



Plumbing newsflash number 417

Plumbing and drainage records

Purpose

To outline local government responsibilities for keeping records as prescribed by the *Plumbing and Drainage Act 2002* (PDA) and the Standard Plumbing and Drainage Regulation 2003 (SPDR).

Background

The PDA and the SPDR detail the plumbing and drainage documents local governments are required to keep and the records that licensees are to complete and lodge with local governments. The *Public Records Act 2002* (PRA) details how public records are to be made, managed, kept and, if appropriate, preserved in a useable form by public agencies. A public agency includes a local government.

The PDA details how long compliance documents are to be kept and provides that the documents must be accessible by the public. The PRA details the types of documents to be kept by a local government and for how long.

It is important for licensees and local governments to be aware of their recordkeeping obligations as prescribed in legislation because these documents provide evidence of the inspection, approval and compliance of plumbing work. In addition, it is important to retain a historical record, which may assist with any future compliance applications and it may also provide homeowners with knowledge about previous plumbing works undertaken at their property.

Legislation

Acts Interpretation Act 1954 – section 49

Local Government Act 1993 – section 7

Plumbing and Drainage Act 2002 – sections 114 and 143

Public Records Act 2002

Standard Plumbing and Drainage Regulation 2003 – section 23

Interpretation

Plumbing and drainage records to be kept by a local government

The PDA requires a local government to keep a copy of compliance permits, compliance certificates, plans and other documents relating to properties detailed on those records. The SPDR requires a local government to keep an accurate record of the plumbing or drainage or the relevant on-site sewerage facility that is the subject of the work.



Plumbing and drainage records must be available for inspection

The *Local Government Act 1993* requires copies of documents kept by a local government to be available for purchase and, pursuant to the PDA, a local government employee who has charge of compliance documents must not obstruct or hinder the inspection or copying of a document.

How long plumbing and drainage records should be kept for

The PDA requires a local government to keep a copy of each compliance document issued for class 2 to 9 buildings referenced under the Building Code of Australia (BCA) until the building has been demolished or removed. A compliance document is a compliance permit, a compliance certificate and any document used to record information created or received by an entity in the transaction of business or the conduct of affairs that provides evidence of the business or affairs—which can include maps, plans and drawings.

If a compliance document relates to a class 1 or 10 building referenced under the BCA, the PDA requires a local government to keep the document until the earlier of the following occurs:

- the building is demolished or removed
- 10 years from when the compliance permit or certificate was given.

Public agency records must be kept in accordance with the *Public Records Act 2002*. Queensland State Archives administers the *Public Records Act 2002* (www.archives.qld.gov.au).

Plumbing and drainage forms must be completed in a specified way

Under the *Acts Interpretation Act 1954* if a form is required to be completed in a specified way or if specified information or documents are to be included with the form, the form is not properly completed unless the requirement is complied with. This means an applicant needs to complete the form(s) with all essential information and attachments. An applicant and the local government should make sure that the form(s) have been completed properly and the required documents are attached (i.e. the plan or drawing).

Plumbing and drainage documents used for monitoring and enforcing compliance

Under the PDA, an inspector's functions are to conduct investigations and inspections for monitoring and enforcing compliance with the PDA.

Through the course of recent investigations, it has been found that some local governments do not have adequate systems in place to manage compliance records. For instance, some local governments can supply copies of forms or print-outs from a computer system but they may be unable to provide a complete set of compliance records for a property. This makes it difficult to ascertain whether licensed plumbers and drainers are complying with the PDA.



Checking compliance records

Local governments should not accept a Form 1 unless sufficient descriptive detail of the plumbing works to be performed is provided. The forms that are submitted in relation to work proposed for premises must collectively indicate the responsible person for each part of the plumbing and drainage work that is undertaken on the premises. For example, on some forms licensees use the expression 'plumbing works' to describe proposed works where a number of different licensees may be engaged as responsible persons. In these circumstances one licensee may be responsible for the under-slab work while another may be responsible for the rough-in and another again for the installation of a hot water system. Therefore forms should specify each distinct stage or aspect of the proposed works.

Local governments may accept plumbing and drainage compliance permit application forms that do not nominate the licensee responsible for the work. However, in these circumstances local governments must ensure that when an assessment of the work is first requested, they receive a Form 7 stating the responsible person's name.

Should a licensee not complete the work the licensee was engaged to perform, that licensee should request an assessment of the work that the licensee completed, prior to another licensee commencing on site to complete the works. This will ensure any notices issued under the PDA for defective work are directed to the licensee who either performed or was responsible for the work.

Contact the Plumbers and Drainers Board (Tel: 3235 4149 or email plumbers@dip.qld.gov.au) to check whether an individual is appropriately licensed.

Contact for further information

Department of Infrastructure and Planning

Building Codes Queensland Division

tel +61 7 3239 6369

buildingcodes@dip.qld.gov.au

DISCLAIMER: The information contained in this Newsflash is provided by the State of Queensland in good faith. The material is general in nature and before relying on the material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purpose. It is not intended as a substitute for consulting the relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances. The State of Queensland cannot accept responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance on information contained in this Newsflash. It is not intended to be, and should not be relied upon as the ultimate and/or complete source of information.