



# Plumbing Newsflash

## ON-THE-SPOT FINES UNDER THE PLUMBING LEGISLATION

### Purpose

To advise details of new on-the-spot fines for offences under the *Plumbing and Drainage Act 2002* (PDA) and the *Standard Plumbing and Drainage Regulation 2003* (SPDR) which came into effect on 7 July 2006.

### Background

In the past, local governments could only issue on-the-spot fines for two offences:

1. offences by persons not holding an appropriate licence
2. the holder of a licence contravening licence conditions

Other plumbing offences could only be enforced by prosecuting offenders in the Magistrates Court which is expensive and time consuming.

Feedback from many local governments indicated that enforcing the offence provisions of the plumbing legislation would be more effective if there was greater discretion for local governments to issue on-the-spot fines.

A review of the plumbing offences that could attract on-the-spot fines was undertaken by the Department of Local Government, Planning, Sport and Recreation (DLGPSR) with input from plumbing industry stakeholders and local governments. The review identified a number of offences that could be applied as on-the-spot fines to assist local governments in regulating plumbing, drainage and on-site sewerage work.

### Legislation

Schedule 5 of the *State Penalties Enforcement Regulation 2000* (SPER) has been amended to include additional on-the-spot fines (infringement notice fines) for plumbing legislation offences. Details of all on-the-spot fines applicable to the plumbing legislation are shown in the attached list. For the first time, Plumbers and Drainers Board investigators appointed under section 33A of the PDA can issue on-the-spot fines for licensing offences.

### Use of on-the-spot fines

Whilst on-the-spot fines are administratively convenient, it should be remembered that the convenience is for the benefit of both parties involved, not just the prosecuting authority.

The offender benefits because:

- an on-the-spot fine is not a recorded conviction
- the penalty is considerably less than that which might have been incurred were the matter to be dealt with by a court

However at any point in the process, the offender may opt to have the matter dealt with by the Court.

The benefits to the prosecuting authority include:

- less time spent on case preparation
- resources better spent elsewhere
- revenue is collected by an external agency

Councils are encouraged to develop an enforcement strategy which accommodates provision of advice and warnings, rather than moving immediately to the imposition of on-the-spot fines.

On-the-spot fines are recommended for use as a last resort when all other avenues for seeking compliance with the legislation have been exhausted.

To assist councils in developing an enforcement strategy, State wide investigations training is being provided by the Department. A list of dates and venues will be circulated as soon as they are available.

### *Greywater offences*

The Government recently announced that changes will be made to the plumbing legislation to allow laundry greywater to be discharged above-ground from a class 1a building to lawns and gardens. The proposed amendment to the legislation will exempt laundry greywater from the current offence provisions (section 128M of the PDA) relating to the discharge of greywater. The amendment to section 128M will be backdated to 1 March 2006 – the date the greywater legislation commenced.

Councils should be aware of this proposed legislative change when considering any enforcement action in relation to laundry greywater.

### **Approved infringement notice forms**

An infringement notice form is being developed for use by the Department's Plumbing and Drainage Board investigator when issuing on-the-spot fines. The form will be placed on the Department's website as a recommended form for plumbing and drainage. Councils which have not drafted an infringement notice form for on-the-spot fines will be able to amend the Department's form by changing the logo, address; phone numbers etc and adopt the form for their own use.

### **Contact Officer**

For further information in relation to this Newsflash, please contact Bill Gowland on (07) 34043196 or email [buildingcodes@dlgpsr.qld.gov.au](mailto:buildingcodes@dlgpsr.qld.gov.au)

**ON-THE-SPOT FINES FOR THE *PLUMBING AND DRAINAGE ACT 2002* AND THE *STANDARD PLUMBING AND DRAINAGE REGULATION 2003***

<b>Section</b>	<b>Offences under Plumbing &amp; Drainage Act</b>	<b>Current maximum penalty</b>	<b>Proposed on the spot penalty</b>	<b>Authorised person for service of on the spot fines</b>
83(1)	Performing regulated work or on-site sewerage work without a compliance permit or not complying with conditions of permit	\$124 875 (1665 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
119(1)	<i>Performing, directing or supervising work without having the required license to perform the work [Existing on-the-spot fine]</i>	\$12375 (165 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> <li>Plumbing &amp; Drainage Board investigator appointed by Chief Executive Officer</li> </ul>
120	A licensed person directing or supervising a person undertaking work without the person being supervised having the required license	\$12375 (165 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> <li>Plumbing &amp; Drainage Board investigator appointed by Chief Executive Officer</li> </ul>
122 (Was 120)	<i>Contravening the conditions of a license [Existing on-the-spot fine]</i>	\$7500 (100 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> <li>Plumbing &amp; Drainage Board investigator appointed by Chief Executive Officer</li> </ul>
124	Falsely advertising that you are a licensed plumber/drainer	\$7500 (100 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> <li>Plumbing &amp; Drainage Board investigator appointed by Chief Executive Officer</li> </ul>
128I	Removing or tampering with a backflow prevention device	\$12375 (165 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
128J(1)	Removing or tampering with a hot water control device	\$12375 (165 penalty units)	\$225 (3 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
<b>Section</b>	<b>Offences under Standard Plumbing &amp; Drainage Regulation</b>			
18(1)	Failure to request compliance assessment 2 days before work starts	\$1500 (20 penalty units)	\$150 (2 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
19(2)	Responsible person failing to request inspection at the mandatory stages of regulated work	\$1500 (20 penalty units)	\$150 (2 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
20(4)	Failing to comply with a local government defect notice and failing to request another inspection within 2 days of receiving the notice	\$1500 (20 units)	\$150 (2 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>
21(1)	Covering work (i.e. plumbing, drainage and on-site sewerage work) before the time set for an inspection.	\$1500 (20 penalty units)	\$150 (2 penalty units)	<ul style="list-style-type: none"> <li>Local government authorised person or plumbing inspector</li> </ul>

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