{Contact}

{Contact Phone}

{File Reference}

{Date}

***Plumbing and Drainage Act 2018***

***Section 143(2) (Enforcement notices for plumbing and drainage)***

ENFORCEMENT NOTICE

{Name of owner}

{Address}

{Suburb}

Dear {insert name of owner}

## Re: {insert description of structure to which the plumbing or drainage is associated}

## {insert address of premises}

**{insert real property description of the land on which the plumbing or drainage is installed}**

I refer to the Local Government’s Show Cause Notice dated {insert date shown on the show cause notice} inviting you to show cause why an Enforcement Notice should not be given to you, and to your written response received by the Local Government on {insert date that Local Government received written response}/or oral representation heard by {insert the name of the person} on {insert date that the representation was heard}.

Your representations have been considered, however, I advise that the Local Government remains of the view that the {insert the following for the relevant facts and circumstances forming the basis for the Local Government’s belief that:

* {[insert plumbing or drainage work as appropriate] is defective and should be [altered, repaired or replaced as appropriate]}; or
* {[insert plumbing or drainage work as appropriate] is installed on the premises—was installed [without or not in accordance with as appropriate] the Local Government approval}.

##### Action to be taken by owner of premises

You are now required to {insert brief general description of the action required, eg.

* {request compliance assessment}
* {do, or not do a stated thing to ensure plumbing or drainage work complies with the Local Government approval}
* {alter, repair, remove or replace plumbing or drainage}

{insert reasonable time period within which the requirements of the notice must be satisfied must be included, eg.

* {immediately}; or
* {by 5.00 pm on 1 July 2019} (“the requirements”)

# Penalties for non-compliance

It is an offence against section 147 of the *Plumbing and Drainage Act 2018* to contravene or tamper with this Enforcement Notice. The maximum penalty is
250 penalty units ($33,362.50)

Under section 3 of the *Penalties and Sentences Regulation 2015*, the prescribed value of a penalty unit is $133.45 (current from 1 July 2019).

Executive officers of a corporation that fail to comply with this Enforcement Notice may also commit an offence against section 227 of the *Planning Act 2016*.

Failure to comply with this Enforcement Notice may result in the Local Government entering the premises to which the notice relates, to perform the required work at the expense of the owner. Section 142 of the *Local Government Act 2009* provides that a local government worker may enter land with (and in accordance with) reasonable written notice (a Remedial Notice) to enable the Local Government to take action that is required under the Remedial Notice. Amounts incurred by the Local Government become a debt owing to the Local Government and can be recovered against the land as if it were an overdue rate.

# Statutory rights to appeal

You have a statutory right to appeal to the Development Tribunals (the Tribunals) against the giving of this Enforcement Notice. An appeal must be started *{insert as appropriate:*

* *{“within twenty (20) business days after the day that this Enforcement Notice is given”}; or*
* *{if this Enforcement Notice is given in relation to plumbing or drainage on the premises that is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public, then such appeal must be started:*

*“within five (5) business days after this Enforcement Notice is given”}.*

You can lodge an appeal by submitting a form 10 – application for appeal/declaration and providing the prescribed fee to the Registrar of the Tribunals. The appeal form and schedule of fees are available on the Department of Housing and Public Works website [www.hpw.qld.gov.au/](http://www.hpw.qld.gov.au/) under “Development Tribunals”. The Tribunals Registrar may be contacted on telephone 1800 804 833 or Fax: (07) 3237 1248.

The lodging of a Notice of Appeal about an Enforcement Notice stays the operation of the Enforcement Notice until: {If the Local Government is satisfied that:

1. the work is not a danger to persons or a risk to public safety insert:

“stays the operation of this Enforcement Notice until:

* {the Tribunals, on the application of the Local Government, decides otherwise}; or
* {the appeal is withdrawn}; or
* {the appeal is dismissed}”.

However, the lodging of a Notice of Appeal about an Enforcement Notice does not stay the operation of the Enforcement Notice if:

* {the Local Government believes that the work on the premises is a danger to persons or a risk to public health};
* {the Local Government believes that the development is causing erosion or sedimentation or is causing an environmental nuisance}.

**Dated this** {insert the date} **day of** {insert the month and year}

{insert signature of the issuing officer}

**………………………………………**

**Issuing Officer**