



Plumbing Newsflash

FREQUENTLY ASKED QUESTIONS ABOUT THE NEW PLUMBING LAWS

Purpose

To provide advice on questions frequently asked about in the *Plumbing and Drainage Act 2002* (PDA) and the *Standard Plumbing and Drainage Regulation 2003* (SPDR).

Who is a “Responsible person” and why is it needed? (s. 17 SPDR)

The purpose of nominating a responsible person for a project is to identify the most appropriate point of contact for the relevant council. This is especially important on large projects where there may be a number of licensed people working on a construction site and each being responsible for a separate part of the work. If council inspect a stage of work and issue a notice to have defects rectified (s. 20(4) SPDR), the responsible person is responsible for the overall job and has authority to ensure the notice is complied with and the relevant work performed. In the absence of proof as to which of the plumbers carried out substandard work, action would be taken against the responsible person.

When do appeal rights arise and what must Councils do? (ss. 85(9), 86(9), 86A(8) and 133(4)&(5) PDA)

If a council gives an approval on conditions or refuses to give an approval for plumbing and drainage or an on-site sewerage facility, it must give the applicant an information notice about the decision. The information notice must contain information about the right to appeal against the council's decision and how to lodge an appeal.

For appeals about on-site sewerage facilities, councils need to provide advice on how to apply to the council for an internal review of the decision. For plumbing and drainage matters, the applicant can appeal directly to a Building and Development Tribunal. In addition to the notice advising of appeal rights to a Building and Development Tribunal, councils could fulfill the requirements to tell applicants how to lodge an appeal by providing the applicant with a copy of the Department's fact sheet “Appealing against local government decisions”.

Copies of permits and certificates to owner of premises (ss. 85(7), 86(7) and 86A(6) PDA)

When an applicant submits a Form 1 “Application for Compliance Assessment” to council, the name and address of the owner must be provided in section 6. The mailing address cannot be “care of” the applicant. The Act provides that the council must inform the owner of the premises of what the council has approved for the premises. This is particularly important if council issues an approval on conditions including specific maintenance or product replacement requirements. If the owner is not informed of the conditions on an approval before the work is installed, they may be tied to an expensive maintenance program that they cannot afford.

Templates for councils

There are a number of documents that local governments will need to issue as a part of either the compliance assessment of, or enforcement action for, plumbing and drainage. There are no mandatory forms for these documents, but some sample forms have been provided to assist councils. These documents are for information and guidance purposes only. Local governments are able to modify these documents for their use or create their own documents. It is the responsibility of local governments to ensure that they comply with the requirements under the legislation. The templates can be downloaded from the Local Government and Planning website at: www.lgp.qld.gov.au/PDA and are:

- Compliance Certificate
- Compliance Permit
- Enforcement Notice (Licensee)
- Enforcement Notice (Owner)
- Information notice (Compliance permit on conditions)
- Show cause notice (Licensee)
- Show cause notice (Owner)

Conditions on compliance permits (s. 85(6) PDA)

Councils are reminded that conditions can only be placed on compliance permits and not on compliance certificates. Councils should also ensure that conditions imposed on a permit do not repeat the provisions in the Act but are specific and relevant to the approval.

If a council wants to remind the applicant about requirements in the plumbing laws, these could be listed in an attached advisory notice. It is important to remember that any conditions imposed on an approval give rise to appeal rights

Offences committed prior to 1 November 2003

If an offence in relation to plumbing, drainage or an on-site sewerage facility was committed prior to 1 November 2003, the matter must be dealt with under the *Sewerage and Water Supply Act 1949* as if that Act had never been repealed. Part 6 of the *Acts Interpretation Act 1954* prescribes the application of Acts that have been amended or repealed. Any offence committed on or after 1 November 2003 will be subject to the provisions in the PDA.

Contact Officer

For further information please contact Bill Gowland on Ph: (07) 3404 3196.