

Issue: Amendments to the Plumbing and Drainage laws

To: Licensees / Contractors / the Plumbing and Drainage Industry

From: PIAS, Better Regulation Division, Parramatta

Date: May 2021

Scope: Applies to all metropolitan and regional areas in New South Wales.

Background

On 11 October 2018, the NSW Government passed amendments to the *Plumbing and Drainage Act 2011* (the Act) and the *Plumbing and Drainage Regulation 2017* (the Regulation) to assist with the management and operation of the plumbing and inspection framework.

The amendments modify existing provisions in the Act and the Regulation and aim to improve NSW Fair Trading's ability to regulate the sector more effectively.

Key changes

The amendments deliver a number of minor changes to the plumbing and drainage framework which are intended to improve its operation:

Changes to the plumbing and drainage laws are
effective from **11 October 2018**

Changes to the pre-notification period for plumbing and drainage work

The Notice of Work must be submitted prior to starting work or booking the first plumbing or drainage inspection for the site, whichever occurs first.

The time-period for pre-notifying work involving a performance solution will remain the same but is now included in the Act along with the other pre-notification periods to clarify existing requirements.

This change will ensure that Fair Trading or its delegated authority has enough time to properly assess and review information contained in the Notice of Work before the inspection.

Changes to the timing requirements for a Certificate of Compliance and Sewer Service Diagram

The Certificate of Compliance and the Sewer Service Diagram must be provided to the regulator on the completion of the work, or on the completion of the drainage portion of the work in the case of a Sewer Service Diagram, if an onsite inspection is conducted.

Where a physical inspection does not take place, the timing requirements remain the same.

These changes will enable Fair Trading or its delegated authority to more effectively assess the accuracy, compliance and safety of the plumbing and drainage work while onsite.

Inspectors will be able to refer to the Certificate of Compliance or Sewer Service Diagram when inspecting the site to confirm that the plumbing or drainage is compliant.

Changes to items that can be issued as a written direction

Some non-compliances could be managed more effectively through a written direction to the plumber in the first instance, rather than through a penalty infringement notice.

The amendments introduce four new matters that can be issued as a direction in certain circumstances, including the power to direct the responsible person to:

- uncover parts of the plumbing and drainage work,
- disconnect any new plumbing and drainage work from non-compliant work installed previously,
- supply the regulator with the Notice of Work, Certificate of Compliance or Sewer Service Diagram where the plumber or drainer has failed to do so, and
- re-book an inspection in certain circumstances.

Failure to comply with a written direction can also be a continuing offence, meaning that if the responsible person (plumber or drainer) fails to comply with the written direction within the specified timeframe, the regulator may take further enforcement action, such as issuing a penalty infringement notice for failing to comply with the written direction, or issuing further notices for every day that the plumber or drainer fails to comply thereafter.

These changes will help the public and the greater plumbing industry have confidence that Fair Trading and their delegated authorities are better equipped to monitor compliance with the Act.

Fair Trading will monitor written directions issued by PIAS, and if it is recognised that the plumber or drainer continually fails to comply with the Act or Regulations for the same offence, further enforcement action may still be taken against them, such as issuing a notice to show cause.

Related links:

[Plumbing and Drainage Act 2011](#)

[Plumbing and Drainage Regulation 2017](#)

Contact:

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