

House of Representatives  
Supplementary Order Paper

Tuesday, 9 April 2013

Plumbers, Gasfitters and Drainlayers Amendment  
Bill

---

*Proposed amendments*

Raymond Huo, in Committee, to move the following amendments:

*Clause 5*

In *clause 5, new section 171A(1)*, replace “A disciplinary levy” (line 30 on page 2) with “Subject to **section 171C**, a disciplinary levy”.

In *clause 5, new section 171B(1)*, replace “An offences fee” (line 28 on page 3) with “Subject to **section 171C**, an offences fee”.

In *clause 5*, after *new section 171B* (after line 9 on page 4), insert:

**171C Validation conditional on repayment**

- (1) The validation of any disciplinary levy under **section 171A** and any offences fee under **section 171B** is not effective unless a percentage of the monies collected as a levy or fees (being a percentage greater than zero) is repaid in accordance with terms specified in an Order in Council made under section 172.
  - (2) The terms to be specified in the Order in Council must be those agreed by the parties, and in the absence of agreement of the parties within 3 months of the commencement of the **Plumbers, Gasfitters and Drainlayers Amendment Act 2013**, those determined by an Ombudsman, as he or she sees fit.
  - (3) The terms agreed or determined under **subsection (2)** must include—
    - (a) the percentage of monies to be repaid to affected parties; and
    - (b) the date of repayment.
-

### **Explanatory note**

This Supplementary Order Paper seeks to enact the recommendation of the Ombudsman's Office that a proportion of the "unlawful" levies and fees extracted should be repaid to the members of the Plumbers, Gasfitters and Drainlayers Federation. The retrospective validation component of the Bill would only be effective after a percentage of those levies and fees is repaid in accordance with terms specified in an Order in Council made under section 172. The terms of the repayment would be those agreed by the parties, and in the absence of agreement, those determined by an Ombudsman.

---