investments made by the Board out of money in the Education Fund and the proceeds of any such investments.

(2) The Board may, with the approval of the Treasurer, from time to time appropriate any part of the money in the Education Fund towards—

- (a) the encouragement of apprenticeship, by way of subsidy or otherwise, in any 1 or more of the trades in respect of which a licence may be granted; and
- (b) the assistance of education or research in, or any public purpose connected with, any 1 or more of the trades in respect of which a licence may be granted.

Investment.

48. The Board may invest money held in the General Fund or the Education Fund in any securities authorised by section 14 (2) of the Trustee Act, 1925.

Accounts.

49. (1) The Board shall cause to be kept proper accounts and records in relation to all its operations.

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(2) The Board shall, as soon as practicable, but within 6 months, after the end of each financial year of the Board, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

(3) The statement of accounts shall be in a form approved by the Auditor-General, shall include such information as is requested by him and shall exhibit a true and fair view of the financial position and transactions of the Board.

(4) The Board shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(5) The Auditor-General's certificate shall state that he has audited the accounts of the Board relating to the relevant financial year, shall indicate whether the statement of accounts complies with subsection (3) and shall set forth any qualifications subject to which the certificate is given.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

50. (1) The accounts and records of financial transactions of the Board, and records relating to assets of or in the custody of the Board, shall be inspected and audited by the Auditor-General. Audit of accounts.

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Board and may make copies thereof or take extracts therefrom.

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(3) The Auditor-General or a person authorised by him may require a person, being a member, officer or employee of the Board, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or person authorised thinks necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(5) The Auditor-General shall report to the Board and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for a special notice or as are prescribed.

(6) Towards the costs of defraying the costs of any such inspection and audit, the Board shall pay to the Treasurer for payment into the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

PART VIII.

GENERAL.

Registers.

51. (1) The Board shall keep—

- (a) a register of licences;
- (b) a register of certificates of registration; and
- (c) a register of contractors' authorities,

which shall be open to inspection, upon payment of the prescribed fee, by any person at the office of the Board at all times when that office is open for business.

(2) Licences, certificates of registration and contractors' authorities shall respectively be numbered consecutively.

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(3) The register of licences and the register of certificates of registration shall respectively contain—

- (a) particulars of—
 - (i) all licences and certificates of registration;
 - (ii) the cancellation or suspension of licences and certificates of registration; and
 - (iii) all individuals disqualified from holding a licence or certificate of registration; and
- (b) such other particulars as may be required by the regulations.

(4) The register of contractors' authorities shall contain—

- (a) particulars of—
 - (i) all contractors' authorities;
 - (ii) the cancellation or suspension of contractors' authorities;
 - (iii) all persons or firms disqualified from holding contractors' authorities; and
 - (iv) any individual who is disqualified from being a member of a firm, a director of a corporation that is a member of a firm, or a director of a corporation, that is a holder of a contractor's authority; and
- (b) such other particulars as may be required by the regulations.

52. (1) The Board may, by instrument in writing, delegate— **Delegation.**

- (a) to any member;
- (b) to any committee established under section 11;
- (c) to any local authority that consents to the delegation; or
- (d) to any officer or employee referred to in section 10 (1) or (2).

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the performance of such of the functions (other than this power of delegation) conferred or imposed on the Board by or under this or any other Act as may be specified in the instrument of delegation and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A function, the performance of which has been delegated under this section, may, while the delegation remains unrevoked, be performed from time to time in accordance with the terms of the delegation by the delegate to whom the performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Board may continue to perform all or any of the functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the performance of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Board.

(6) An instrument purporting to be signed by a delegate of the Board in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Board and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Board under this section.

Surrender
of licence,
etc.

53. A holder of a licence, certificate of registration or contractor's authority, as the case may be, may surrender it by delivering it to the Board with a notification in or to the effect of the prescribed form, that the licence, certificate of registration or contractor's authority is surrendered.

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54. (1) Where—

Refund
of fees.

- (a) an application for a licence or contractor's authority is refunded or withdrawn or treated as withdrawn;
- (b) an application for the restoration of a licence or contractor's authority is refused or withdrawn or treated as withdrawn;
- (c) an application for the renewal of a licence or contractor's authority is refused or withdrawn or treated as withdrawn; or
- (d) a licence or contractor's authority is surrendered, cancelled or suspended,

the Board may refund to the applicant or the holder of the licence or contractor's authority, or to any other person who appears entitled thereto, the whole or any part of the fee which has been paid by the applicant or the holder of the licence or contractor's authority.

(2) Anything done by the Board in relation to the matters referred to in subsection (1) does not constitute a determination by the Board for the purposes of section 41.

55. A person shall not, in an application for—

False or
misleading
statements
in applica-
tions.

- (a) a licence or the renewal or restoration of a licence;
- (b) a certificate of registration or the renewal or restoration of a certificate of registration; or
- (c) a contractor's authority or the renewal or restoration of a contractor's authority,

make any false or misleading statement.

Penalty : \$500.

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Other rights
and
remedies
not affected.

56. Nothing in this Act affects the rights and remedies that a person may have—

- (a) where a holder of a licence or certificate of registration carries out authorised work of any class or description, against that holder;
- (b) where a holder of a licence supervises the carrying out of authorised work of any class or description, against that holder;
- (c) where a holder of a licence or certificate of registration carries out authorised work of any class or description on behalf of a holder of a contractor's authority, against the holder of that authority; or
- (d) where a holder of a licence supervises the carrying out of authorised work of any class or description on behalf of a holder of a contractor's authority, against the holder of that authority.

Acquiring
premises,
etc.

57. (1) The Board may, with the approval of the Minister, acquire by way of purchase or lease premises to be used for or to be used partly for the performance of its functions under this Act and the regulations.

(2) Except in relation to the acquisition, by way of purchase or lease, of any premises, subsection (1) does not affect the application of section 38 of the Interpretation Act, 1897, to the Board.

(3) The Board may make and enter into contracts or agreements with any person for the performance of services, or for the supply of goods, plant, machinery or material in connection with the performance by the Board of its functions under this or any other Act.

(4) A contract or agreement entered into for the purposes of this section shall be deemed, for the purposes of the Constitution Act, 1902, to be a contract or agreement for or on account of the Public Service of New South Wales.

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58. The Board may cause to be published, in such manner as it thinks fit, any information relating to its functions under this or any other Act. Information.

59. (1) Subject to his complying with subsection (3), a person authorised in writing by the Board may enter any land, building, vehicle or vessel at any reasonable time to carry out, for the purposes of this Act, any examination or inspection in connection with any work that is authorised work in relation to a holder of a licence, certificate of registration or contractor's authority, whether or not it has been completed. Power of entry.

(2) A person shall not wilfully delay or obstruct a person authorised under subsection (1) in the exercise of his powers under that subsection or, being the occupier of any premises, refuse to permit or to assist a person so authorised to exercise those powers.

Penalty : \$1,000.

(3) Every person authorised under subsection (1) shall be provided by the Board with a certificate of his authority, and on applying for admission to any land, building, vehicle or vessel which he is empowered by this section to enter shall, if requested to do so, produce the certificate to the occupier of the land or building or the person having control of the vehicle or vessel.

60. (1) The Board may, by notice in writing, require any person to furnish to it, within such period as may be specified in the notice, such information in connection with any work (being work that is authorised work in relation to a holder of a licence, certificate of registration or contractor's authority) as may be so specified. Board may require information.

(2) A person shall not neglect or fail to comply with a requirement made under this section.

Penalty : \$1,000.

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(3) Any information furnished pursuant to a requirement made under subsection (1) shall not, if the person furnishing the information objected, at the time of furnishing it, so doing on the ground that it may tend to incriminate him or might be used in any proceedings against him under Part V, be admissible in evidence in any prosecution against that person for any offence, not being the offence of neglecting or failing to comply with any requirement made under that subsection, or be admissible in any such proceedings.

Disclosure
of informa-
tion.

61. A person shall not disclose any information obtained by him in connection with the administration or execution of this Act, unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) subject to section 60, for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- (d) for the purpose of an inquiry held under Part V.

Penalty : \$1,000.

Certificate
as to
whether an
individual
is a holder
of a licence,
etc.

62. A certificate purporting to be under the hand of a prescribed officer certifying—

- (a) that an individual was or was not, on a date specified in the certificate, a holder of a licence or certificate of registration, as the case may be, of a class so specified;
- (b) that a person or firm was or was not, on a date so specified, a holder of a contractor's authority of a class so specified;

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- (c) that an individual so specified as a holder of a licence was the person by virtue of whom a holder of a contractor's authority was granted that authority;
- (d) that the Board was or was not, during a period so specified, notified by a holder of a contractor's authority so specified of any change, referred to in section 31, that is so specified;
- (e) that any licence, certificate of registration or contractor's authority, granted to a person or firm so specified was, on a date so specified—
 - (i) suspended for a period so specified; or
 - (ii) cancelled on that date;
- (f) that, on a date so specified, a licence, certificate of registration or contractor's authority so specified, that is subject to a restriction referred to in section 16 or 26, authorised the holder of that licence, certificate of registration or contractor's authority to carry out or undertake to carry out, as the case may be, authorised work so specified, subject to conditions so specified;
- (g) that any individual was or was not, on a date so specified, disqualified, either permanently or for a period so specified, from being—
 - (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 firm being a holder of a contractor's authority; or
 - (iii) a director of a corporation that is a holder of a contractor's authority;
- (h) that any firm or corporation was or was not, on a date so specified, disqualified, either permanently or for a period so specified, from being a holder of a contractor's authority; or

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- (i) that any individual, firm or corporation, so specified, was, on a date so specified, a former authorised contractor, a former certificate holder or a former licensee, as the case may be, referred to in section 35 (1),

is admissible in evidence in any proceedings and is prima facie evidence of the matters stated therein.

Proof of certain matters not required.

63. In any legal proceedings by or against the Board no proof shall be required (until evidence is given to the contrary) of—

- (a) the due constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Board.

Service of notice, etc.

64. (1) Where under this Act a notice or other document is required to be, or may be, given or served, that notice or other document may be given to or served on—

- (a) an individual—
 - (i) by delivering it to him personally;
 - (ii) by leaving it at his place of residence last known to the Board with someone who apparently resides there or at his place of business or employment last known to the Board with someone who is apparently employed there, being in either case a person who has or who apparently has attained the age of 16 years; or
 - (iii) by posting it by certified mail in an envelope duly stamped and addressed to him at the place of his residence, business or employment last known to the Board; or

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(b) a firm or corporation—

- (i) by delivering it to a person who is or who is apparently concerned in the management of the firm or corporation;
- (ii) by leaving it at the only or principal place of business of the firm or corporation with a person apparently employed there, being a person who has or who apparently has attained the age of 16 years; or
- (iii) by posting it by certified mail in an envelope duly stamped and addressed to the firm or corporation at the only or principal place of business of the firm or corporation last known to the Board.

(2) A notice or document that is delivered, left or posted in accordance with subsection (1) shall be deemed to have been given or served on its being so delivered or left or, if it is posted, shall, in the absence of evidence to the contrary, be prima facie deemed to have been given or served when it would have been delivered in the ordinary course of post.

65. (1) A notice, summons, writ or other proceeding required to be served on the Board may be served—

Service of
notice, etc.,
on the
Board.

- (a) by being left with some person apparently employed in the administration of this Act at the office of the Board; or
- (b) in the case of a notice, by posting it by certified mail in an envelope duly stamped and addressed to the Board at its office.

(2) Any document referred to in subsection (1) shall—

- (a) be deemed to have been served upon its being so left; or

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- (b) in the case of a notice served by so posting it, shall be prima facie deemed to have been served when it would have been delivered in the ordinary course of post.

Execution
of
documents.

66. (1) Every document (including deeds and contracts) shall be deemed to be duly executed by the Board—

- (a) if sealed with the seal of the Board in accordance with section 38 (II) of the Interpretation Act, 1897; or
- (b) if executed by any 2 members of the Board or by 1 member of the Board and an employee of the Board, who have been appointed for that purpose.

(2) A document executed in accordance with subsection (1) shall, subject to any exception which may be taken to it on any ground other than the competence of the executing party, be effective to bind the Board and its successors, and may be varied or discharged in the same manner as provided for the execution of documents under subsection (1).

Authenti-
cation of
documents.

67. Every summons, process, demand, order, notice, statement or other document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the Chairman.

Proceedings
for
offences.

68. (1) A penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate sitting in petty sessions alone.

(2) A prosecution for an offence under any of the provisions of this Act may be commenced at any time within 1 year after the Board first becomes aware of the alleged commission of the offence.

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69. (1) No matter or thing done, and no contract entered into, by the Board, and no matter or thing done by a member or by any other person acting under the direction, or as a delegate, of the Board shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act or the regulations, subject a member or other person personally to any action, liability, claim or demand. Protection from liability.

(2) Nothing in subsection (1) shall exempt a member or other person from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of, or relating to, the Board and which the member or other person authorised or joined in authorising.

70. (1) Any charge, fee, remuneration or money due to the Board under the provisions of this Act or the regulations may be recovered by the Board as a debt in a court of competent jurisdiction. Recovery of charges.

(2) Proceedings for the recovery of any charge, fee, remuneration or money so due to the Board shall be deemed to be for the recovery of a debt or liquidated demand.

71. (1) The Board shall, as soon as practicable after the 30th day of June, but not later than the 31st day of December, in each year forward to the Minister a report of its work and activities for the year ended that 30th day of June then last past. Annual report.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament when he lays the statement of accounts before both Houses under section 49 (7), or causes it to be so laid.

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Offences.

72. (1) An individual shall not, by a statement, whether written or not, made to any person or in an advertisement, indicate, expressly or impliedly that—

- (a) he is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a licence, certificate of registration or contractor's authority of any class unless he is a holder of a licence, certificate of registration or contractor's authority in relation to which that work is authorised work;
- (b) he is a holder of a licence, certificate of registration or contractor's authority unless he is a holder of a licence, certificate of registration or contractor's authority, as the case may be; or
- (c) he is a holder of a licence, certificate of registration or contractor's authority of any class unless he is a holder of a licence, certificate of registration or contractor's authority of that class.

Penalty : \$2,000.

(2) 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—

- (a) is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a contractor's authority of any class, unless the individual, firm or corporation is a holder of a contractor's authority of that class; or
- (b) is a holder of a contractor's authority or a contractor's authority of any class, unless the individual, firm or corporation is a holder of a contractor's authority or a contractor's authority of that class, as the case may be.

Penalty : \$2,000.

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(3) Subsections (1) and (2) do not apply so as to prevent a person who is the holder of a full licence within the meaning of the Builders Licensing Act, 1971, from making a statement to any person or, in an advertisement, indicating, expressly or impliedly, that he is willing or prepared to carry out, or to enter into a contract to carry out, work, being work that is authorised work in relation to a licence, certificate of registration or contractor's authority where that work forms part only of building work within the meaning of that Act.

73. (1) The Governor may make regulations, not inconsistent **Regulations.** 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 and, in particular, for or with respect to—

- (a) advertisements relating to the carrying out of any prescribed work;
- (b) the information required to be furnished to the Board in support of any application for a licence, certificate of registration or contractor's authority;
- (c) the display of signs by holders of licences, certificates of registration or contractors' authorities;
- (d) the inspection of any prescribed work, and the qualifications of persons carrying out inspections of work prescribed for the purposes of this Act;
- (e) inquiries held for the purposes of Part V and the hearing of appeals under Part VI;
- (f) the charging and payment of a fee for any inspection made or information supplied by the Board;
- (g) the form of licenses, certificates of registration and contractors' authorities;

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- (h) qualifications for the issue of licences, certificates of registration and contractors' authorities;
- (i) the furnishing by the holders of licences, certificates of registration or contractors' authorities of particulars of any persons apprenticed to them or to any of their employees;
- (j) the production on demand of licences, certificates of registration or contractors' authorities;
- (k) the issue of certificates of competency in respect of plumbing, gasfitting or drainage work; and
- (l) the conduct of examinations for the purposes of this Act.

(2) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person, body or committee,

or may do any combination of those things.

(3) The regulations may impose a penalty not exceeding \$500 for any offence against the regulations and, in the case of a continuing offence, a further penalty not exceeding \$50 per day for each day the offence continues.

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SCHEDULE 1.

Sec. 8 (1).

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD.

1. A person who is of or above the age of 65 years shall not be appointed as a member. Age of member.

2. A member shall, subject to this Act, be appointed for such term, not exceeding 4 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment as a member. Term of office.

3. The office of a member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown. Office of member not to be office of profit under Crown.

4. The Chairman shall devote the whole of his time to the duties of his office. Chairman to be full-time member.

5. Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member, other than the office of Chairman, or from accepting and retaining any remuneration (including travelling and subsistence allowances) paid to him under clause 7. Member (other than Chairman) holding other office.

6. The Chairman is entitled to be paid— Remuneration, etc., of Chairman.
 - (a) remuneration in accordance with the Statutory and Other Offices Remuneration Act, 1975; and
 - (b) such travelling and subsistence allowances as the Minister may from time to time determine in respect of him.

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SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

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| Remuneration, etc., of member (other than Chairman). | 7. Each member (other than the Chairman) is entitled to be paid out of the Plumbers, Gasfitters and Drainers General Fund established under section 45 (1) (a) such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. |
| Removal from office. | 8. The Governor may remove a member from office for any cause which to him seems sufficient. |
| Vacation of office. | 9. A member shall be deemed to have vacated his office— <ul style="list-style-type: none"> (a) if he dies; (b) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation; (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit; (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; (e) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable; (f) if he is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to him, unless on leave granted to him by the Board or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Board for his absence from those meetings; (g) if he is removed from office by the Governor; (h) if he ceases to reside in New South Wales; (i) if he ceases to possess a qualification by virtue of which he was appointed as a member; (j) upon his attaining the age of 65 years; |

Plumbers, Gasfitters and Drainers.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

- (k) if, being the Chairman, he engages during his term of office in any paid employment outside the duties of his office; or
- (l) if, being the Chairman, he absents himself from duty for a period exceeding 14 consecutive days except on leave granted by the Minister, unless his absence is caused by illness or other unavoidable cause.

10. On the occurrence of a vacancy in the office of a member, the Governor may appoint a person to the vacant office for such term, not exceeding 4 years, as is specified in the instrument of his appointment, so that the Board consists of persons appointed in accordance with section 7 (1) or (2). Filling of casual vacancy.

11. (1) The Minister may at any time appoint as an alternate member to act during the absence or illness of a member (other than the Chairman) a person who has qualifications referred to in section 7 (3) and is nominated in the same manner, if any, as the person for whom he is the alternate member. Alternate members.

(2) The Minister may at any time appoint a person who holds qualifications which are acceptable to him to act as an alternate for the Chairman during the absence or illness of the Chairman.

(3) An alternate member shall have and may exercise, while acting as a member, the functions, as such a member, of the person for whom he is the alternate member.

(4) An alternate member for the Chairman shall have and may exercise, while acting as the Chairman, the functions of the Chairman.

(5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the office of a member or the Chairman, and all things done or omitted to be done by that person while so acting shall be as valid and effectual and shall have the same consequence as if they had been done or omitted to be done by that member or the Chairman, as the case may be.

12. (1) In this clause—

“statutory body” means any body declared under clause 14 to be a statutory body for the purposes of this Schedule;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

Preservation of rights of Chairman.

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SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE
BOARD—*continued.*

(2) Subject to subclause (3) of this clause and to the terms of his appointment, where the Chairman was, immediately before his appointment as Chairman—

- (a) an officer of the Public Service;
- (b) a contributor to a superannuation scheme;
- (c) an officer employed by a statutory body; or
- (d) a person in respect of whom provision was made by any Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

- (e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;
- (f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Chairman; and
- (g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Chairman, and—

- (h) his service as Chairman shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (i) he shall be deemed to be an officer or employee for the purpose of the superannuation scheme to which he is entitled to contribute under this clause.

(3) If the Chairman would, but for this subclause, be entitled under subclause (2) of this clause to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme he shall not be so entitled upon his becoming (whether upon his appointment as Chairman or at any later time while he holds office as Chairman) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) of this clause cease to apply to or in respect of him in any case where he becomes a contributor to such another superannuation scheme.

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SCHEDULE 1—*continued.*

PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE
BOARD—*continued.*

(4) Subclause (3) of this clause does not prevent the payment to the Chairman upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of his resignation, to be an officer or employee for the purposes of that scheme.

(5) The Chairman shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

13. (1) In this clause—

“retiring age” means—

- (a) in relation to a person who was immediately before his appointment as Chairman, an officer of the Public Service—the age of 60 years; and
- (b) in relation to a person who was, immediately before his appointment as Chairman, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Chairman), as the case may be, of that statutory body are entitled to retire;

Chairman
entitled to
reappoint-
ment in
former
employment
in certain
cases.

“statutory body” means any body declared under clause 14 to be a statutory body for the purposes of this Schedule.

(2) A person who ceases to be Chairman otherwise than pursuant to clause 9 (paragraph (b) excepted), shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Chairman, he was—

- (a) an officer of the Public Service—to some office in the Public Service; or
- (b) an officer or employee of a statutory body—to some office in the service of that body,

not lower in classification and salary than that which he held immediately before his appointment as Chairman.

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SCHEDULE 1—*continued.*PROVISIONS RELATING TO THE CONSTITUTION AND MEMBERSHIP OF THE BOARD—*continued.*

Declaration of statutory bodies. 14. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of this Schedule.

SCHEDULE 2.

Sec. 8 (2).

PROVISIONS RELATING TO MEETINGS OF THE BOARD.

Quorum. 1. The number of members which constitutes a quorum at any meeting of the Board is 5.

Meetings. 2. A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

Determination of questions. 3. Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

Decisions. 4. A decision of a majority of the members present at a meeting of the Board shall be the decision of the Board.

Presiding at meeting. 5. At a meeting of the Board—
 (a) the Chairman;
 (b) in the absence of the Chairman, where there is an alternate member for the Chairman, that alternate member; or
 (c) in the absence of the Chairman and, where there is an alternate member for the Chairman, in the absence of that alternate member, a member elected by the members present at the meeting from their number,

shall preside.

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SCHEDULE 2—*continued.*

PROVISIONS RELATING TO MEETINGS OF THE BOARD—*continued.*

6. The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote. **Votes.**

7. (1) The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Board. **General procedure.**

(2) The first meeting of the Board shall be called in such manner as the Minister directs.

8. The Board shall cause full and accurate minutes to be kept of its proceedings at meetings and shall submit to the Minister a copy of the minutes of each meeting within 14 days after the day on which it was held. **Minutes.**

9. (1) Except in relation to its disciplinary functions under Part V, the Board may, if it thinks fit, transact any of its business by the circulation of papers, and a resolution in writing approved in writing by a majority of the members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members approving the resolution. **Transaction of business outside meetings.**

(2) Where there is an equality of votes in respect of any business transacted under subclause (1) of this clause, the Chairman shall have a casting vote as well as a deliberative vote.

SCHEDULE 3.

Sec. 21.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. Where immediately before the day appointed and notified under section 2 (2) a person was the holder of a licence or certificate of a kind prescribed under section 5, that person is entitled, upon application made by him in accordance with clause 2, to be granted a licence or certificate of registration of a class prescribed as equivalent to the licence or certificate of the kind so prescribed. **Existing licences and certificates.**

2. (1) A person referred to in clause 1 may make application to the Board for the licence or certificate of registration to which he is entitled. **Applications for new licences, etc.**

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SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

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

(3) The regulations may require a person who makes application under subclause (1) of this clause to furnish to the Board, with his application, such items or particulars as may be prescribed.

Certain
licences
deemed to
remain in
force.

3. (1) Where a person is, upon application being made under clause 2, entitled to be granted a licence or certificate of registration under clause 1, the licence or certificate of a class referred to in that clause held by him immediately before his becoming so entitled shall be deemed to be a licence or a certificate of registration of a class prescribed as equivalent to the firstmentioned class.

(2) The Governor may prescribe a date upon which subclause (1) of this clause shall cease to have effect.

(3) Any condition subject to which a licence or certificate of registration of a kind prescribed under section 5 was granted shall, in so far as it is a condition that imposes a restriction of a kind referred to in section 16 (1) (a) or (b), be deemed to be a restriction imposed pursuant to section 16 and to have been endorsed on the licence or certificate of registration as referred to in section 16 (3).

Reduction
of fees.

4. Where a person referred to in clause 1 makes application for a licence pursuant to clause 2 (1), the fee payable by him shall be reduced proportionally having regard to the unexpired term of his licence or certificate.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th May, 1979.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979



