

Proclamation—Plumbing and Drainage Act 2018

Explanatory notes for Subordinate Legislation 2018 No. 164

made under the

Plumbing and Drainage Act 2018

General Outline

Short title

Proclamation commencing particular provisions of the *Plumbing and Drainage Act 2018*.

Authorising law

Section 2 of the *Plumbing and Drainage Act 2018* (the Act).

Policy objectives and the reasons for them

The Act received Royal Assent on 11 September 2018. Section 2 of the Act provides for the commencement of provisions that did not commence on assent. The section provides that those provisions commence on a day to be fixed by proclamation.

The objective of the Proclamation is to commence part 8, heading, part 8, division 2, heading and section 173A of the Act on 19 October 2018. Clause 173A is a validation provision with retrospective effect.

On 10 November 2014, the *Professional Engineers and Other Legislation Amendment Act 2014* transferred functions for licensing, compliance and disciplinary action relating to plumbers and drainers, from the former Plumbing Industry Council to the Queensland Building and Construction Commission. When the functions were transferred, the policy intention was that a tradesperson who held a licence under the *Queensland Building and Construction Commission Act 1991* authorising plumbing or drainage work (a 'QBCC licence'), from 10 November 2014 onwards, would not be required to also hold an associated occupational licence under the *Plumbing and Drainage Act 2002* (PD Act 2002). This was despite the requirement under the PD Act 2002 for such a tradesperson to hold an associated occupational licence for the work. However, legislative amendments implementing this policy were not made.

Section 173A effectively provides that a tradesperson who held a Queensland Building and Construction Commission (QBCC) licence but did not hold an associated occupational licence during the period from 10 November 2014 to the day when section

173A commences (19 October 2018), will be taken to have held the associated occupational licence while they held the relevant licence (the ‘relevant period’).

Achievement of policy objectives

Commencing part 8, heading, part 8, division 2, heading and section 173A of the Act on 19 October 2018 will ensure a tradesperson who held a relevant licence but did not hold an associated occupational licence during the relevant period cannot be prosecuted for carrying out plumbing or drainage work during that period.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making the Proclamation.

Benefits and costs of implementation

As outlined in the explanatory notes for the Plumbing and Drainage Bill 2018, any costs arising from implementation of the Act will be met from existing resources.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Department of Housing and Public Works assessed that the proposal for the proclamation was exempt from the requirement for a regulatory impact analysis to be undertaken because it is of a ‘machinery nature’. Section 173A of the Act has a beneficial impact on individuals and does not operate to the disadvantage of a person.

Master Plumbers Association Queensland and Plumbers Union Queensland were consulted.