

1990 - No. 541

**LOCAL GOVERNMENT ACT 1919 - ORDINANCE**

(Relating to the performance of drainage and  
sewer plumbing work

NEW SOUTH WALES



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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.

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

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Ordinance No. 46 under the Local Government Act 1919 is amended:

- (a) by omitting from clause 3 (1) the definitions of "Holder of a contractor's authority" and "Licensee";
- (b) by inserting in clause 3 (1), in alphabetical order, the following definitions:

*"Licensed contractor"* in relation to the doing of work of drainage or work of sewer plumbing 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 drainage or work of sewer plumbing 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 3 (2);
- (d) by omitting from clause 9 (6) the matter "1987" and by inserting instead the matter "1989";
- (e) by omitting from clause 11 (a) the words "the holder of a drainer's licence granted under the Plumbers, Gasfitters and Drainers Act 1979" and by inserting instead the words "a qualified supervisor";
- (f) by omitting clause 11 (a1) and by inserting instead the following subclauses:
  - (a1) A person must not tap or extend a sewer or attach a house drain to a sewer 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.
- (g) by omitting from clause 11 (d) the words "licensee or holder of a contractor's authority" and by inserting instead the words "licensed contractor or qualified supervisor";
- (h) by omitting from clause 14 the words "licensee or holder of a contractor's authority" wherever occurring and by inserting instead the words "licensed contractor";
- (i) by omitting clause 16 and by inserting instead the following clause:

**Work to be done by qualified persons**

**16. (1)** A person must not do any work of sewer plumbing or work of drainage, other than work referred to in clause 11 (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

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- (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 sewer plumbing or work of drainage in the circumstances forbidden by subclause (1).

Maximum penalty: 100 penalty units; and,

- (j) by omitting from clause employ (b) the word "licensee" and by inserting instead the words "qualified supervisor".

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### EXPLANATORY NOTE

The object of this Ordinance is to amend Ordinance No. 45 under the Local Government Act 1919 (relating to work of drainage and work of sewer plumbing) 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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