

**Migration Review Tribunal  
AUSTRALIA**

**MRT RESEARCH RESPONSE**

**Research Response Number:** AUS34688  
**Country:** Australia  
**Date:** 30 March 2009

Keywords: Australia – ASCO 4431-11 – General Plumber – Northern Territory – Licensing – Vietnam

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**Questions**

1. **Please advise whether a person must hold a NT licence to work as a general plumber [ASCO 4431-11] in the Northern Territory?**
2. **A submission suggests that an employee is able to work as a plumber if he works under the supervision of an advanced tradesman or a journeyman. Is this the case?**
3. **If so, are there any restrictions on how the supervised workers do their tasks? That is, can they still undertake all the tasks of a licensed plumber?**
4. **If a person is from Vietnam, has no qualifications, speaks little English, and is in Vietnam, what would he need to do to get a licence?**
5. **Please advise whether plumbers in Vietnam are regulated, and if so, what the licensing requirements are.**

**RESPONSE**

1. **Please advise whether a person must hold a Northern Territory (NT) licence to work as a general plumber [ASCO 4431-11] in the Northern Territory?**

According to Section 2A of *The Northern Territory Plumbers and Drainers Licensing Act*:

The object of this Act is to provide for the protection of the health and welfare of the community by –

- (a) licensing persons to carry out plumbing and draining in the Territory while at the same time allowing certain work to be carried out by unlicensed persons (*Northern Territory Plumbers and Drainers Licensing Act* (As in force at 18 September 2003), Northern Territory Government website [http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/\\$FILE/Repp042.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/$FILE/Repp042.pdf) – Accessed 26 March 2009 – Attachment 1).

The NT Plumbers & Drainers Licensing Board is responsible for issuing Advanced Tradesman licences and Journeyman registration cards to plumbers and drainers in the NT:

The NT Plumbers & Drainers Licensing Board is a statutory authority established under section 5 of the Plumbers & Drainers Licensing Act 1983. It is responsible for the issue of Advanced Tradesman licences and Journeyman registration cards.

The Board administers the Plumbers and Drainers Licensing Act 1983, and ensures that only qualified persons obtain licences, registration cards and certificates. It is also responsible for the assessment and maintenance of standards of workmanship and consumer protection by investigation of complaints and, where appropriate, taking disciplinary action.

The Board functions in conjunction with other authorities which, under their respective legislation, require authorised plumbing and drainage works to be carried out by licensed tradesmen ('The Board' 2009, NT Plumbers and Drainers Licensing Board website <http://www.plumberslicensing.nt.gov.au/> – Accessed 26 March 2009 – Attachment 2).

The NT Plumbers & Drainers Licensing Board provides the following definitions of journeyman and advanced tradesman as well as information on licensing or registration of plumbers and drainers in the NT:

### **Definition of a Journeyman**

A Journeyman registration allows the holder to carry out plumbing/draining work under the general direction of an Advanced Tradesman. A Journeyman may supervise the work of apprentices and trades assistants. He is not permitted to contract for plumbing/draining work under this registration.

### **Definition of an Advanced Tradesman**

An Advanced Tradesman licence allows the holder to contract for and perform plumbing/draining work in his own right. He may also direct and supervise the work of apprentices, journeymen and trade assistants.

An Advanced Tradesman licence does not allow you to sign off work.

### **1. Who needs to be licensed or registered?**

Any person intending to perform plumbing work needs a Northern Territory licence or registration. Anyone who holds an interstate registration or licence may apply for the NT equivalent under Mutual Recognition.

### **2. Why do I need a licence or registration?**

It is a punishable offence under the laws of the NT to perform plumbing or draining work without an appropriate NT licence or registration ('Are You a Licensed Plumber and Drainer?' (undated), NT Plumbers and Drainers Licensing Board website <http://www.plumberslicensing.nt.gov.au/documents/licplmbr.pdf> – Accessed 26 March 2009 – Attachment 3).

## **2. A submission suggests that an employee is able to work as a plumber if he works under the supervision of an advanced tradesman or a journeyman. Is this the case?**

According to Section 2A of *The Northern Territory Plumbers and Drainers Licensing Act*:

The object of this Act is to provide for the protection of the health and welfare of the community by –

(a) licensing persons to carry out plumbing and draining in the Territory while at the same time allowing certain work to be carried out by unlicensed persons (*Northern Territory Plumbers and Drainers Licensing Act* (As in force at 18 September 2003), Northern Territory

Government website

[http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/\\$FILE/Repp042.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/$FILE/Repp042.pdf) – Accessed 26 March 2009 – Attachment 1).

Section 38 of *The Northern Territory Plumbers and Drainers Licensing Act* allows a person in certain circumstances to carry out plumbing or draining work without a licence. According to Section 38(2), “a person who does not hold a registration card or licence shall not carry out plumbing or draining work otherwise than in the employment of an advanced tradesman and under the supervision of an advanced tradesman or a journeyman.” Sections 38, 39 and 40 of *The Northern Territory Plumbers and Drainers Licensing Act* follow:

### **38. Carrying out work when unlicensed**

(1) Subject to section 39, a person shall not, for reward or otherwise, carry out or undertake to carry out on his own account any work of plumbing or of draining unless he holds a licence as an advanced tradesman in that trade.

(2) Subject to section 39, a person who does not hold a registration card or licence shall not carry out plumbing or draining work otherwise than in the employment of an advanced tradesman and under the supervision of an advanced tradesman or a journeyman.

(3) A person shall not, for reward or otherwise –

(a) carry out or contract to carry out –

- (i) plumbing work; or
- (ii) draining work,  
unless he holds a licence –
- (iii) in respect of subparagraph (i) – as a plumber;
- (iv) in respect of subparagraph (ii) – as a drainer; or
- (v) as a plumber and drainer; or

(b) carry out work required to be done by –

- (i) a journeyman plumber unless he holds a registration card for a journeyman plumber; or
- (ii) a journeyman drainer unless he holds a registration card for a journeyman drainer.

Penalty: For a first offence against this section – \$2,000 or imprisonment for 6 months.

For a second or subsequent offence against this section – \$5,000 or imprisonment for 12 months.

### **39. Non-application of section 38**

(1) For the purposes of this section –

“approved cold water plumbing installation” means a plumbing installation that –

- (a) does not include an electrical heating element; and
- (b) has been inspected and passed under section 45(4) of the *Water Supply and Sewerage Act*; “approved plan” means a plan approved under section 39(3) of the *Water Supply and Sewerage Act*.

(2) Section 38 does not apply if the owner (being the occupier) of land repairs or replaces on his land an existing fitting that forms part of an approved cold water installation where –

(a) the replacement fitting is of a standard or quality not less than the existing fitting;

(b) the installation when repaired or replaced remains in conformity with the approved plan for the installation; and

(c) the repair or replacement is carried out in accordance with the appropriate Code of Workmanship issued under section 38 of the Water Supply and Sewerage Act.

(3) Notwithstanding section 38, a person who does not hold a licence or registration card may –

(a) carry out work on a plumbing installation situated on land that is located in a water supply area or a water district where the installation is or is intended to be connected to a bore on that land; or

(b) install a watering or drip system used or intended to be used for irrigation purposes that is –

(i) located above or below the ground; and

(ii) not connected to the Territory water supply system; or

(c) install, subject to subsection (4), a watering or drip system used or intended to be used for irrigation purposes that is –

(i) located above or partly or fully underground; and

(ii) intended to be connected to –

(A) the service pipe; or

(B) a pipe forming part of a private service, to the point of connection to the Territory water supply system.

(4) The owner of land on which an underground or partly underground irrigation system is installed under subsection (3)(c) shall ensure that the work remains uncovered until a licensed person engaged by him for the purpose –

(a) gives notice in accordance with section 41(1) of the Water Supply and Sewerage Act and an inspector has passed the work in accordance with section 45(4) of that Act; and

(b) connects the irrigation system to the service pipe or pipe forming part of a private service on the land.

#### **40. Carrying out work while under suspension**

(1) A person shall not, while his licence is suspended, carry out or undertake to carry out plumbing or draining work required by this Act to be carried out by an advanced tradesman.

(2) A person shall not work as a journeyman while his registration card is suspended.

Penalty:

For a first offence against this section – \$2,000 or imprisonment for 6 months.

For a second or subsequent offence against this section – \$5,000 or imprisonment for 12 months (*Northern Territory Plumbers and Drainers Licensing Act (As in force at 18 September 2003)*, Northern Territory Government website)

[http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/\\$FILE/Repp042.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/$FILE/Repp042.pdf) – Accessed 26 March 2009 – Attachment 1).

**3. If so, are there any restrictions on how the supervised workers do their tasks? That is, can they still undertake all the tasks of a licensed plumber?**

On 27 March 2009, the NT Plumbers & Drainers Licensing Board was contacted in regard to this matter (MRT Research & Information 2009, Email to the NT Plumbers & Drainers Licensing Board ‘MRT Information Request AUS34688’, 27 March – Attachment 4).

On 30 March 2009, the NT Plumbers & Drainers Licensing Board advised the following:

Unlicensed/unregistered workers can undertake all the tasks required of a Journeyman but their work must at all times be supervised by a registered Journeyman or licensed Advanced Tradesman (NT Plumbers & Drainers Licensing Board 2009, Email ‘Re: MRT Information Request AUS34688’, 30 March – Attachment 5).

**4. If a person is from Vietnam, has no qualifications, speaks little English, and is in Vietnam, what would he need to do to get a licence?**

According to the NT Plumbers & Drainers Licensing Board, an applicant “with an overseas qualification can be granted **Journey Registration** provided that the Board is satisfied his overseas qualifications are suitable.” The NT Plumbers & Drainers Licensing Board continues:

Applicant not assessed before arrival in Australia

Someone with an overseas qualification can be granted **Journeyman Registration** provided that the Board is satisfied his overseas qualifications are suitable.

Applications must be assessed by the Board and, if deemed suitable, the applicant will be granted Journeyman registration. According to the Act, the criteria for granting Journeyman registration are:

1. *The applicant holds an equivalent qualification gained elsewhere than in Australia or New Zealand that is recognised by ANZRA [Australia New Zealand Reciprocity Association]. In this case:*

- ...
- *if training was **not in English**, the applicant must have **worked in Australia** as an unqualified worker **under supervision** for at least **12 months**; and be able to give and receive **oral and written instructions in English**.*

2. *The applicant has **another qualification and experience** which are sufficient basis for registration. In this case, the Board is required to determine whether the qualification and experience are satisfactory.*

*Applicants must provide:*

- *Completed application form;*
- *Copy of overseas qualification;*
- *Written assessment of overseas qualification;*
- *Fee;*

- Evidence of work experience overseas and in Australia;
- Evidence of access to [AS/NZS:3500](#); and
- Any other information specified on the [application form](#) (NT Plumbers & Drainers Licensing Board 2008, 'Applications from people with qualifications issued overseas', *Policy Number PL007*, 17 June <http://www.plumberslicensing.nt.gov.au/documents/PL007osquals.pdf> – Accessed 26 March 2009 – Attachment 6).

**5. Please advise whether plumbers in Vietnam are regulated, and if so, what the licensing requirements are.**

No information on the regulation of plumbers in Vietnam was found amongst the sources consulted.

**List of Sources Consulted**

Internet Sources:

Google <http://www.google.com.au/>

Northern Territory Government <http://www.nt.gov.au/>

NT Plumbers & Drainers Licensing Board <http://www.plumberslicensing.nt.gov.au/>

**List of Attachments**

1. *Northern Territory Plumbers and Drainers Licensing Act* (As in force at 18 September 2003), Northern Territory Government website [http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/\\$FILE/Repp042.pdf](http://notes.nt.gov.au/dcm/legislat/legislat.nsf/2afcb7bfe1e1348e6925705a001697fb/1314cbd27f33d6106925635b0020ca2a/$FILE/Repp042.pdf) – Accessed 26 March 2009.
2. 'The Board' 2009, NT Plumbers and Drainers Licensing Board website <http://www.plumberslicensing.nt.gov.au/> – Accessed 26 March 2009.
3. 'Are You a Licensed Plumber and Drainer?' (undated), NT Plumbers and Drainers Licensing Board website <http://www.plumberslicensing.nt.gov.au/documents/licplmbr.pdf> – Accessed 26 March 2009.
4. MRT Research & Information 2009, Email to the NT Plumbers & Drainers Licensing Board 'MRT Information Request AUS34688', 27 March.
5. NT Plumbers & Drainers Licensing Board 2009, Email 'Re: MRT Information Request AUS34688', 30 March.
6. NT Plumbers & Drainers Licensing Board 2008, 'Applications from people with qualifications issued overseas', *Policy Number PL007*, 17 June <http://www.plumberslicensing.nt.gov.au/documents/PL007osquals.pdf> – Accessed 26 March 2009.