

1990 - No. 229

LOCAL GOVERNMENT ACT 1919 - ORDINANCE

(Relating to the performance of water supply work)

NEW SOUTH WALES



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W. T. J. Murray
Minister for Public Works.

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

Minister for Public Works.

Ordinance No. 45 under the Local Government Act 1919 is amended:

- (a) by omitting from clause 2 (1) the definitions of "Board", "Holder of a contractor's authority" and "Licensee";
- (b) by inserting in clause 2 (1), in alphabetical order, the following definitions:

"Corporation" means the Building Services Corporation constituted under the Building Services Corporation Act 1989.

"Licensed contractor", in relation to the doing of work of water supply, means the holder of a licence in force under the Building Services Corporation Act 1989 authorising the holder to contract to do that work.

"Qualified supervisor", in relation to the doing of work of water supply, means the holder of an endorsed licence or supervisor certificate in force under the Building Services Corporation Act 1989 authorising the holder to do or to supervise that work.

- (c) by omitting clause 2 (2);
- (d) by omitting the word "licensee wherever occurring, except in clauses 54–56, and by inserting instead the words "qualified supervisor";
- (e) by omitting clause 7 (a1) and by inserting instead the following subclauses:

(a1) A person must not tap a main or attach a service pipe to a main unless that person is a qualified supervisor or an employee of the Council acting in the course of the employee's duty.

Maximum penalty 100 penalty units.

(a2) A person must not knowingly employ anyone else to do what is forbidden by subclause (a1).

Maximum penalty 100 penalty units.

- (f) by omitting from clause 18 (6) the word "Board" and by inserting instead the word "Corporation";
- (g) by omitting from clause 20A (1) (d) the words "licensed electrician" and by inserting instead the words "qualified electrician";
- (h) by omitting from clause 20A (2) the definitions of "licensed electrical contractor" and "licensed electrician" and by inserting instead the following definitions:

"licensed electrical contractor" means the holder of a licence in force under the Building Services Corporation Act 1989 authorising the holder to contract to do electrical wiring work within the meaning of the Electricity Act 1945;

"qualified electrician" means the holder of an endorsed licence or supervisor certificate in force under the Building Services Corporation Act 1989 authorising the holder to do

or to supervise electrical wiring work within the meaning of the Electricity Act 1945;

- (i) by omitting from clause 21B (1) the words “or a holder of a contractor’s authority”;
- (j) by omitting clause 33 (c) and by inserting instead the following subclause:
 - (c) A person must not fix, connect, disconnect or alter in position a privately-owned meter unless that person is a qualified supervisor.
Maximum penalty 100 penalty units.
 - (d) A person must not knowingly employ anyone else to do what is forbidden by subclause (c).
Maximum penalty 100 penalty units.
- (k) by omitting clause 34 (b) and by inserting instead the following subclause:
 - (b) A person must not fix in position a meter hired from the Council unless that person is a qualified supervisor or an employee of the Council acting in the course of the employee’s duty.
Maximum penalty 100 penalty units.
 - (c) A person must not knowingly employ anyone else to do what is forbidden by subclause (b).
Maximum penalty 100 penalty units.
- (1) by omitting clause 53 and by inserting instead the following clause:

Work to be done by qualified persons

53. (1) A person must not do any work of water supply, other than work referred to in clause 7 (a), 33 (b) or 34 (a), unless the person:

- (a) holds an endorsed licence or a supervisor certificate in force under the Building Services Corporation Act 1989 authorising the holder to do that kind of work; or
- (b) holds a certificate of registration in force under the Building Services Corporation Act 1989 authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a); or

- (c) does the work under the immediate supervision of the holder of such an endorsed licence or supervisor certificate.

Maximum penalty 100 penalty units.

- (2) A person must not knowingly employ anyone else to do work of water supply in the circumstances forbidden by subclause (1).

Maximum penalty 100 penalty units.

- (m) by omitting from clauses 54 and 55 (1) the words “licensee or holder of a contractor’s authority” wherever occurring, and by inserting instead the words “licensed contractor”;
- (n) by omitting from clause 54 (1) the words “the licensee or holder” and by inserting instead the words “the contractor”;
- (o) by omitting from clause 54 (3) the matter “40C (1) of the Plumbers, Gasfitters and Drainers Act 1979” and by inserting instead the matter “59 (1) of the Building Services Corporation Act 1989”;
- (p) by omitting from clause 55 (1) (b) the word “licensee” and by inserting instead the words “qualified supervisor”; and
- (q) by omitting from clause 55 (2) the words “licensee or holder of a contractor's authority” and by inserting instead “licensed contractor or qualified supervisor”.

EXPLANATORY NOTE

The object of this Ordinance is to amend Ordinance No. 45 under the Local Government Act 1919 (relating to work of water supply) in consequence of the passage of the Building Services Corporation Act 1989 and the Local Government (Building Approvals) Amendment Act 1989 so as:

- (a) to adopt the terminology concerning regulation of specialist work introduced by the Building Services Corporation Act 1989; and
 - (b) to increase the penalties for offences involving performance of plumbing or drainage work to \$10,000 when the work is not performed by the holder of a licence or certificate or is not supervised as required by the Building Services Corporation Act 1989.
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