

FIRST PRINT

**PLUMBERS, GASFITTERS AND DRAINERS
(AMENDMENT) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Building Services Corporation Bill 1987.

The object of this Bill is to amend the Plumbers, Gasfitters and Drainers Act 1979 in order to abolish the Plumbers, Gasfitters and Drainers Board and confer and impose its present functions on the Corporation to be constituted by the proposed Building Services Corporation Act 1987.

With the exception of the provisions referred to below, the proposed amendments are consequential on the transfer of functions from the Board to the Corporation.

Clause 1 specifies the short title of the proposed Act.

Clause 2, with minor exceptions, provides for the proposed Act to commence at the same time as the proposed Building Services Corporation Act 1987.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (4) effects the abolition of the Plumbers, Gasfitters and Drainers Board by repealing Part II of the Plumbers, Gasfitters and Drainers Act 1979 which provides for the constitution of the Board.

Schedule 1 (8) requires that, if the holding of an inquiry under the amended Act is delegated by the Building Services Corporation to a committee, the Corporation must appoint one of its members to preside at meetings of the committee.

Plumbers, Gasfitters and Drainers (Amendment) 1987

Schedule 1 (10) provides for appeals against determinations under the amended Act to be made to the Commercial Tribunal instead of the District Court.

Schedule 1 (11) repeals and replaces Part VII of the Principal Act dealing with financial matters. Apart from the establishment of, and expenditure from, a Plumbers, Gasfitters and Drainers Education Fund, all financial matters are dealt with in the proposed Building Services Corporation Act 1987.

**PLUMBERS, GASFITTERS AND DRAINERS
(AMENDMENT) BILL 1987**

NEW SOUTH WALES



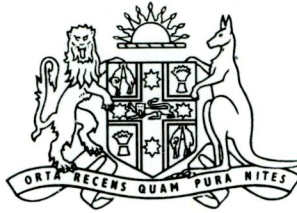
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 44, 1979

SCHEDULE 1—AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979

**PLUMBERS, GASFITTERS AND DRAINERS
(AMENDMENT) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Plumbers, Gasfitters and Drainers Act 1979 as a consequence of the enactment of the Building Services Corporation Act 1987; and for other purposes.

Plumbers, Gasfitters and Drainers (Amendment) 1987

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:

5 Short title

1. This Act may be cited as the "Plumbers, Gasfitters and Drainers (Amendment) Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Building Services Corporation Act 1987.

Amendment of Act No. 44, 1979

3. The Plumbers, Gasfitters and Drainers Act 1979 is amended in the
15 manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

**AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979**

20 (1) Long title—

Omit "to constitute the Plumbers, Gasfitters and Drainers Board and to confer on it functions", insert instead "to confer and impose functions on the Building Services Corporation".

(2) Section 3 (Arrangement)—

25 Omit the section.

(3) Section 4 (Interpretation)—

(a) Definition of "Board"—

Omit the definition.

Plumbers, Gasfitters and Drainers (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

- (b) Definition of “Chairman”—
Omit the definition.
- (c) Definition of “Commercial Tribunal”—
Before the definition of “contractor’s authority”, insert:
5 “Commercial Tribunal” means the Commercial Tribunal
constituted by the Commercial Tribunal Act 1984;
- (d) Definition of “Corporation”—
After the definition of “contractor’s authority”, insert:
10 “Corporation” means the Building Services Corporation
constituted by the Building Services Corporation Act 1987;
- (e) Definition of “District Court”—
Omit the definition.
- (f) Definition of “member”—
Omit the definition.
- 15 (4) Part II (**Constitution of the Plumbers, Gasfitters and Drainers Board**)—
Omit the Part.
- (5) Sections 13–16, 18–20, 20A, 20B, 23, 24, 24B, 25, 25A, 26, 28–36, 40,
40A–40C, 51, 53, 54, 57–60, 62, 64, 64A, 68, 68A, 72, 73—
Omit “Board” wherever occurring, insert instead “Corporation”.
- 20 (6) Sections 16 (2A), (2B), 26 (2A), (2B), 40 (5), (6)—
Omit “Board’s” wherever occurring, insert instead
“Corporation’s”.
- (7) Section 37 (**Procedure on complaints**)—
- (a) Section 37 (1), (2), (3), (4), (7), (9)—
25 Omit “Board” wherever occurring, insert instead “Corporation”.

*Plumbers, Gasfitters and Drainers (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

(b) Section 37 (7)—

Omit “cause an inquiry to be held”, insert instead “hold an inquiry”.

(8) Section 38 (**Inquiries—how held**)—

5 (a) Section 38 (1), (2)—

Omit the subsections, insert instead:

(1) An inquiry under this Part shall be held as in open court.

(2) If the Corporation delegates to a committee the holding of an inquiry—

10 (a) it shall appoint to preside at a meeting of the committee held for the purpose of the inquiry a member of the committee who is also a member of the Corporation; or

(b) at such a meeting, the person so appointed has a deliberative vote and, if there is an equality of votes, a
15 second or casting vote.

(b) Section 38 (3)—

Omit the subsection.

(c) Section 38 (4) (b)—

20 Omit “members” where firstly occurring, insert instead “committee”.

(d) Section 38 (4) (b) (ii)—

Omit “those members”, insert instead “the committee”.

(e) Section 38 (4), (5)—

Omit “Board” wherever occurring, insert instead “Corporation”.

25 (f) Section 38 (4A), (5)—

Omit “members” wherever occurring, insert instead “committee”.

*Plumbers, Gasfitters and Drainers (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*(9) Section 39 (**Subpoenas**)—

(a) Section 39 (1), (3)—

Omit “Board” wherever occurring, insert instead “Corporation”.

(b) Section 39 (1), (3)—

5 Omit “members” wherever occurring, insert instead “presiding member”.

(c) Section 39 (1), (3) (a)—

Omit “their”, insert instead “her”.

(10) Section 41 (**Appeals**)—

10 (a) Omit “Board” wherever occurring, insert instead “Corporation”.

(b) Omit “District Court” wherever occurring, insert instead “Commercial Tribunal”.

(c) Section 41 (6) (a)—

Omit “Board’s”, insert instead “Corporation’s”.

15 (11) Part VII (**Finance**)—

Omit the Part, insert instead:

PART VII

FINANCE

Education Fund

20 42. (1) The Corporation shall establish in its books a Plumbers, Gasfitters and Drainers Education Fund consisting of—

25 (a) the amount in the Plumbers, Gasfitters and Drainers Education and Research Fund established under this Part as in force before the commencement of the Building Services Corporation Act 1987; and

(b) amounts paid into the Fund under section 11 of that Act.

SCHEDULE 1—*continued*AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

(2) The Corporation may make payments from the Education Fund towards—

- 5 (a) encouraging, by subsidy or otherwise, apprenticeship in 1 or more of the trades in respect of which a licence may be granted;
- (b) assisting education or research related to 1 or more of those trades; or
- (c) assisting any public purpose connected with 1 or more of those trades.

10 (12) Sections 52, 61, 63, 65, 66, 67, 69, 70, 71—

Omit the sections.

(13) Section 73 (**Regulations**)—

Section 73 (1) (e)—

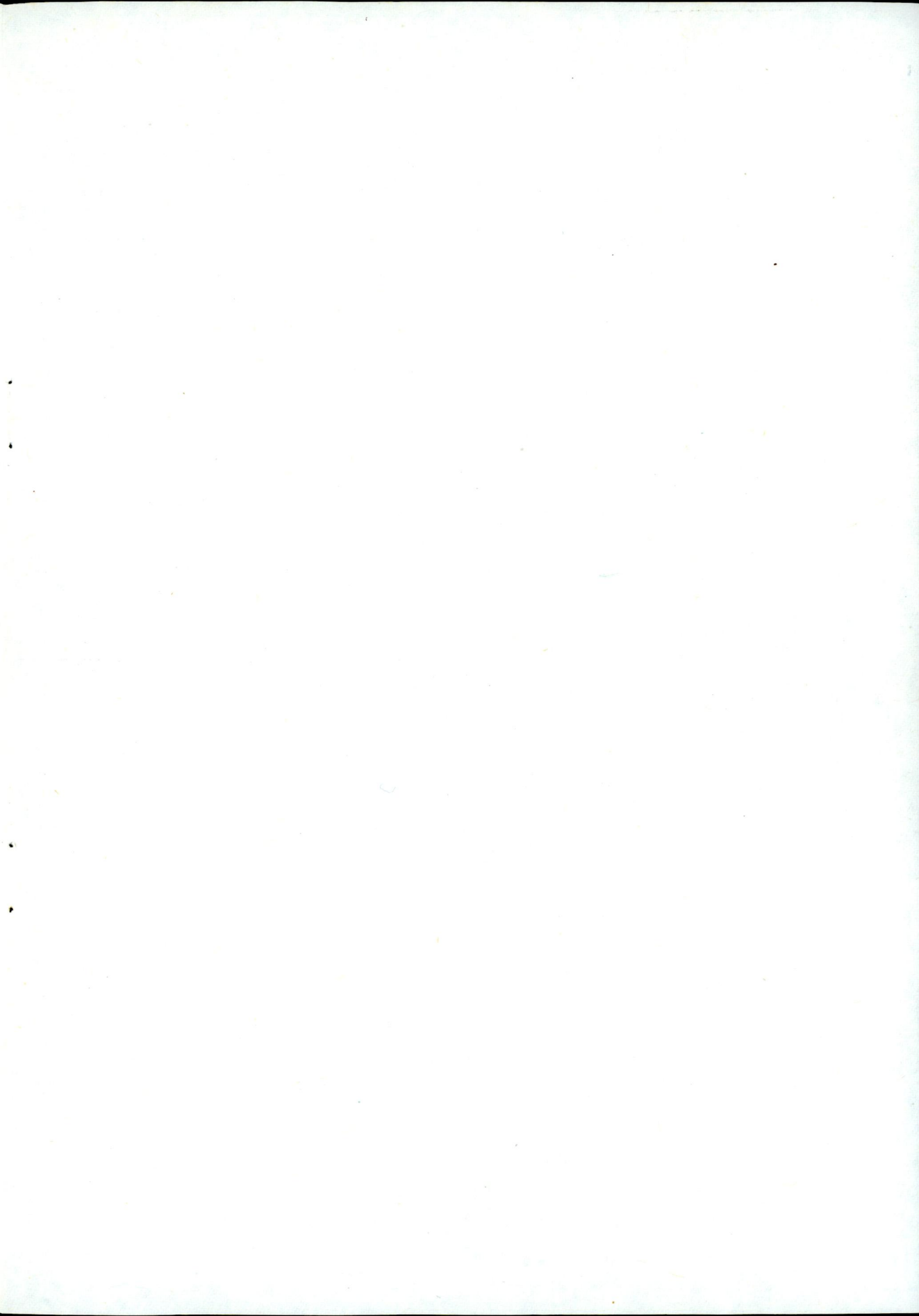
Omit “and the hearing of appeals under Part VI”.

15 (14) Schedules 1, 2—

Omit the Schedules.

(15) Schedule 3, clause 2 (1), (3)—

Omit “Board” wherever occurring, insert instead “Corporation”.





**PLUMBERS, GASFITTERS AND DRAINERS
(AMENDMENT) ACT 1987 No. 61**

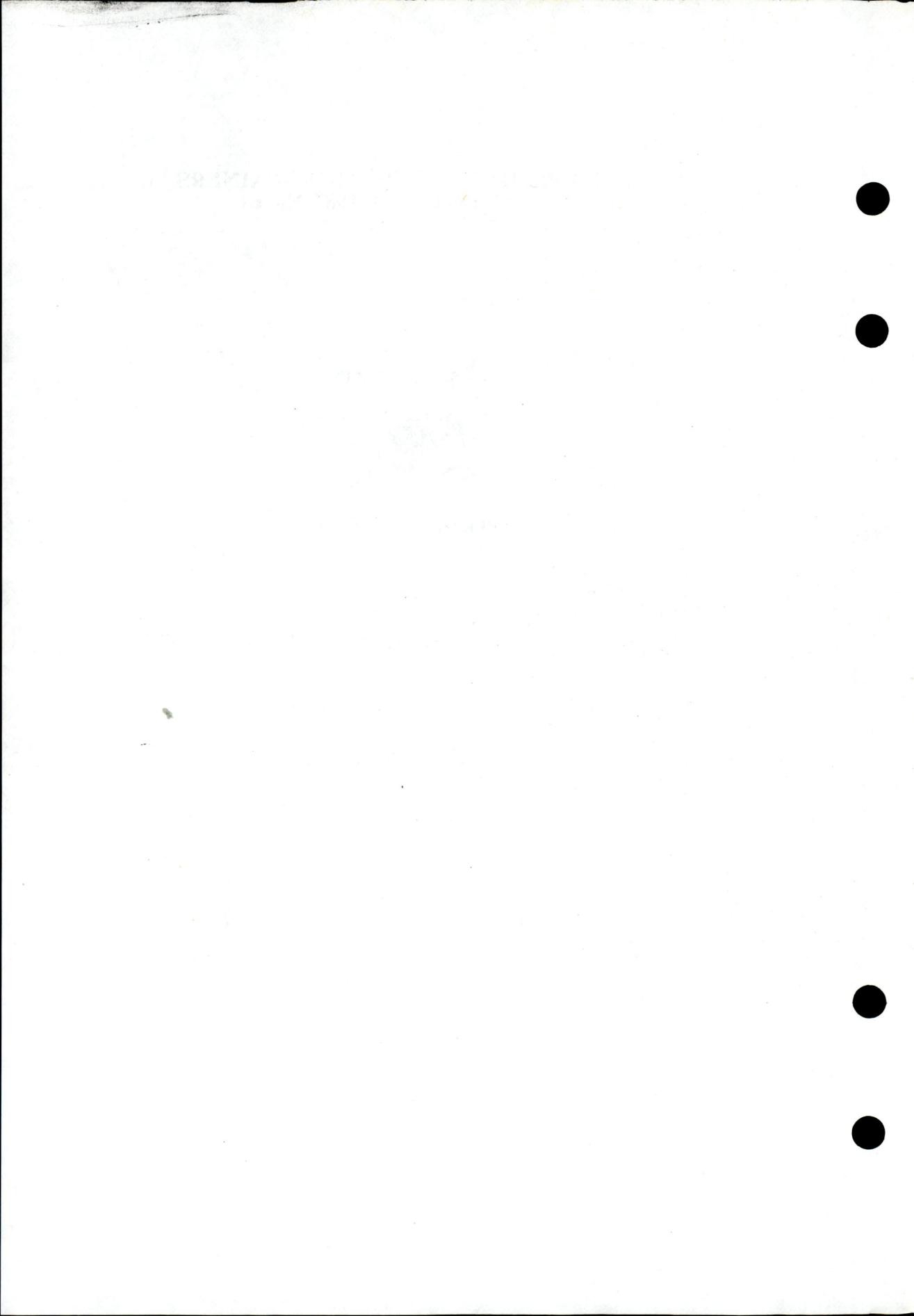
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 44, 1979

**SCHEDULE 1—AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979**



**PLUMBERS, GASFITTERS AND DRAINERS (AMENDMENT) ACT
1987 No. 61**

NEW SOUTH WALES



Act No. 61, 1987

An Act to amend the Plumbers, Gasfitters and Drainers Act 1979 as a consequence of the enactment of the Building Services Corporation Act 1987; and for other purposes. [Assented to 3 June 1987]

Plumbers, Gasfitters and Drainers (Amendment) 1987

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

Short title

1. This Act may be cited as the "Plumbers, Gasfitters and Drainers (Amendment) Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Building Services Corporation Act 1987.

Amendment of Act No. 44, 1979

3. The Plumbers, Gasfitters and Drainers Act 1979 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979

(1) Long title—

Omit "to constitute the Plumbers, Gasfitters and Drainers Board and to confer on it functions", insert instead "to confer and impose functions on the Building Services Corporation".

(2) Section 3 (**Arrangement**)—

Omit the section.

(3) Section 4 (**Interpretation**)—

(a) Definition of "Board"—

Omit the definition.

Plumbers, Gasfitters and Drainers (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

- (b) Definition of “Chairman”—
Omit the definition.
- (c) Definition of “Commercial Tribunal”—
Before the definition of “contractor’s authority”, insert:
“Commercial Tribunal” means the Commercial Tribunal
constituted by the Commercial Tribunal Act 1984;
- (d) Definition of “Corporation”—
After the definition of “contractor’s authority”, insert:
“Corporation” means the Building Services Corporation
constituted by the Building Services Corporation Act 1987;
- (e) Definition of “District Court”—
Omit the definition.
- (f) Definition of “member”—
Omit the definition.
- (4) Part II (**Constitution of the Plumbers, Gasfitters and Drainers Board**)—
Omit the Part.
- (5) Sections 13–16, 18–20, 20A, 20B, 23, 24, 24B, 25, 25A, 26, 28–36, 40,
40A–40C, 51, 53, 54, 57–60, 62, 64, 64A, 68, 68A, 72, 73—
Omit “Board” wherever occurring, insert instead “Corporation”.
- (6) Sections 16 (2A), (2B), 26 (2A), (2B), 40 (5), (6)—
Omit “Board’s” wherever occurring, insert instead
“Corporation’s”.
- (7) Section 37 (**Procedure on complaints**)—
- (a) Section 37 (1), (2), (3), (4), (7), (9)—
Omit “Board” wherever occurring, insert instead “Corporation”.

Plumbers, Gasfitters and Drainers (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

(b) Section 37 (7)—

Omit “cause an inquiry to be held”, insert instead “hold an inquiry”.

(8) Section 38 (**Inquiries—how held**)—

(a) Section 38 (1), (2)—

Omit the subsections, insert instead:

(1) An inquiry under this Part shall be held as in open court.

(2) If the Corporation delegates to a committee the holding of an inquiry—

(a) it shall appoint to preside at a meeting of the committee held for the purpose of the inquiry a member of the committee who is also a member of the Corporation; or

(b) at such a meeting, the person so appointed has a deliberative vote and, if there is an equality of votes, a second or casting vote.

(b) Section 38 (3)—

Omit the subsection.

(c) Section 38 (4) (b)—

Omit “members” where firstly occurring, insert instead “committee”.

(d) Section 38 (4) (b) (ii)—

Omit “those members”, insert instead “the committee”.

(e) Section 38 (4), (5)—

Omit “Board” wherever occurring, insert instead “Corporation”.

(f) Section 38 (4A), (5)—

Omit “members” wherever occurring, insert instead “committee”.

Plumbers, Gasfitters and Drainers (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

- (9) Section 39 (**Subpoenas**)—
- (a) Section 39 (1), (3)—
Omit “Board” wherever occurring, insert instead “Corporation”.
- (b) Section 39 (1), (3)—
Omit “members” wherever occurring, insert instead “presiding member”.
- (c) Section 39 (1), (3) (a)—
Omit “their”, insert instead “her”.
- (10) Section 41 (**Appeals**)—
- (a) Omit “Board” wherever occurring, insert instead “Corporation”.
- (b) Omit “District Court” wherever occurring, insert instead “Commercial Tribunal”.
- (c) Section 41 (6) (a)—
Omit “Board’s”, insert instead “Corporation’s”.
- (11) Part VII (**Finance**)—
Omit the Part, insert instead:

PART VII

FINANCE

Education Fund

42. (1) The Corporation shall establish in its books a Plumbers, Gasfitters and Drainers Education Fund consisting of—

- (a) the amount in the Plumbers, Gasfitters and Drainers Education and Research Fund established under this Part as in force before the commencement of the Building Services Corporation Act 1987; and
- (b) amounts paid into the Fund under section 11 of that Act.

Plumbers, Gasfitters and Drainers (Amendment) 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE PLUMBERS, GASFITTERS AND
DRAINERS ACT 1979—*continued*

- (2) The Corporation may make payments from the Education Fund towards—
- (a) encouraging, by subsidy or otherwise, apprenticeship in 1 or more of the trades in respect of which a licence may be granted;
 - (b) assisting education or research related to 1 or more of those trades; or
 - (c) assisting any public purpose connected with 1 or more of those trades.
- (12) Sections 52, 61, 63, 65, 66, 67, 69, 70, 71—
Omit the sections.
- (13) Section 73 (**Regulations**)—
Section 73 (1) (e)—
Omit “and the hearing of appeals under Part VI”.
- (14) Schedules 1, 2—
Omit the Schedules.
- (15) Schedule 3, clause 2 (1), (3)—
Omit “Board” wherever occurring, insert instead “Corporation”.