

Western Australia

## **Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000**

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### **THE TEXT OF THE LEGISLATION FOLLOWS**



# Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000

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## **Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000**

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations may be cited as the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*<sup>1</sup>.

*[Regulation 1 amended in Gazette 28 Jun 2004 p. 2399-400.]*

#### **2. Commencement**

These regulations come into operation on the day on which the *Water Services Coordination Amendment Act 1999* comes into operation<sup>1</sup>.

#### **3. Definitions**

- (1) In these regulations, unless the contrary intention appears —
- “**apparatus for the treatment of sewerage**” has the meaning given to that term in section 3(1) of the *Health Act 1911*;
  - “**application fee**”, in relation to a licence or permit, means the fee for an application for that licence or permit set out in Schedule 1;

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**“apprentice”** means an apprentice, or industrial trainee, within the meaning of the *Industrial Training Act 1975* or a trainee within the meaning of the *Industrial Relations Act 1979*;

**“approved form”** has the meaning given in regulation 106;

**“approved material”**, in relation to a particular purpose, means material that is required to be used for the purpose by a particular authority or standard;

**“area associated with a home”** means —

- (a) the area around the home that is used exclusively by the occupier, such as a garden, yard or driveway; and
- (b) if the home is one of 2 or more homes in one building, the parts of the building that the occupiers of the building use in common with each other;

**“AS/NZS”**, followed by a designation consisting of a number and a year, means the Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand;

**“certificate of compliance”** means a certificate given by a —

- (a) licensed plumbing contractor under regulation 42 or 44; or
- (b) permit holder under regulation 42;

**“chairperson”** means the chairperson of the Board appointed under regulation 5(2)(a);

**“dangerous situation”** means a situation where there is an imminent and high risk to people, property or the environment resulting from plumbing work;

**“deputy chairperson”** means the deputy chairperson of the Board appointed under regulation 6;

**“disciplinary matter”** means a disciplinary matter referred to in regulation 27;

**“drainage plumbing”** means plumbing that is the result of drainage plumbing work;

**“drainage plumbing work”** has the meaning given in regulation 4;

**“dwelling”** means a home (that is, a building or structure, or a part of a building or structure, that is ordinarily used for human habitation, or a mobile home) and the area associated with the home, whether or not the dwelling is uninhabited from time to time, but does not include a dwelling under construction;

**“emergency plumbing work”** means plumbing work that must be carried out without delay —

- (a) to prevent the waste or contamination of water supplied by a water supply system;
- (b) to prevent the entry into a sewer or apparatus for the treatment of sewerage of any matter that is likely to hinder or prevent the proper functioning of the system or unit;
- (c) to prevent the escape of foul air or offensive or infectious matter from a sewer or apparatus for the treatment of sewerage;
- (d) to avert or rectify a dangerous situation; or
- (e) to ensure that a dwelling is supplied with water, including hot water;

**“entry warrant”** means an entry warrant issued under regulation 86;

**“exempt work”** means work carried out by or on behalf of the holder of an operating licence in connection with the undertaking, maintenance and operation of water services works owned or operated by that holder;

**“fitting”** means a pipe, cistern, meter, trap, syphon, manhole, ventilator and any other apparatus connected with and part of water supply, sanitary or drainage plumbing;

**“fixture”** includes any apparatus that is designed to collect, pump, receive or retain, and discharge, wastewater or other

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waste into sanitary or drainage plumbing, for example, a water-closet pan, urinal, bath, sink, basin, trough or pump;

**“identification card”** means an identification card issued to —

- (a) a licensee under regulation 17(2) or 20(7); or
- (b) a permit holder under regulation 17(2);

**“late renewal fee”**, in relation to a licence or permit, means the fee payable under regulation 20(4) in relation to the renewal of that licence or permit set out in Schedule 1;

**“legal practitioner”** means a practitioner as defined in section 3 of the *Legal Practice Act 2003*;

**“licence”** means plumber’s licence, tradesperson’s licence or tradesperson’s licence (drainage plumbing);

**“licence fee”**, in relation to a licence, means the fee for the issue of that licence set out in Schedule 1;

**“licensed plumbing contractor”** means a person who holds a plumbing contractor’s licence;

**“licensee”** means a person who holds a licence;

**“major plumbing work”** means —

- (a) plumbing work that is not minor plumbing work; and
- (b) minor plumbing work to the extent to which it is part of plumbing work that is major plumbing work;

**“member”** means a member of the Board and includes a person appointed under clause 4 of Schedule 2;

**“minor plumbing work”** means the following plumbing work —

- (a) the maintenance, repair or replacement of existing water supply plumbing;
- (b) the maintenance or repair of an existing water heater;
- (c) the connection of a garden reticulation system to a water supply system;
- (d) the maintenance, repair or replacement of existing sanitary plumbing fixtures;

- (e) the maintenance or repair of existing drainage plumbing;
  - (f) the replacement or alteration of less than 5 m of existing drainage plumbing,
- but does not include the installation or replacement of a backflow prevention device or a water heater;

**“mobile home”** means a vehicle —

- (a) that is ordinarily used for human habitation; and
- (b) that is permanently or semi-permanently stationary in a single location;

**“new installation fee”** means the fee payable under regulation 45;

**“notice of intention”** means a notice of intention given by a licensed plumbing contractor or permit holder under regulation 41;

**“permit”** means a restricted plumbing permit;

**“permit fee”**, in relation to a permit, means the fee for the issue of that permit set out in Schedule 1;

**“permit holder”** means the holder of a restricted plumbing permit;

**“pipe”** has the meaning given to that term in section 3(1) of the *Water Agencies (Powers) Act 1984*;

**“place”** means any land, building, structure or dwelling, or a part of any land, building, structure or dwelling;

**“plumbing compliance officer”** means a person designated as a plumbing compliance officer under regulation 66;

**“plumbing contractor’s licence”** means a licence of the kind referred to in regulation 12;

**“plumbing standards”** has the meaning given to that term in regulation 47(2);

**“register”** means the register referred to in regulation 102;

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**“renewal fee”**, in relation to a licence or permit, means the fee for the renewal of that licence or permit set out in Schedule 1;

**“restricted plumbing permit”** means the permit referred to in regulation 13A;

**“sanitary plumbing”** means plumbing that is the result of sanitary plumbing work;

**“sanitary plumbing work”** has the meaning given in regulation 4;

**“sewer”** has the meaning given to that term in section 3(1) of the *Water Agencies (Powers) Act 1984*;

**“tradesperson”** means a person who holds a tradesperson’s licence or a tradesperson’s licence (drainage plumbing);

**“tradesperson’s licence”** means a licence of the kind referred to in regulation 13(1);

**“tradesperson’s licence (drainage plumbing)”** means a licence of the kind referred to in regulation 13(2);

**“waste”** has the meaning given to that term in section 3(1) of the *Water Agencies (Powers) Act 1984*;

**“wastewater”** has the meaning given to that term in section 3(1) of the *Water Agencies (Powers) Act 1984*;

**“water heater”** means an appliance for heating water which is either stored in it or passing through it;

**“water services provider”** means the holder of a licence under Part 3;

**“water supply plumbing”** means plumbing that is the result of water supply plumbing work;

**“water supply plumbing work”** has the meaning given in regulation 4;

**“working day”** means a day that is not a Saturday, Sunday or public holiday.

- (2) In these regulations, unless the contrary intention appears, a reference to a licensed plumbing contractor in relation to

plumbing work is to be read as a reference to the licensed plumbing contractor —

- (a) who carried out or is or will be carrying out the work; or
  - (b) under whose general direction and control or supervision the work was, is being or will be carried out.
- (3) In these regulations, unless the contrary intention appears, a reference to the consent of the owner of a place, or to a notice being given to the owner, is to be read as including a reference to the consent of a representative of the owner or the notice being given to the representative.
- (4) For the purposes of these regulations, a licensed plumbing contractor or permit holder is responsible for major plumbing work if —
- (a) the contractor or permit holder has given a notice of intention in respect of the work;
  - (b) the contractor or permit holder has not withdrawn the notice of intention in respect of the work; and
  - (c) the contractor or permit holder has not been replaced by another licensed plumbing contractor or permit holder who has given a notice of intention in respect of the work.

*[Regulation 3 amended in Gazette 20 Apr 2001 p. 2149-50; 12 Sep 2003 p. 4080; 1 Jun 2004 p. 1909; 28 Jun 2004 p. 2400-6; 30 Dec 2004 p. 6928; 19 Apr 2005 p. 1302; 7 Oct 2005 p. 4509-11.]*

#### **4. Plumbing work (s. 59I)**

- (1) For the purposes of section 59I of the Act —
- (a) water supply plumbing work is work, other than exempt work, that involves the installation, alteration, extension, disconnection, repair or maintenance of pipes and other fittings used or intended to be used for the supply of potable water from a meter assembly to the points of use within any property;

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- (b) sanitary plumbing work is work, other than exempt work, that involves the installation, alteration, extension, disconnection, ventilation, repair or maintenance of fittings and fixtures used or intended to be used for the carrying of wastewater or other waste, but does not include drainage plumbing work;
- (c) drainage plumbing work is work, other than exempt work, that involves the installation, alteration, extension, disconnection, repair or maintenance of underground pipes and other fittings used or intended to be used for the carrying of —
  - (i) wastewater to a sewer; or
  - (ii) wastewater or other waste to an apparatus for the treatment of sewage.

*[(2) repealed]*

*[Regulation 4 amended in Gazette 28 Jun 2004 p. 2406.]*



## **Part 2 — The Plumbers Licensing Board**

### **5. Membership of the Board**

*[(1) repealed]*

- (2) The Board consists of 7 members —
- (a) one person appointed by the Minister to be a member and the chairperson of the Board;
  - (b) one person with knowledge and experience of the plumbing industry appointed by the Minister from a panel of 3 names submitted by the Master Plumbers and Gas Fitters Association of Western Australia at the request of the Minister;
  - (c) one person with knowledge and experience of the plumbing industry appointed by the Minister from a panel of names consisting of 3 names submitted by each of the relevant unions requested by the Minister to submit names;
  - (d) one person with knowledge and experience of the plumbing industry appointed by the Minister from a panel of 3 names submitted by the Western Australian Drainage Association at the request of the Minister;
  - (e) one person with knowledge of and experience in the plumbing industry appointed by the Minister; and
  - (f) 2 persons with the ability to represent the interests of consumers nominated by the Minister to whom the administration of the *Consumer Affairs Act 1971* is committed.
- (2a) The Minister must ensure, to the extent practicable, that the person appointed under subregulation (2)(a) is not and has not been a participant in the plumbing industry.
- (2b) The Minister must request at least one union to submit names for the purposes of subregulation (2)(c).

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- (3) Each body that is requested to submit names under a paragraph of subregulation (2) must submit 3 names of persons suitable for appointment under the relevant paragraph of subregulation (2).
- (4) The Minister is to invite nominations, in the manner determined by the Minister, for appointment under subregulation (2)(a) and (f), and the Minister referred to in subregulation (2)(e) is to invite nominations, in the manner determined by that Minister, for appointment under subregulation (2)(e).
- (5) If —
  - (a) a panel of names is not submitted in accordance with subregulation (3) within 30 days of the request being made; or
  - (b) nominations are not received following an invitation under subregulation (4) within the time specified in the invitation,

the Minister may make such appointment for the purposes of the relevant paragraph as the Minister thinks fit.

*[Regulation 5 amended in Gazette 12 Sep 2003 p. 4080;  
1 Jun 2004 p. 1910-11.]*

**6. Deputy chairperson**

- (1) The Minister is to appoint one of the members to be the deputy chairperson of the Board.
- (2) The deputy chairperson is to perform the functions of the chairperson when the chairperson is unable to do so by reason of illness, absence or other cause, or when the office of the chairperson is vacant.
- (3) An act or omission of the deputy chairperson acting as the chairperson cannot be questioned on the ground that the occasion for the acting had not arisen or had ceased.

*[Regulation 6 amended in Gazette 1 Jun 2004 p. 1911.]*

**7. Remuneration of members**

- (1) A member is to be paid such remuneration and travelling and other allowances as are determined in the member's case by the Minister on the recommendation of the Minister for Public Sector Management.
- (2) A member who is an employee (as defined in the *Public Sector Management Act 1994*) is to be paid only such travelling and subsistence allowances as are determined in the member's case by the Minister on the recommendation of the Minister for Public Sector Management.

**8. Constitution and proceedings**

Schedule 2 has effect with respect to the constitution and proceedings of the Board.

### **Part 3 — Licences and permits**

*[Heading amended in Gazette 7 Oct 2005 p. 4511.]*

#### **9. Requirement to hold licence or permit**

- (1) A person must not carry out plumbing work of any kind or in any circumstances except in accordance with a licence or permit that authorises the person to carry out plumbing work of that kind or in those circumstances.

Penalty: \$5 000.

- (2) Subregulation (1) does not apply to an apprentice who carries out plumbing work under the supervision of —
- (a) a licensed plumbing contractor; or
  - (b) the holder of a tradesperson's licence working under the general direction and control of a licensed plumbing contractor.

*[Regulation 9 amended in Gazette 12 Sep 2003 p. 4080;  
28 Jun 2004 p. 2457; 7 Oct 2005 p. 4511.]*

#### **10. Employment of unlicensed persons prohibited**

A person must not employ or otherwise engage a person, under a contract of service or for services, to carry out plumbing work if the person knows that the carrying out of the work by the person employed or engaged is or would be contrary to regulation 9(1).

Penalty: \$5 000.

*[Regulation 10 amended in Gazette 28 Jun 2004 p. 2406.]*

#### **11. Classes of licence or permit**

The classes of licence or permit that may be issued under these regulations are —

- (a) a plumbing contractor's licence;
- (b) a tradesperson's licence;

- (c) a tradesperson's licence (drainage plumbing); and
- (d) a restricted plumbing permit.

*[Regulation 11 amended in Gazette 20 Apr 2001 p. 2150;  
12 Sep 2003 p. 4080; 7 Oct 2005 p. 4511.]*

## **12. Plumbing contractor's licence**

- (1) A plumbing contractor's licence authorises the holder to —
  - (a) carry out —
    - (i) water supply plumbing work, sanitary plumbing work and drainage plumbing work;
    - (ii) water supply plumbing work and drainage plumbing work;
    - (iii) water supply plumbing work;
    - (iv) drainage plumbing work; or
    - (v) sanitary plumbing work and drainage plumbing work,as specified in the licence for the purposes of this subregulation (that is, to carry out that work at contractor level);
  - (b) exercise general direction and control over the carrying out of authorised work by the holder of a tradesperson's licence or a tradesperson's licence (drainage plumbing); and
  - (c) supervise the carrying out of authorised work by an apprentice.
- (2) In subregulation (1) —  
**“authorised work”** means the plumbing work specified in the plumbing contractor's licence for the purposes of subregulation (1).
- (3) A licensed plumbing contractor's licence also authorises the holder to —

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- (a) carry out water supply, sanitary or drainage plumbing work (if any) as specified in the licence for the purposes of this subregulation (that is, to carry out that work at trade level); and
- (b) supervise the carrying out of such plumbing work by an apprentice,

under the general direction and control of a licensed plumbing contractor (whose licence specifies that work for the purposes of subregulation (1)).

*[Regulation 12 amended in Gazette 12 Sep 2003 p. 4080; 28 Jun 2004 p. 2406-7.]*

**13. Tradesperson's licence**

- (1) A tradesperson's licence authorises the holder to —
  - (a) carry out plumbing work; and
  - (b) supervise the carrying out of plumbing work by an apprentice,

under the general direction and control of a licensed plumbing contractor.

- (2) A tradesperson's licence (drainage plumbing) authorises the holder to —
  - (a) carry out the drainage plumbing work specified in the licence; and
  - (b) supervise the carrying out of authorised work by an apprentice,

under the general direction and control of a licensed plumbing contractor.

- (3) In subregulation (2) —  
**“authorised work”** means the plumbing work specified in the tradesperson's licence (drainage plumbing).

*[Regulation 13 amended in Gazette 20 Apr 2001 p. 2150;  
12 Sep 2003 p. 4078 and p. 4080; 28 Jun 2004 p. 2457.]*

**13A. Restricted plumbing permit**

- (1) A restricted plumbing permit authorises the holder to disconnect, remove, install and connect the following —
- (a) a compression union;
  - (b) a temperature/pressure relief valve;
  - (c) an expansion control valve,
- in the course of removing, removing and reinstalling or replacing a water heater.
- (2) A restricted plumbing permit does not authorise the holder to carry out the work referred to in subregulation (1) if —
- (a) a change to the existing pipes is required;
  - (b) the existing pipes are not in safe and proper working order;
  - (c) the temperature/pressure relief valve overflow pipe does not comply with the plumbing standards; or
  - (d) the use of a flexible hose connection is required.
- (3) If any of the conditions in subregulation (2) exist, a permit holder must inform the person for whom the work is to be done —
- (a) of the reasons why the permit holder is unable to perform the work; and
  - (b) that a licensed plumbing contractor should be engaged to perform the work.

Penalty: \$2 000.

- (4) In subregulation (1) —
- “compression union”** means a connection between pipes which can be fastened and unfastened and which complies with

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the plumbing standards (for example, a connection made using a cone, olive or loose ring);

**“existing pipes”** means pipes on a water heater and the structure to which it is, or is intended to be, attached that are necessary for the safe and effective operation of the water heater;

**“expansion control valve”** means a valve, designed for installation on the cold or hot water side of a water heater, that regulates pressure;

**“temperature/pressure relief valve”** means a valve, designed for installation on the hot water side of a water heater, that regulates pressure or temperature or both.

*[Regulation 13A inserted in Gazette 7 Oct 2005 p. 4512-13.]*

**14. Who may hold licence or permit**

A licence or permit can only be issued to a natural person.

*[Regulation 14 amended in Gazette 7 Oct 2005 p. 4513.]*

**15. Application for issue of licence or permit**

- (1) An application for the issue of a licence or permit is to be made to the Board in the approved form, with the application fee and licence fee or permit fee.
- (2) An applicant must provide the Board with any other information that the Board reasonably requires for the proper consideration of the application.
- (3) An applicant must provide the Board with 2 identical photographs of the applicant that comply with regulation 21A.
- (4) The Board is not obliged to return a photograph given to it under this regulation.

*[Regulation 15 amended in Gazette 28 Jun 2004 p. 2407-8;  
7 Oct 2005 p. 4513.]*



**16. False or misleading information**

An applicant must not, in or in relation to an application, give information that the applicant knows to be false or misleading in a material particular.

Penalty: \$2 000.

**17. Issue of licence or permit**

- (1) The Board may issue a licence or permit if the licence fee or permit fee has been paid and the Board is satisfied that the applicant —
  - (a) is a fit and proper person to hold the licence or permit;  
and
  - (b) has complied with the requirements set out in Schedule 3 in respect of the licence or permit.
- (2) On the issue of a licence or permit, the Board must issue an identification card to the licensee or permit holder that includes a photograph of the licensee or permit holder that complies with regulation 21A.
- (3) The Board may refuse to issue a licence or permit if —
  - (a) the Board is not satisfied of the proof required by regulation 21A(3) in relation to a photograph provided by the applicant;
  - (b) the photograph is unclear; or
  - (c) the Board is satisfied that, for any other reason, the photograph would not serve its purpose if it were included in the identification card.

*[Regulation 17 amended in Gazette 28 Jun 2004 p. 2408-9;  
7 Oct 2005 p. 4514.]*

**18. Refusal of licence or permit**

If the Board refuses to issue a licence or permit, the Board is to refund the licence fee or permit fee and give written notice to

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the applicant setting out the decision and the reasons for the decision not later than 14 days after the decision is made.

*[Regulation 18 amended in Gazette 28 Jun 2004 p. 2409;  
7 Oct 2005 p. 4514.]*

**19. Conditions of licence or permit**

- (1) A licence or permit may be issued subject to such conditions as the Board thinks fit and specifies in the licence or permit.
- (2) The Board may, at any time, by notice in writing given to the licensee or permit holder, change or remove a condition of the licence or permit or add a new condition to the licence or permit.
- (2a) The Board cannot change or remove a condition changed or added by the State Administrative Tribunal unless it has applied for, and obtained, the approval of that Tribunal to do so.
- (3) A licensee or permit holder must not contravene a condition of his or her licence or permit.

Penalty: \$5 000.

*[Regulation 19 amended in Gazette 30 Dec 2004 p. 6928;  
7 Oct 2005 p. 4514-15.]*

**20. Renewal of licence or permit**

- (1) The Board is to issue a notice of renewal to each licensee or permit holder not later than 15 June in each year specifying —
  - (a) the amount of the renewal fee for the licence or permit held by the licensee or permit holder;
  - (b) the manner in which it is to be paid; and
  - (c) whether the licensee or permit holder must provide the Board with 2 identical photographs of the licensee or permit holder that comply with regulation 21A.

- (2) The Board is not to require a licensee or permit holder to provide photographs of the licensee or permit holder more than once every 5 years.
- (3) The Board is to renew a licence or permit if the renewal fee for the licence or permit and any photographs required under subregulation (1) are received by the Board on or before 28 days after the 30 June on which the licence or permit would otherwise have expired.
- (4) If the renewal fee for a licence or permit and any photographs required under subregulation (1) are received by the Board more than 28 days after the 30 June on which the licence or permit would otherwise have expired but before the following 30 June, the Board is to renew the licence or permit if —
  - (a) satisfied that the person wishing to renew the licence or permit is a fit and proper person; and
  - (b) the person has paid the late renewal fee.
- (5) A licence or permit renewed under subregulation (4) has effect on and from the day on which the Board decided to renew the licence or permit.
- (6) If the renewal fee for a licence or permit, any photographs required under subregulation (1) and the late renewal fee (if required) are not received by the Board within 12 months of the expiry of the licence or permit, the licence or permit cannot be renewed.
- (7) On renewal of a licence or permit, the Board must issue an identification card to the licensee or permit holder that includes a photograph of the licensee or permit holder that complies with regulation 21A.
- (8) If the Board has required the licensee or permit holder to provide it with photographs of the licensee or permit holder, the Board may, despite subregulations (3) and (4), refuse to renew a licence or permit if —

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- (a) the Board is not satisfied of the proof required by regulation 21A(3) in relation to the photograph provided by the licensee or permit holder;
  - (b) the photograph is unclear; or
  - (c) the Board is satisfied that, for any other reason, the photograph would not serve its purpose if it were included in the identification card.
- (9) The Board is not obliged to return a photograph given to it under this regulation.

*[Regulation 20 amended in Gazette 28 Jun 2004 p. 2409-11;  
7 Oct 2005 p. 4515-16.]*

**20A. Re-issue of licence**

- (1) The Board may, instead of issuing a licence to a person who has applied for one, re-issue a licence to the person if the person previously held a licence of the same type or was authorised to carry out plumbing work of the same type, under these regulations, the *Country Areas Water Supply By-laws 1957*, the *Country Towns Sewerage By-laws 1952* or the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.
- (2) The Board may re-issue a licence to a person who has applied for the renewal of a licence if the licence cannot be renewed because of regulation 20(6).
- (3) The provisions of this Part that apply to the issue of a licence apply to the re-issue of a licence except that subregulation (4) applies to the person instead of regulation 17(1)(b).
- (4) Before re-issuing a licence, the Board must be satisfied that, because of the person's experience or qualifications, the applicant would be as competent to carry out the work to be covered by the licence as a person who has recently met the requirements set out in Schedule 3 for a licence that covers that work.

- (5) In satisfying itself of the matter set out in subregulation (4), the Board is to satisfy itself in the same manner and in relation to the same sorts of things that it would in relation to an application for the issue of an equivalent licence under regulation 17(1).
- (6) For the purposes of subregulation (1), a plumbing contractor's licence, a tradesperson's licence and a tradesperson's licence (drainage plumbing) are each a type of licence, regardless of what plumbing work is specified or authorised by the licence.
- (7) In this regulation —  
**“re-issue a licence”** means to issue a licence to a person with the same licence or authorisation number as previously held by the person.

*[Regulation 20A inserted in Gazette 28 Jun 2004 p. 2411-12.]*

## **21. Duration of licence or permit**

- (1) A licence or permit remains in force, subject to these regulations —
  - (a) until 30 June immediately following the date of issue of the licence or permit; and
  - (b) if renewed, until 30 June in the financial year for which it is renewed.
- (2) A permit remains in force, subject to these regulations, while the permit holder's licence, permit or authorisation referred to in Schedule 3 clause 5(b) is in force.
- (3) Within 7 days of the day on which a permit holder's licence, permit or authorisation referred to in Schedule 3 clause 5(b) ceases to be in force, the holder must —
  - (a) give his or her permit and identification card to the Board; and
  - (b) where practicable, remove or obliterate all references to his or her permit in advertisements and business

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documents (as defined in regulations 25 and 25A respectively).

Penalty applicable to subregulation (3): \$2 000.

*[Regulation 21 inserted in Gazette 7 Oct 2005 p. 4516-17.]*

**21A. Requirements in relation to photographs of applicant, licensee or permit holder**

- (1) A photograph of an applicant, licensee or permit holder must be a passport size photograph of the head and shoulders of the applicant, licensee or permit holder.
- (2) The photograph must be less than 1 month old at the time it is provided to the Board.
- (3) The photograph must be provided with the proof that the photograph complies with subregulations (1) and (2) required by the Board.

*[Regulation 21A inserted in Gazette 28 Jun 2004 p. 2412; amended in Gazette 7 Oct 2005 p. 4517.]*

**22. Duplicate licence or permit**

If the Board is satisfied that a licence or permit has been lost or destroyed the Board may issue a duplicate licence or permit on payment of the fee set out in Schedule 1.

*[Regulation 22 amended in Gazette 28 Jun 2004 p. 2413; 7 Oct 2005 p. 4517.]*

**23. Providing licence or permit to another person**

A licensee or permit holder must not —

- (a) dispose of his or her licence or permit to another person;  
or
- (b) permit another person to use his or her licence or permit.

Penalty: \$5 000.

*[Regulation 23 amended in Gazette 7 Oct 2005 p. 4518.]*

**24. Requirement to display licence**

A licensed plumbing contractor must ensure that the licence is conspicuously displayed at his or her principal place of business.

Penalty: \$2 000.

*[Regulation 24 amended in Gazette 12 Sep 2003 p. 4080;  
28 Jun 2004 p. 2457.]*

**24A. Requirement to produce identification card**

A licensee or permit holder must produce his or her identification card whenever asked to do so by —

- (a) a person with whom the licensee or permit holder has entered, or may enter, into a contract for plumbing work;
- (b) the occupier or owner of a place at which the licensee or permit holder has carried out, is or will be carrying out, plumbing work;
- (c) a prospective employer; or
- (d) a plumbing compliance officer.

Penalty: \$3 000.

*[Regulation 24A inserted in Gazette 28 Jun 2004 p. 2413;  
amended in Gazette 7 Oct 2005 p. 4518.]*

**25. Licence or permit number to appear in advertising**

- (1) A licensed plumbing contractor or permit holder must ensure that the number of the licence or permit appears in any advertisement relating to the business for which the licence or permit is, or is intended to be, used.

Penalty: \$2 000.

- (2) In subregulation (1) —  
“**advertisement**” includes —
  - (a) a business card;
  - (b) a letterhead.

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*[Regulation 25 amended in Gazette 12 Sep 2003 p. 4078 and 4080; 28 Jun 2004 p. 2457; 7 Oct 2005 p. 4518.]*

**25A. Licence or permit number to appear on business documents**

- (1) A licensed plumbing contractor or permit holder must ensure that the number of the licence or permit appears in any business document relating to the business for which the licence or permit is, or is intended to be, used.
- (2) In subregulation (1) —  
“**business document**” means any document that is signed or issued by the holder of the licence or permit relating to a particular transaction or dealing and includes any of the following —
  - (a) a business letter;
  - (b) a written communication issued by the holder of the licence or permit to the effect that a person owes or does not owe money to him or her (being a statement of account);
  - (c) a receipt (being a written acknowledgment of payment);
  - (d) a written quotation of a price for particular goods or services;
  - (e) a written offer to contract for goods or services;
  - (f) an invoice (being a written communication identifying goods or services that have been provided, and the prices of those goods or services).

*[Regulation 25A inserted in Gazette 12 Sep 2003 p. 4078-9; amended in Gazette 28 Jun 2004 p. 2457; 7 Oct 2005 p. 4518-19.]*

**25B. Records to be kept of work carried out**

- (1) A licensed plumbing contractor must keep a record relating to plumbing work carried out under his or her general direction and control or supervised by him or her.



- (2) A record required by subregulation (1) must be in an approved form and must show —
- (a) the full name of each licensee or apprentice involved in the carrying out of the work;
  - (b) the residential or business address of that person;
  - (c) the number and class of the licence held by that person; and
  - (d) the period for which that person was involved in the carrying out of the work.
- (3) A record required by subregulation (1) must be kept at the licence holder's principal place of business.
- (4) A person required by subregulation (1) to keep a record must keep the record for at least one year after the end of the period to which the record relates.
- (5) A person who has a record required by subregulation (1) must produce the record for inspection upon being requested to do so by the Board or a person authorised by the Board.

Penalty: \$5 000.

*[Regulation 25B inserted in Gazette 12 Sep 2003 p. 4079;  
amended in Gazette 28 Jun 2004 p. 2413 and p. 2457.]*

**26. Licence or permit not transferable**

A licence or permit is not transferable.

*[Regulation 26 amended in Gazette 7 Oct 2005 p. 4519.]*

## **Part 4 — Disciplinary proceedings**

### **27. Disciplinary matters**

For the purposes of this Part, each of the following is a disciplinary matter —

- (a) the licence or permit was obtained by fraud or misrepresentation;
- (b) the licensee or permit holder is no longer a fit and proper person to hold the licence or permit;
- (c) the licensee or permit holder has been convicted of an offence against these regulations or another written law relating to plumbing work;
- (d) the licensee or permit holder has contravened or failed to comply with a term or condition of his or her licence or permit;
- (e) the licensee or permit holder has contravened or failed to comply with —
  - (i) any of the requirements referred to in by-law 7.1 or 16.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* (as in force before the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004* came into operation<sup>1</sup>);
  - (ii) by-law 7.2, 7.3 or 16.2 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* (as in force before the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004* came into operation<sup>1</sup>);
  - (iii) by-law 58(3) or 58(4) of the *Country Areas Water Supply By-laws 1957* (as in force before the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004* came into operation<sup>1</sup>);

- (iv) by-law 8A(3) of the *Country Towns Sewerage By-laws 1952* (as in force before the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004* came into operation<sup>1</sup>); or
- (v) a provision of Part 5, Part 6, Part 7 Division 2 or regulation 90,

and the nature of the contravention or failure to comply is such as to indicate that action against the licensee or permit holder under regulation 34(1) may be appropriate;

- (f) the licensee or permit holder is guilty of fraudulent conduct in relation to the carrying out of plumbing work;
- (g) the licensee has failed to comply with an order made by the Building Disputes Committee under section 12A of the *Builders' Registration Act 1939* or section 17 of the *Home Building Contracts Act 1991* in respect of plumbing work carried out by the licensee;
- (h) the licensee, being a licensed plumbing contractor, has failed to exercise general direction and control over the carrying out of authorised work as defined in regulation 12(2) carried out by the holder of a tradesperson's licence;
- (i) the licensee, being the holder of a tradesperson's licence has carried out plumbing work, whilst not under the general direction and control of a licensed plumbing contractor.

*[Regulation 27 amended in Gazette 12 Sep 2003 p. 4079-80; 28 Jun 2004 p. 2413-15 and p. 2457; 7 Oct 2005 p. 4519-20.]*

## **28. Complaints**

Any person may make a written complaint to the Board that a disciplinary matter exists or has occurred in respect of a licensee or permit holder.

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*[Regulation 28 amended in Gazette 7 Oct 2005 p. 4520.]*

**29. Decision to conduct inquiry**

- (1) If the Board —
- (a) receives a complaint under regulation 28; or
  - (b) is of the opinion that it is appropriate to make an allegation about the complaint to the State Administrative Tribunal,

the Board may decide to make an allegation about the complaint to the State Administrative Tribunal.

- (2) Before making a decision under subregulation (1) the Board may undertake such investigation as it considers appropriate.

*[Regulation 29 amended in Gazette 30 Dec 2004 p. 6929.]*

*[30-33. Repealed in Gazette 30 Dec 2004 p. 6929.]*

**34. Disciplinary powers**

- (1) If, in a proceeding commenced by an allegation under regulation 29, the State Administrative Tribunal determines that a disciplinary matter exists or has occurred in respect of a licensee or permit holder, the State Administrative Tribunal may do any one or more of the following —
- (a) decline to take any action under this subregulation;
  - (b) reprimand the licensee or permit holder;
  - (c) order the licensee or permit holder to undertake further training as specified by the State Administrative Tribunal on the advice of the Board;
  - (d) change or remove a condition of the licence or permit or add a new condition to the licence or permit;
  - (e) order the licensee or permit holder to pay a penalty not exceeding \$5 000;
  - (f) suspend the licence or permit for such period as the State Administrative Tribunal thinks fit;

- (g) cancel the licence or permit.
- (2) If the State Administrative Tribunal decides to take action under subregulation (1), the State Administrative Tribunal is to give written notice of the decision to the licensee or permit holder setting out —
  - (a) the grounds on which the decision was based; and
  - (b) the reasons for the decision.
- (3) The notice under subregulation (2) is to be given not later than 14 days after the decision is made.
- (4) If a licence or permit is cancelled or suspended, the licensee or permit holder must surrender to the Board his or her licence or permit and identification card.

Penalty applicable to subregulation (4): \$2 000.

*[Regulation 34 amended in Gazette 28 Jun 2004 p. 2415;  
30 Dec 2004 p. 6929; 7 Oct 2005 p. 4520.]*

*[35-40. Repealed in Gazette 30 Dec 2004 p. 6929.]*

## **Part 5 — Notification and certification of plumbing work**

*[Heading inserted in Gazette 28 Jun 2004 p. 2416.]*

### **Division 1 — Major plumbing work**

*[Heading inserted in Gazette 28 Jun 2004 p. 2416.]*

#### **41. Notice of intention to commence major plumbing work**

- (1) A licensed plumbing contractor or permit holder must not carry out major plumbing work, or permit or arrange for major plumbing work to be carried out, unless the contractor or permit holder has given the Board a notice of intention to carry out the work at least 24 hours before the work commences.

Penalty: \$3 000.

- (2) Subregulation (1) does not apply to a licensed plumbing contractor if the contractor is to carry out the work for a licensed plumbing contractor and that licensed plumbing contractor or another contractor has, or ought to have, given a notice of intention to carry out the work under subregulation (1).
- (2a) Subregulation (1) does not apply to a permit holder if the permit holder is to carry out the work for a licensed plumbing contractor or permit holder and that licensed plumbing contractor or permit holder has, or ought to have, given a notice of intention to carry out the work under subregulation (1).
- (3) Subregulation (1) does not apply to a licensed plumbing contractor or permit holder if the plumbing work is emergency plumbing work, but the notice of intention in respect of the work must be given to the Board at the same time as the certificate of compliance for the work is given to the Board.
- (4) The notice of intention must —
- (a) be in the approved form; and
  - (b) be given with the new installation fee (where relevant).

*[Regulation 41 inserted in Gazette 28 Jun 2004 p. 2416;  
amended in Gazette 7 Oct 2005 p. 4520-1.]*

**42. Certificate of compliance of major plumbing work**

- (1) When major plumbing work is completed, the licensed plumbing contractor or permit holder responsible for the work must, within 5 working days after the day on which the work is completed —
- (a) give the Board a certificate of compliance for the work that complies with this regulation;
  - (b) give a copy of the certificate to the owner or occupier of the place where the work was carried out; and
  - (c) give a copy of the certificate to the local government in whose district the work was carried out if the work is drainage plumbing work and the drainage plumbing is not, and is not intended to be, connected to a sewer.

Penalty: \$5 000.

- (2) The certificate must certify that —
- (a) the plumbing that is the result of the work (the **“principal plumbing”**), and any other plumbing that the certificate must cover because of subregulation (5), complies with the plumbing standards; and
  - (b) existing plumbing that any of the plumbing referred to in paragraph (a) relies upon for its safe and effective operation is safe and in proper working order.
- (3) The certificate must be in the approved form.
- (4) The certificate need not cover existing plumbing to the extent to which, because of circumstances beyond the control of the licensed plumbing contractor or permit holder, the contractor or permit holder cannot inspect, test, repair or replace the existing plumbing.
- (5) If —

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- (a) the principal plumbing includes or relies upon plumbing that is the result of plumbing work for which another licensed plumbing contractor or permit holder (the “**previous contractor or permit holder**”) is responsible;
- (b) the plumbing work of the previous contractor or permit holder was not completed by the previous contractor or permit holder;
- (c) a certificate of compliance for the plumbing work of the previous contractor or permit holder has not been given; and
- (d) the plumbing of the previous contractor or permit holder is essential to the safe and effective operation of the principal plumbing,

the certificate must cover the plumbing of the previous contractor or permit holder.

- (6) A licensed plumbing contractor or permit holder who has given a certificate of compliance must keep a copy of the certificate at his or her principal place of business for at least 6 years after giving the certificate.

Penalty applicable to subregulation (6): \$3 000.

*[Regulation 42 inserted in Gazette 28 Jun 2004 p. 2417-18; amended in Gazette 7 Oct 2005 p. 4521.]*

**43. Non-completion of major plumbing work**

- (1) If —
  - (a) a licensed plumbing contractor or permit holder has given a notice of intention to carry out major plumbing work; and
  - (b) the contractor or permit holder is not going to carry out some or all of the work,

the contractor or permit holder must withdraw the notice of intention, to the extent to which the contractor or permit holder



is not going to carry out the work, as soon as practicable by giving notice to the Board in the approved form.

Penalty: \$3 000.

- (2) If —
- (a) a licensed plumbing contractor or permit holder has given a notice of intention to carry out major plumbing work;
  - (b) the contractor or permit holder has commenced the work; and
  - (c) the contractor or permit holder is not going to complete all the work,

the contractor or permit holder must comply with regulation 42 in relation to the work that has been completed.

Penalty: \$3 000.

*[Regulation 43 inserted in Gazette 28 Jun 2004 p. 2418-19; amended in Gazette 7 Oct 2005 p. 4521-2.]*

### **Division 2 — Minor plumbing work**

*[Heading inserted in Gazette 28 Jun 2004 p. 2419.]*

#### **44. Minor plumbing work**

- (1) For each month, a licensed plumbing contractor or permit holder must —
- (a) complete a certificate of compliance that complies with this regulation for all minor plumbing work completed by or for the contractor or permit holder in that month; and
  - (b) give the certificate to the Board within 5 working days after the end of the month.

Penalty: \$2 000.

- (2) Subregulation (1) does not apply to a licensed plumbing contractor or permit holder if the work was carried out for

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another licensed plumbing contractor or permit holder and that other licensed plumbing contractor or permit holder or another contractor or permit holder has given, or ought to give, the certificate under subregulation (1).

- (3) The certificate must certify that —
  - (a) the plumbing that is the result of the minor plumbing work complies with the plumbing standards; and
  - (b) existing plumbing that particular plumbing referred to in paragraph (a) relies upon for its safe and effective operation is safe and in proper working order.
- (4) The certificate must be in the approved form.
- (5) The certificate need not cover existing plumbing to the extent to which, because of circumstances beyond the control of the licensed plumbing contractor, the contractor cannot inspect, test, repair or replace the existing plumbing.

*[Regulation 44 inserted in Gazette 28 Jun 2004 p. 2419-20; amended in Gazette 7 Oct 2005 p. 4522.]*

**Division 3 — General provisions**

*[Heading inserted in Gazette 28 Jun 2004 p. 2420.]*

**45. New installation fee**

- (1) The new installation fee is payable in respect of plumbing work for a new building, or an extension to an existing building, that will include at least one new fixture.
- (2) The fee is payable by the licensed plumbing contractor who gives the first, or only, notice of intention in respect of the plumbing work, at the time of giving the notice.
- (3) The amount of the fee is set out in Schedule 1.
- (4) For the purposes of this regulation —
  - (a) a **“fixture”** means a receptacle designed to collect and discharge wastewater or other waste into sanitary or

drainage plumbing, for example, a basin, water closet, bath, shower, sink, laundry trough, urinal or bidet; and

- (b) 2 or more such receptacles that discharge through one fixture trap are to be considered as one fixture.

*[Regulation 45 inserted in Gazette 28 Jun 2004 p. 2420-1.]*

**46. False or misleading statements**

A person who makes a statement or gives any information in a notice of intention, certificate of compliance or form given under this Part that the person knows to be false or misleading in a material particular commits an offence.

Penalty: \$5 000.

*[Regulation 46 inserted in Gazette 28 Jun 2004 p. 2421.]*

## **Part 6 — Plumbing standards**

*[Heading inserted in Gazette 28 Jun 2004 p. 2421.]*

### **Division 1 — Obligations and the plumbing standards**

*[Heading inserted in Gazette 28 Jun 2004 p. 2421.]*

#### **47. Obligation to comply with plumbing standards**

- (1) A person —
- (a) who is carrying out plumbing work;
  - (b) under whose general direction and control or supervision plumbing work is being carried out; or
  - (c) who is a licensed plumbing contractor or permit holder responsible for plumbing work that is being carried out,
- must ensure that the plumbing that is the result of the plumbing work complies with the plumbing standards.
- (2) In these regulations, the “**plumbing standards**” are —
- (a) the provisions of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 and AS/NZS 3500.4.2:1997, which are applied for the purposes of this regulation as modified as set out in regulation 49; and
  - (b) the provisions of Division 2.

*[Regulation 47 inserted in Gazette 28 Jun 2004 p. 2421-2;  
amended in Gazette 7 Oct 2005 p. 4522.]*

*[47A. Repealed in Gazette 28 Jun 2004 p. 2452.]*

#### **48. Offence of connecting unsafe plumbing**

- (1) A person who connects plumbing to a water supply system, a sewerage system or an apparatus for the treatment of sewerage, that does not comply with the plumbing standards commits an offence.
- Penalty: \$5 000.

- (2) It is a defence to a prosecution under subregulation (1) for the person to prove that the person did not know that the plumbing did not comply with the plumbing standards.
- (3) A prosecution for an offence under subregulation (1) cannot be commenced without the approval of the Board.
- (4) The Board cannot give approval under subregulation (3) unless satisfied that connecting the plumbing was unsafe or gave rise to a dangerous situation.

*[Regulation 48 inserted in Gazette 28 Jun 2004 p. 2422.]*

**49. Modification of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 and AS/NZS 3500.4.2:1997**

- (1) For the purposes of regulation 47, the modifications to AS/NZS 3500.1.2:1998 (Water Supply) are as set out in the Table to this subregulation.

**Table**

<b>Provision</b>	<b>Modification</b>
section 3	is repealed
clause 4.5	is deleted
clause 5.5.2.2(b)	is deleted
clause 5.5.2.3(a)	is deleted
clause 5.5.2.3(b)	“or shall be in a conduit” is inserted after “pipework”
clause 6.4	“as modified by regulation 49 of the <i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulation 2000</i> ” is inserted after “Section 5”
clause 7.2(b) and (c)	“subject to, or likely to be subject to, flooding or ponding” is inserted after “finished ground level”

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- (2) For the purposes of regulation 47, the modifications to AS/NZS 3500.2.2:1996 (Sanitary Plumbing and Drainage) are as set out in the Table to this subregulation.

**Table**

<b>Provision</b>	<b>Modification</b>
clause 3.3.4	“Not more than two water closet pans shall be connected to vented DN 80 drains, and the” is deleted and “The” is inserted instead
clause 3.10.3(a)	“where the discharge pipe size is smaller than the unvented drain size, the maximum length of discharge pipe shall not exceed” is deleted and “the length of waste pipe does not include a vertical dropper between the crown of the trap and the branch exceeding” is inserted instead
clause 3.10.3(a)(i)	“with DN 80 outlets” is deleted
clause 3.10.3(a)(ii)	“fitted with ‘s’ traps” is deleted
clause 3.10.3(c)	“The unvented branch drain and fixture discharge pipe shall be installed” is deleted and “Installed” is inserted instead
Table 3.6	“(including not more than one water closet pan or slop hopper)” is deleted
clause 3.17	is deleted
clause 4.2.1	“regulatory authority” is deleted and “licensed water service provider” is inserted instead
clause 4.4.1	“when required by a relevant authority” is inserted after “boundary trap areas”
clause 4.6.2(d)	“, and for external locations the grating must be of a loose, lightweight, domed, pop-out type” is inserted after “surcharge”

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<b>Provision</b>	<b>Modification</b>
Table 4.3	“(not fitted with a hob)” is inserted after “shower” “Showers (fitted with a hob)” is inserted below item 2 in column 1 “Overflow level of the hob” is inserted below item 2 in column 2
Table 6.1	the first item relating to water closet pans is deleted
clause 7.3.1	“except in the case of water closet pans and slop hoppers which may be connected to DN 80 discharge pipes” is deleted
clause 7.3.4	is deleted
clause 7.4(f)	is deleted
Table 8.2	item 3 is deleted
clause 8.8.2(c)(vi)	is deleted
clause 8.8.3(b)(vi)	is deleted
clause 10.9	“Waste” is deleted and “If permitted by the water services provider, waste” is inserted instead
clauses 10.11 and 11.14	are deleted
clause 11.20.2	“DN 80 or” is deleted
clause 11.23	“The” is deleted and “If permitted by the water services provider, the” is inserted instead
clause 11.26.2.1(c)	is deleted
clause 11.26.3	“and must not discharge through a grease arrester” is inserted after “DN 50”
clause 11.27	is deleted
clause 11.28.1	“DN 80” is deleted and “DN 100” is inserted instead

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- (3) For the purposes of regulation 47, the modifications to AS/NZS 3500.4.2:1997 (Hot Water Supply Systems) are as set out in the Table to this subregulation.

**Table**

<b>Provision</b>	<b>Modification</b>
clause 3.5.2(b)	is deleted
clause 3.5.3(b)	“be in a conduit or shall” is inserted after “Pipes shall”
Table 4.1	the asterisk in each of columns 2, 3 and 4 of the item relating to expansion control valves (Australia) are deleted and “Yes” is inserted instead
clause 5.8.2	“as modified by regulation 49 of the <i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulation 2000</i> ” is inserted after “Section 3”

*[Regulation 49 inserted in Gazette 28 Jun 2004 p. 2422-5.]*

**50. Definitions in AS/NZS 3500.0:1995 apply**

Subject to regulation 51, a word or expression that —

- (a) is used in a provision of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 or AS/NZS 3500.4.2:1997 as applied for the purposes of regulation 25; and
- (b) is given a meaning in AS/NZS 3500.0:1995,

has that meaning when so used.

*[Regulation 50 inserted in Gazette 28 Jun 2004 p. 2426.]*



**51. Variations from definitions in AS/NZS 3500**

For the purposes of regulation 47, in AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 or AS/NZS 3500.4.2:1997 —

- (a) “authority”, “local regulatory authority”, “local statutory authority” or “responsible regulatory authority” means —
  - (i) unless subparagraph (ii) applies — the relevant water services provider; and
  - (ii) in relation to drainage plumbing work that is, or is intended to be, connected to an apparatus for the treatment of sewerage — the relevant local government;
- (b) “conduit” has the meaning given to that term in the *Water Agencies (Powers) Act 1984*;
- (c) “fitting” has the meaning given to that term in these regulations;
- (d) “fixture” has the meaning given to that term in these regulations;
- (e) “ground level” has the meaning given to “ground” in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;
- (f) “main drain” has the meaning given to “drainage plumbing work” in these regulations;
- (g) “sewer” has the meaning given to that term in these regulations;
- (h) “spill level” has the meaning given to that term in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;
- (i) “trade waste” has the meaning given to “industrial waste” in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;

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- (j) “water heater” has the meaning given to that term in these regulations;
- (k) “water service” has the meaning given to “water supply plumbing” in these regulations;
- (l) “water supply system” has the meaning given to “water supply plumbing” in these regulations.

*[Regulation 51 inserted in Gazette 28 Jun 2004 p. 2426-7.]*

**52. Inconsistency between standards and these regulations**

- (1) If there is any conflict or inconsistency between a provision of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 or AS/NZS 3500.4.2:1997 as applied for the purposes of regulation 47 and a provision of these regulations (other than regulations 55 and 61), the latter provision prevails.
- (2) If there is any conflict or inconsistency between a provision of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 or AS/NZS 3500.4.2:1997 as applied for the purposes of regulation 47 and regulation 55 or 61, the former provision prevails.

*[Regulation 52 inserted in Gazette 28 Jun 2004 p. 2427.]*

**Division 2 — Particular requirements**

*[Heading inserted in Gazette 28 Jun 2004 p. 2428.]*

**Subdivision 1 — Water supply, sanitary and drainage plumbing**

*[Heading inserted in Gazette 28 Jun 2004 p. 2428.]*

**53. Standard of work**

Plumbing work carried out by a licensee or permit holder, or under the supervision of a licensee, must be carried out in a tradesman like manner.

*[Regulation 53 inserted in Gazette 28 Jun 2004 p. 2428; amended in Gazette 7 Oct 2005 p. 4522.]*

**54. Joining pipes and fittings**

- (1) A threaded joint between a pipe, a fixture or fitting to a pipe, a fixture or fitting, must be sealed —
  - (a) if both threads are metal — by using polytetrafluoroethylene (PTFE) tape, hemp or pipe jointing compound;
  - (b) if at least one thread is plastic — by using polytetrafluoroethylene (PTFE) tape only.
- (2) If 2 fastening threads (that is, threads that do not make their own seal) join a pipe, a fixture or fitting to a pipe, a fixture or fitting, the threads must be sealed using a gasket or grommet.

*[Regulation 54 inserted in Gazette 28 Jun 2004 p. 2428.]*

**Subdivision 2 — Water supply plumbing**

*[Heading inserted in Gazette 28 Jun 2004 p. 2428.]*

**55. Specifications not to be exceeded**

If a pipe, fixture or fitting is to be installed as part of water supply plumbing work, it must be installed so that —

- (a) the installation specifications specified by the manufacturer are complied with; and
- (b) the maximum working pressure of the pipe, fixture or fitting specified by the manufacturer will not be exceeded.

*[Regulation 55 inserted in Gazette 28 Jun 2004 p. 2428.]*

**56. Concealed pipes**

Pipes in a concealed location must have been manufactured for use in a concealed location and must be installed in accordance with the manufacturer's instructions.

*[Regulation 56 inserted in Gazette 28 Jun 2004 p. 2429.]*

**57. Water heaters**

A water heater must be placed so that —

- (a) markings and instructions on it are readily visible; and
- (b) there is unobstructed access to the water service control valves for the heater, the temperature/pressure relief fittings and other controls.

*[Regulation 57 inserted in Gazette 28 Jun 2004 p. 2429.]*

**58. Water pressure and flow rate**

A water outlet must supply water at a pressure and rate that is adequate for the purpose for which that type of outlet is ordinarily used.

*[Regulation 58 inserted in Gazette 28 Jun 2004 p. 2429.]*

**59. Storage tanks**

- (1) If a water outlet does not comply with regulation 58 because the water supply system is unable to supply water at the required pressure and rate, the outlet must be supplied from a water storage tank unless a booster pump is used to supply water to the outlet.
- (2) In this regulation —  
**“water storage tank”** means a tank for storing water (whether under pressure or not) other than a water heating unit or flushing cistern in accordance with Australian Standard 1172.2:1999.

*[Regulation 59 inserted in Gazette 28 Jun 2004 p. 2429.]*

**60. Joint water supply system**

- (1) If 2 or more dwellings are supplied water from a joint water service, the branch pipe for any common garden areas must have an isolating valve installed so that the area can be isolated from the joint water service and each dwelling and common facility.

(2) In this regulation —

**“common facility”** means a facility associated with 2 or more dwellings that is for the use of the occupants of the dwellings;

**“joint water service”** means a water supply pipe that —

- (a) supplies water to 2 or more dwellings; and
- (b) is owned directly or indirectly by the owners of the dwellings.

*[Regulation 60 inserted in Gazette 28 Jun 2004 p. 2430.]*

**Subdivision 3 — Sanitary and drainage plumbing**

*[Heading inserted in Gazette 28 Jun 2004 p. 2430.]*

**61. Specifications not to be exceeded**

If a pipe, fixture or fitting is to be installed as part of sanitary plumbing work or drainage plumbing work, it must be installed so that —

- (a) the installation specifications specified by the manufacturer are complied with; and
- (b) the operating conditions specified by the manufacturer will not be exceeded.

*[Regulation 61 inserted in Gazette 28 Jun 2004 p. 2430.]*

**62. Air-conditioners**

(1) If air-conditioning waste is or is to be discharged to a sewer, the drainage plumbing work must be in accordance with the requirements of AS/NZS 3500.2.2:1996 clause 11.21 relating to instrument sterilisers and autoclaves.

(2) In this regulation —

**“air conditioning waste”** means liquids that drain out of the air conditioning unit.

*[Regulation 62 inserted in Gazette 28 Jun 2004 p. 2430-1.]*

**63. Flushing toilets**

- (1) A water-closet pan must be fitted with a dual-flush flushing device that delivers a minimum 3 litre flush and a maximum 6 litre flush.
- (2) Subregulation (1) does not apply to a water-closet pan that was fitted before 1 January 1993 if the pan cannot be effectively cleaned by the flushing device otherwise required by subregulation (1).

*[Regulation 63 inserted in Gazette 28 Jun 2004 p. 2431.]*

**64. Pre-treatment of waste to be discharged to a sewer**

- (1) If —
  - (a) drainage plumbing is or is to be connected to a sewer; and
  - (b) industrial waste is to be discharged to the sewer through the drainage plumbing,

pre-treatment equipment that complies with the requirements of the relevant water services provider must be installed.

- (2) The pre-treatment equipment must be constructed of approved materials.
- (3) The outlet for the pre-treatment equipment must be connected to an industrial waste sampling point.
- (4) In this regulation —

**“industrial waste”** has the meaning given to the term in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;

**“pre-treatment equipment”** means equipment designed to modify or intercept and retain silt, sand, oil, grease, sludge and other substances before they enter a drainage or sewerage system.

*[Regulation 64 inserted in Gazette 28 Jun 2004 p. 2431-2.]*

**65. Grease arrestors — requirements and specifications**

- (1) This regulation applies if a grease arrestor is required under regulation 64.
- (2) A grease arrestor must be installed outside a building wherever practicable.
- (3) The cross-sectional area of the outlet pipe of a grease arrestor must be at least equal to the cross-sectional area of the inlet pipe or the combined cross-sectional area of all inlet pipes.
- (4) Dishwashers, glasswashers and other similar sources of hot water must be discharged to a sewer downstream from any grease arrestor.

*[Regulation 65 inserted in Gazette 28 Jun 2004 p. 2432.]*

## **Part 7 — Inspection, investigation and enforcement**

*[Heading inserted in Gazette 28 Jun 2004 p. 2432.]*

### **Division 1 — Plumbing compliance officers**

*[Heading inserted in Gazette 28 Jun 2004 p. 2432.]*

#### **66. Plumbing compliance officers**

- (1) The Board may, in writing, designate an employee of the Department or of a local government as a plumbing compliance officer for the purposes of one or more specified regulations in this Part.
- (2) The Board is to give each plumbing compliance officer an identity card that includes —
  - (a) a recent passport-size photograph of the person;
  - (b) the person's name;
  - (c) a statement that the person is a plumbing compliance officer;
  - (d) the regulation or regulations under which the compliance officer may exercise powers; and
  - (e) the expiry date of the card.
- (3) A plumbing compliance officer must produce his or her identity card whenever asked to do so by a person apparently having charge of any land, premises or other thing in respect of which the officer has exercised or is about to exercise any power.
- (4) Production of the identity card of a plumbing compliance officer is evidence in any court of the designation and powers of the officer unless evidence is given to the contrary.

*[Regulation 66 inserted in Gazette 28 Jun 2004 p. 2432-3.]*

### **Division 2 — Inspection and rectification of plumbing work**

*[Heading inserted in Gazette 28 Jun 2004 p. 2433.]*



**67. Entry for inspection purposes**

- (1) A plumbing compliance officer must not enter a place for inspection purposes other than in accordance with a power of entry given by or under these regulations.
- (2) In this regulation —  
**“inspection purposes”** has the meaning given to that term in regulation 82.

*[Regulation 67 inserted in Gazette 28 Jun 2004 p. 2433.]*

**68. Notice of inspection given to a licensed plumbing contractor**

- (1) The Board may give notice of inspection to a licensed plumbing contractor or permit holder in respect of plumbing work —
  - (a) for which the contractor or permit holder is responsible; or
  - (b) for which the contractor or permit holder has given, or is required to give, a certificate of compliance,specifying —
  - (c) the plumbing that is to be inspected by a plumbing compliance officer;
  - (d) what test or tests (if any) are to be carried out; and
  - (e) the time within which the inspection must take place (which must be at least 2 working days after the day on which notice is received).
- (2) Notice under subregulation (1) may be oral.
- (3) If the plumbing to be inspected is at a dwelling, the contractor or permit holder is, to the extent possible, to —
  - (a) arrange a time for the inspection with the occupier (or owner if there is no occupier) of the dwelling;
  - (b) obtain the written consent of the occupier (or owner if there is no occupier) to the plumbing compliance officer,

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and any other necessary persons, entering the dwelling for the purposes of the inspection; and

- (c) give the written consent to the plumbing compliance officer.
- (4) The recipient of a notice under subregulation (1) must —
- (a) provide, or arrange for the provision of, the equipment, material, power and labour necessary for the test or tests (if any); and
  - (b) ensure that the recipient or a licensee or permit holder whose licence or permit covers the type of work to be inspected is present at the time of the inspection.
- (5) The Board is not to give notice of inspection to a licensed plumbing contractor or permit holder in respect of plumbing work more than 6 years after the work is completed (which, if no rectification notice in respect of the work has been given, is to be taken to be the time when the certificate of compliance for the work is given).

*[Regulation 68 inserted in Gazette 28 Jun 2004 p. 2433-5; amended in Gazette 7 Oct 2005 p. 4522-3.]*

**69. Notice of inspection given to occupier or owner of dwelling**

- (1) The Board may give a notice of inspection to the occupier (or owner if there is no occupier) of a dwelling in respect of plumbing work carried out at the dwelling if —
- (a) notice of inspection in respect of the work cannot be given to a licensed plumbing contractor or permit holder under regulation 68; or
  - (b) notice has been given to the licensed plumbing contractor or permit holder but the Board is satisfied that the contractor or permit holder is unlikely to comply with it.
- (2) The notice of inspection must specify —

- (a) the plumbing that is to be inspected by a plumbing compliance officer;
  - (b) what test or tests (if any) are to be carried out; and
  - (c) when the inspection is to take place.
- (3) A notice under this regulation must be given at least 2 working days before the day on which the inspection is specified to take place.

*[Regulation 69 inserted in Gazette 28 Jun 2004 p. 2435;  
amended in Gazette 7 Oct 2005 p. 4523.]*

**70. Inspecting drainage plumbing work**

- (1) The licensed plumbing contractor responsible for major plumbing work that is drainage plumbing work must give the Board notice of the time at which the plumbing will be ready to be inspected before 4.00 pm on the working day before the day on which the plumbing will be ready to be inspected.  
Penalty: \$5 000.
- (2) The contractor may withdraw the notice by giving the Board at least one hour's notice.
- (3) The contractor must ensure that —
- (a) the drainage plumbing is ready for inspection at the time notified;
  - (b) the contractor or a licensee whose licence covers the type of work to be inspected is present at the time of the inspection; and
  - (c) the plumbing is not covered until —
    - (i) a plumbing compliance officer is satisfied that the plumbing can be covered; or
    - (ii) the time of the inspection has passed and no inspection has taken place.

Penalty: \$5 000.

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- (4) If the drainage plumbing to be inspected is at a dwelling, the plumber is, to the extent possible, to —
- (a) obtain the consent of the occupier (or owner if there is no occupier) of the dwelling to the plumbing compliance officer, and any other necessary persons, entering the dwelling for the purposes of the inspection; and
  - (b) give the written consent to the plumbing compliance officer.
- (5) This regulation does not apply to drainage plumbing that is or is to be laid under the concrete slab of a building.

*[Regulation 70 inserted in Gazette 28 Jun 2004 p. 2435-6.]*

**71. Rectification notices**

- (1) If a plumbing compliance officer is satisfied that plumbing work was not carried out in accordance with the plumbing standards that applied at the time the work was carried out, the officer may give a rectification notice.
- (2) A rectification notice may not be given more than 6 years after the work is completed (which, if no previous rectification notice in respect of the work has been given, is to be taken to be the time when the certificate of compliance for the work is given).
- (3) The rectification notice is to be in the approved form and must specify —
- (a) the plumbing that did not comply with the plumbing standards;
  - (b) whether the plumbing must be rectified by a licensed plumbing contractor or permit holder;
  - (c) which provisions of the current plumbing standards the plumbing must comply with; and
  - (d) the time within which the plumbing must be rectified.

- (4) The plumbing compliance officer may give the rectification notice to the licensed plumbing contractor or permit holder who —
- (a) is responsible for the particular plumbing work; or
  - (b) has given, or is required to give, a certificate of compliance that covers the work.
- (5) If the plumbing work was carried out by a person in contravention of regulation 9, the plumbing compliance officer may give the rectification notice to that person.
- (6) If a rectification notice is given to a licensed plumbing contractor or permit holder the plumbing compliance officer must give a copy of it to the owner of the place where the plumbing work was carried out.
- (7) The plumbing compliance officer who gave a rectification notice, or the Board, may amend or revoke the notice by giving the person to whom it was given a notice in the approved form.
- (8) In this regulation and regulation 72 —
- “plumbing standards”** means, in relation to plumbing work carried out before these regulations came into operation, the rules and standards that applied under a written law to the carrying out of the work;
- “rectified”** means made to comply with the current plumbing standards.

*[Regulation 71 inserted in Gazette 28 Jun 2004 p. 2436-8;  
amended in Gazette 7 Oct 2005 p. 4523-4.]*

**72. Complying with a rectification notice**

- (1) A person who is given a rectification notice must comply with the notice.  
Penalty: \$5 000.
- (2) A person who is given a rectification notice must, as soon as is practicable, notify —

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- (a) the plumbing compliance officer who gave the notice; or
- (b) if the officer cannot be notified — the Board,

when the plumbing specified in the notice is rectified.

Penalty: \$3 000.

- (3) A person who carries out plumbing work, or arranges for plumbing work to be carried out, because of a rectification notice given to the person is not entitled to any payment or other remuneration for the work.
- (4) A person who carries out plumbing work, or arranges for plumbing work to be carried out, because of a rectification notice given to the person must not request payment or other remuneration for the work.

Penalty: \$5 000.

- (5) If the person to whom a rectification notice is given fails to comply with the notice and the Board is of the opinion that the plumbing specified in the notice must be rectified without further delay —
  - (a) to prevent the waste or contamination of water supplied by a water supply system;
  - (b) to prevent the entry into a sewer or apparatus for the treatment of sewerage of any matter that is likely to hinder or prevent the proper functioning of the sewer or apparatus;
  - (c) to prevent the escape of foul air or offensive or infectious matter from a sewer or apparatus for the treatment of sewerage;
  - (d) to avert or rectify a dangerous situation,

a plumbing compliance officer may, with the approval of the Board, carry out the work or arrange for the work to be carried out.

- (6) For the purposes of subregulation (5), the plumbing compliance officer may enter the place where the plumbing is located after

obtaining, or attempting to obtain, the consent of the occupier (or owner if there is no occupier) of the place.

*[Regulation 72 inserted in Gazette 28 Jun 2004 p. 2438-9.]*

**73. Fee for re-inspecting plumbing work**

- (1) The Board may charge the person given a rectification notice a fee for any inspection of plumbing work carried out as a result of the rectification notice.
- (2) The fee is the amount set out in Schedule 1 for each hour or part-hour of the inspection.

*[Regulation 73 inserted in Gazette 28 Jun 2004 p. 2439.]*

**Division 3 — Infringement notices**

*[Heading inserted in Gazette 28 Jun 2004 p. 2440.]*

**74. Terms used in this Division**

In this Division —

**“authorised person”** means a person appointed under regulation 80 by the Board to be an authorised person for the purposes of the regulation in which the term is used;

**“prescribed offence”** means an offence against regulation 24A, 25, 41(1), 42(1), 43(1) or (2), 44(1), 70(1), 70(3), 104(2) or 105.

*[Regulation 74 inserted in Gazette 28 Jun 2004 p. 2440.]*

**75. Infringement notices**

- (1) An authorised person who has reason to believe that a person has committed a prescribed offence may, within 12 months after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (2) The infringement notice is to be in the form set out in Schedule 4 Form 1.

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- (3) In an infringement notice the amount specified as being the amount of the modified penalty for the offence referred to in the notice is to be the amount that was the modified penalty for that offence as set out in the Table to this subregulation at the time the alleged offence is believed to have been committed.

**Table**

<b>Offence against regulation</b>	<b>Modified penalty</b>
105	\$100
44(1), 25, 104(2)	\$200
24A, 41(1), 43(1) or (2)	\$300
42(1), 70(1), 70(3)	\$500

*[Regulation 75 inserted in Gazette 28 Jun 2004 p. 2440.]*

**76. Extension of time**

An authorised person may, in a particular case, extend the period within which the modified penalty may be paid and the extension may be allowed whether or not that period has elapsed.

*[Regulation 76 inserted in Gazette 28 Jun 2004 p. 2441.]*

**77. Withdrawal of notice**

- (1) An authorised person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the form set out in Schedule 4 Form 2 stating that the infringement notice has been withdrawn.
- (2) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.

*[Regulation 77 inserted in Gazette 28 Jun 2004 p. 2441.]*

**78. Bringing of proceedings prevented**

- (1) Subregulation (2) applies if the modified penalty specified in an infringement notice has been paid within 28 days after the day



on which the notice was given, or such further time as is allowed, and the notice has not been withdrawn.

- (2) If this subregulation applies it prevents the bringing of proceedings and the imposition of penalties to the same extent that they would be prevented if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (3) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

*[Regulation 78 inserted in Gazette 28 Jun 2004 p. 2441.]*

**79. Application of penalties collected**

An amount paid as a modified penalty is, subject to regulation 77(2), to be dealt with as if it were a penalty imposed by a court as a penalty for an offence.

*[Regulation 79 inserted in Gazette 28 Jun 2004 p. 2442.]*

**80. Appointment of authorised persons**

- (1) The Board may, in writing, designate a person to be an authorised person for the purposes of regulation 75, 76 or 77 or for the purposes of regulation 76 and 77, but a person who is authorised to give infringement notices under regulation 75 is not eligible to be an authorised person for the purposes of regulation 76 or 77.
- (2) The Board is to issue to each person who is authorised to give infringement notices under this Division a certificate of that person's authorisation, and the authorised person is to produce the certificate whenever asked to do so by a person to whom an infringement notice has been or is about to be given.

*[Regulation 80 inserted in Gazette 28 Jun 2004 p. 2442.]*

**Division 4 — Dangerous situations**

*[Heading inserted in Gazette 28 Jun 2004 p. 2442.]*

**81. Dangerous situations — emergency measures**

- (1) If a plumbing compliance officer suspects on reasonable grounds —
- (a) that a dangerous situation exists; and
  - (b) that immediate measures are needed in order to assess, reduce, eliminate or avert the risk to people, property or the environment,

the officer may take those measures.

- (2) For the purposes of subregulation (1), a plumbing compliance officer may —
- (a) enter any place;
  - (b) prevent persons other than those authorised by a plumbing compliance officer from entering the area where the dangerous situation exists;
  - (c) direct a person to leave or not to enter the area where the dangerous situation exists; and
  - (d) take any other action that is necessary and incidental.
- (3) A plumbing compliance officer's powers under this regulation are in addition to the other powers of a plumbing compliance officer under this Part and may be exercised whether or not a rectification notice has been given to any person.

*[Regulation 81 inserted in Gazette 28 Jun 2004 p. 2442-3.]*

**Division 5 — Powers of entry, inspection and investigation**

*[Heading inserted in Gazette 28 Jun 2004 p. 2443.]*

**82. Meaning of inspection and compliance purposes**

In these regulations —

**“compliance purposes”** means the purposes of —

- (a) investigating whether Part 3, 5, 6 or 7 is being or has been complied with; and
- (b) obtaining evidence of a contravention of Part 3, 5, 6 or 7;

**“inspection purposes”** means the purposes of —

- (a) investigating whether plumbing complies with the plumbing standards (including carrying out tests on plumbing); and
- (b) obtaining evidence of a contravention of the plumbing standards.

*[Regulation 82 inserted in Gazette 28 Jun 2004 p. 2443.]*

**83. Entry for inspection or compliance purposes**

- (1) A plumbing compliance officer may, for inspection or compliance purposes, enter a place that is not a dwelling at any reasonable time.
- (2) A plumbing compliance officer may, for inspection or compliance purposes, enter a place that is a dwelling if —
  - (a) the consent of the occupier (or owner if there is no occupier) has been obtained;
  - (b) plumbing work is being carried out at the dwelling at the time the officer proposes to enter the dwelling; or
  - (c) entry is authorised by an entry warrant.

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- (3) If a notice of inspection has been given to the occupier (or owner if there is no occupier) of a dwelling under regulation 69, a plumbing compliance officer may enter the dwelling without the consent of the occupier or owner for inspection purposes —
- (a) at the time specified in the notice; and
  - (b) on subsequent occasions if necessary to fulfil the purposes of the notice,

unless the occupier or owner, or a person authorised by the occupier or owner, objects to the entry.

- (4) If a notice of intended entry has been given to the occupier (or owner if there is no occupier) of a dwelling under regulation 84, a plumbing compliance officer may enter the dwelling without the consent of the occupier or owner for compliance purposes —
- (a) at the time specified in the notice; and
  - (b) on subsequent occasions if necessary to fulfil the purposes of the notice,

unless the occupier or owner, or a person authorised by the occupier or owner, objects to the entry.

*[Regulation 83 inserted in Gazette 28 Jun 2004 p. 2444-5.]*

**84. Notice of intended entry**

- (1) If entry to a dwelling is needed for compliance purposes, a notice of intended entry may be given to the occupier (or owner if there is no occupier) of the dwelling that is to be entered.
- (2) The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.
- (3) The notice is to be given at least 24 hours before the power of entry is exercised.

- (4) Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.

*[Regulation 84 inserted in Gazette 28 Jun 2004 p. 2445.]*

**85. General inspection and compliance powers**

- (1) Upon entry to a place under this Division, a plumbing compliance officer may, for inspection or compliance purposes —
- (a) require a person having the control or custody of the place to give reasonable access to it and other reasonable assistance;
  - (b) inspect or examine the place;
  - (c) direct a person to produce any document that is or may be relevant to the inspection;
  - (d) inspect any document produced, make copies of it or take extracts from it, and remove it for as long as is reasonably necessary to make copies or extracts; or
  - (e) direct a person to answer questions.
- (2) Upon entry to a place under this Division, a plumbing compliance officer may, for inspection purposes —
- (a) carry out, or supervise, reasonable tests on the plumbing;
  - (b) take photographs of or make other recordings of the place and plumbing; or
  - (c) take or remove for analysis or examination samples of any thing relating to plumbing or plumbing work in the place.
- (3) A person is not excused from answering a question that a plumbing compliance officer has directed him or her to answer on the ground that the answer to the question might tend to incriminate the person, but —
- (a) the answer to the question; or

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- (b) any information, record or thing obtained as a direct consequence of the answer to the question,

is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against regulation 90(3).

*[Regulation 85 inserted in Gazette 28 Jun 2004 p. 2445-6.]*

**86. Entry warrants**

- (1) A justice may by warrant authorise a plumbing compliance officer, together with such other persons as are named or described in the warrant (including police officers), to enter any place for the purposes specified in the warrant, using such force as is necessary.
- (2) The justice may grant the entry warrant if and only if satisfied that the entry is reasonably required for inspection or compliance purposes but —
  - (a) entry has been refused or is opposed or prevented;
  - (b) entry cannot be obtained; or
  - (c) notice cannot be given to the occupier (or owner if there is no occupier) of the place under regulation 69 or 84 without frustrating the purpose of the entry, without unreasonable difficulty or without unreasonably delaying entry.
- (3) An entry warrant must contain the following information —
  - (a) a reasonably particular description of the location of the place to which it relates;
  - (b) a reasonably particular description of the purposes for which entry to the place is authorised;
  - (c) the period, not exceeding 7 days, in which it may be executed;
  - (d) the date and time when it was issued.

- (4) If a plumbing compliance officer enters a place under the authority of an entry warrant, the officer must —
- (a) if requested to do so by the occupier, give the occupier a copy of the entry warrant; or
  - (b) if the occupier is not there, leave a copy of the entry warrant at the place for the occupier or owner.

*[Regulation 86 inserted in Gazette 28 Jun 2004 p. 2446-7.]*

**87. Assistants and equipment**

Entry by a plumbing compliance officer under this Part (other than under an entry warrant) may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required.

*[Regulation 87 inserted in Gazette 28 Jun 2004 p. 2447.]*

**88. Purpose of entry to be given on request**

A plumbing compliance officer who enters or who has entered a place must, if requested to do so, give particulars of the power by virtue of which the officer claims a right of entry.

*[Regulation 88 inserted in Gazette 28 Jun 2004 p. 2448.]*

**Division 6 — General provisions**

*[Heading inserted in Gazette 28 Jun 2004 p. 2448.]*

**89. Recovering costs of government action**

- (1) The State may recover any reasonable costs and expenses incurred under regulation 72(5) or 81 in a court of competent jurisdiction as a debt due to the State.
- (2) Costs and expenses incurred under regulation 72(5) are recoverable from the person given the rectification notice under regulation 71.

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- (3) Costs and expenses incurred under regulation 81 are recoverable jointly and severally from the person or persons who carried out the plumbing work that gave rise to the dangerous situation.
- (4) Costs and expenses incurred under regulation 81 are not recoverable from a person who proves that —
  - (a) the dangerous situation was due to the act or default of another person;
  - (b) the person took all reasonably practicable measures to prevent the dangerous situation; and
  - (c) the dangerous situation was not attributable to an employee, agent or subcontractor of the person.

*[Regulation 89 inserted in Gazette 28 Jun 2004 p. 2448.]*

**90. Offences**

- (1) A person who does not comply with a direction given by a plumbing compliance officer under this Part commits an offence.
- (2) A person who obstructs a plumbing compliance officer, or a person assisting the officer, in the exercise of a power under this Part commits an offence.
- (3) A person who, having been directed under this Part by a plumbing compliance officer to answer a question or to give the officer a document, gives the officer information that the person knows is false or misleading in a material particular commits an offence.
- (4) It is a defence to a charge under this regulation to prove that the person charged had a reasonable excuse.
- (5) The penalty for an offence under this regulation is \$5 000.

*[Regulation 90 inserted in Gazette 28 Jun 2004 p. 2449.]*



## **Part 8 — Miscellaneous provisions**

*[Heading inserted in Gazette 28 Jun 2004 p. 2449.]*

### **100. Appeal against certain decisions of Board**

- (1) This regulation applies to a decision of the Board —
  - (a) to refuse to issue a licence or permit;
  - (b) to impose a condition on a licence or permit; or
  - (c) to change, remove or add a condition to a licence or permit.

*[(d) deleted]*
- (2) A person who is aggrieved by a decision to which this regulation applies may, within 28 days after the person receives notice of the decision, apply to the State Administrative Tribunal for a review of the decision.

*[(3)-(5) repealed]*

*[Regulation 100, formerly regulation 41, renumbered as regulation 100 in Gazette 28 Jun 2004 p. 2449; amended in Gazette 30 Dec 2004 p. 6930; 7 Oct 2005 p. 4524.]*

*[101. Repealed in Gazette 30 Dec 2004 p. 6930.]*

### **102. Register to be kept**

- (1) The Board is to keep a register of licences and permits in such form as the Board determines.
- (2) The register is to be available for public inspection at the office of the Board during normal office hours.
- (3) A person may obtain from the Board a copy of the register on payment of the fee set out in Schedule 1.
- (4) A person may obtain from the Board an extract from the register relating to a particular licence or permit on payment of the fee set out in Schedule 1.

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*[Regulation 102, formerly regulation 43, renumbered as regulation 102 in Gazette 28 Jun 2004 p. 2449 and amended in Gazette 28 Jun 2004 p. 2450; 7 Oct 2005 p. 4524.]*

**103. Content of register**

The register is to contain the following information in respect of each licence or permit —

- (a) the class of licence or permit;
- (b) the full name of the licensee or permit holder and his or her residential or business address;
- (c) the licence or permit number;
- (d) the day on which the licence or permit was issued;
- (e) the terms and conditions of the licence or permit;
- (f) the type or types of plumbing work which the licence or permit authorises the licensee or permit holder to carry out.

*[Regulation 103, formerly regulation 44, renumbered as regulation 103 in Gazette 28 Jun 2004 p. 2449 and amended in Gazette 28 Jun 2004 p. 2450; 7 Oct 2005 p. 4524.]*

**104. Changes to register**

- (1) The Board may make such amendments, additions and corrections to the register as are necessary to ensure that the register is an accurate record of the information it contains.
- (2) For the purposes of subregulation (1), the Board may, by written notice, require a licensee or permit holder to give it any information covered by regulation 103 that relates to the licensee or permit holder within 28 days of the notice being given.

Penalty applicable to subregulation (2): \$2 000.

*[Regulation 104, formerly regulation 45, renumbered as regulation 104 in Gazette 28 Jun 2004 p. 2449 and amended in Gazette 28 Jun 2004 p. 2450; 7 Oct 2005 p. 4524.]*

**105. Notification of change of address**

A licensee or permit holder must notify the Board of a change in the licensee's or permit holder's residential or business address no later than 14 days after the change occurs.

Penalty: \$1 000.

*[Regulation 105, formerly regulation 46, renumbered as regulation 105 in Gazette 28 Jun 2004 p. 2449; amended in Gazette 7 Oct 2005 p. 4525.]*

**106. Approved forms**

- (1) A notice, certificate, application or other document is in the approved form if —
  - (a) it is in the form approved in writing by the Board in relation to that kind of notice, certificate, application or other document;
  - (b) it contains the information that the form requires, and is accompanied by such further information as the form requires; and
  - (c) it is given at the place and in the manner that the Board requires.
- (2) In addition to the Board's power under subregulation (1), the Board may require that the notice and certificates that must be given under regulations 41(1), 42(1) and 44(1) —
  - (a) be printed with a specified number of self-duplicating copies of specified colours;
  - (b) be printed in specified combinations; and
  - (c) be numbered as specified by the Board.
- (3) The Board must make available notices and certificates required under regulations 41(1), 42(1) and 44(1) that comply with the Board's approval and requirements under this regulation, and the Board may charge a fee that does not exceed the relevant fee set out in Schedule 1 item 10, 11, 12 or 13.

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*[Regulation 106 inserted in Gazette 28 Jun 2004 p. 2451.]*

**107. Evidentiary provision**

- (1) In proceedings for an offence against these regulations a certificate in accordance with subregulation (2) purporting to be signed by the chairperson is, without proof of the chairperson's appointment or signature, evidence of the facts stated in the certificate.
- (2) A certificate may state any of the following —
  - (a) that a licence or permit is or was, or is not or was not, held by a person;
  - (b) the terms and conditions of a licence or permit;
  - (c) that a licence or permit is or was, or is not or was not, in force;
  - (d) the day or days on which, or period during which, anything referred to in paragraph (a), (b) or (c) applied.
- (3) In proceedings for an offence against these regulations or in proceedings in relation to a disciplinary matter, any of the following matters may be presumed, unless there is evidence to the contrary, if a plumbing compliance officer has given a signed certificate as to the matter —
  - (a) that particular plumbing work has been carried out;
  - (b) that particular plumbing work has been carried out by a particular person;
  - (c) that particular plumbing work does or does not meet the plumbing standards.

*[Regulation 107, formerly regulation 47, renumbered as regulation 107 in Gazette 28 Jun 2004 p. 2449 and amended in Gazette 28 Jun 2004 p. 2452; 7 Oct 2005 p. 4525.]*

**108. Publishing information**

The Board may publish information concerning the performance by the Board of its functions under the Act.

*[Regulation 108 inserted as regulation 47B in Gazette  
12 Sep 2003 p. 4080; renumbered as regulation 108 in Gazette  
28 Jun 2004 p. 2449.]*

## **Part 9 — Transitional provisions**

*[Heading inserted in Gazette 28 Jun 2004 p. 2452.]*

### **Division 1 — Transitional provisions — general**

*[Heading inserted in Gazette 28 Jun 2004 p. 2452.]*

#### **110. Definitions**

In this Part —

“**application**” means an application made but not determined before commencement;

“**authorisation**” means an authorisation to work under the direction and supervision of the holder of a water supply and sanitary plumber’s licence or the holder of a water supply plumber’s licence, as the case may be;

“**commencement**” means the commencement of these regulations;

“**Country Areas By-laws**” means the *Country Areas Water Supply By-laws 1957*;

“**Country Towns By-laws**” means the *Country Towns Sewerage By-laws 1952*;

“**Metropolitan By-laws**” means the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

*[Regulation 110, formerly regulation 48, renumbered as regulation 110 in Gazette 28 Jun 2004 p. 2453.]*

#### **111. Licences and authorisations under Metropolitan By-laws**

- (1) A water supply and sanitary plumber’s licence in force under the Metropolitan By-laws immediately before commencement is to be regarded as a plumbing contractor’s licence in respect of water supply plumbing, sanitary plumbing and drainage plumbing.
- (2) A water supply plumber’s licence in force under the Metropolitan By-laws immediately before commencement is to

be regarded as a plumbing contractor's licence in respect of water supply plumbing.

- (3) A drainage plumber's licence in force under the Metropolitan By-laws immediately before commencement is to be regarded as a plumbing contractor's licence in respect of drainage plumbing.
- (4) On and after commencement an authorisation in force under the Metropolitan By-laws immediately before commencement is to be regarded as a tradesperson's licence.
- (5) Subregulation (4) does not apply to an authorisation held by an apprentice.

*[Regulation 111, formerly regulation 49, amended in Gazette 12 Sep 2003 p. 4081; renumbered as regulation 111 in Gazette 28 Jun 2004 p. 2453.]*

**112. Licences under Country Areas By-laws**

A water supply plumber's licence in force under the Country Areas By-laws immediately before commencement is to be regarded as a plumbing contractor's licence in respect of water supply plumbing.

*[Regulation 112, formerly regulation 50, amended in Gazette 12 Sep 2003 p. 4081; renumbered as regulation 112 in Gazette 28 Jun 2004 p. 2453.]*

**113. Licences and authorisations under Country Towns By-laws**

- (1) A water supply and sanitary plumber's licence in force under the Country Towns By-laws immediately before commencement is to be regarded as a plumbing contractor's licence in respect of water supply plumbing, sanitary plumbing and drainage plumbing.
- (2) A drainage plumber's licence in force under the Country Towns By-laws immediately before commencement is to be regarded

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as a plumbing contractor's licence in respect of drainage plumbing.

- (3) On and after commencement an authorisation in force under the Country Towns By-laws immediately before commencement is to be regarded as a tradesperson's licence.
- (4) Subregulation (3) does not apply to an authorisation held by an apprentice.

*[Regulation 113, formerly regulation 51, amended in Gazette 12 Sep 2003 p. 4081; renumbered as regulation 113 in Gazette 28 Jun 2004 p. 2453.]*

**114. Applications for licences or authorisations**

- (1) On and after commencement an application (the “**initial application**”) for a water supply and sanitary plumber's licence, a water supply plumber's licence or a drainage plumber's licence under the Metropolitan By-laws, the Country Areas By-laws or the Country Towns By-laws is to be regarded as an application for the licence that under this Part corresponds to the licence the subject of the initial application.
- (2) On and after commencement an application for an authorisation under the Metropolitan By-laws or the Country Towns By-laws is to be regarded as an application for a tradesperson's licence.
- (3) Subregulation (2) does not apply to an application for an authorisation by an apprentice.

*[Regulation 114, formerly regulation 52, renumbered as regulation 114 in Gazette 28 Jun 2004 p. 2453.]*

**115. First renewal of licences**

Regulation 20(1) applies in relation to the first renewal of licences after commencement as if “not later than 15 June in each year” were replaced with “as soon as practicable after the commencement of these regulations”.



*[Regulation 115, formerly regulation 53, renumbered as regulation 115 in Gazette 28 Jun 2004 p. 2453.]*

**116. Drainage plumbing work — transitional arrangements**

- (1) This regulation applies to a person who —
  - (a) was engaged in carrying out drainage plumbing work on or after the day on which these regulations commenced;
  - (b) does not hold a plumbing contractor's licence or a tradesperson's licence; and
  - (c) does not comply with the requirements set out in Schedule 3 in respect of a plumbing contractor's licence or a tradesperson's licence.
- (2) If the person applies for a tradesperson's licence (drainage plumbing) on or before 15 June 2001, then until the licence is issued or the Board decides not to issue the licence and notifies the person to that effect, the person is to be treated for all purposes as if the person was, at all material times, the holder of a tradesperson's licence (drainage plumbing) that authorised the person to carry out the drainage plumbing work.
- (3) Subregulation (2) has effect despite regulations 9 and 10.

*[Regulation 116 inserted as regulation 54 in Gazette 20 Apr 2001 p. 2150-1; amended in Gazette 12 Sep 2003 p. 4080; renumbered as regulation 116 in Gazette 28 Jun 2004 p. 2453.]*

**117. Photographs of licensees — transitional arrangements**

- (1) The Board need not comply with the requirements in regulation 20(7) to include a photograph of the licensee in the identification card if it has not required the licensee to provide it with a photograph of the licensee.
- (2) Subregulation (3) applies for the purposes of allowing the Board to issue an identification card to a licensee prior to the renewal of the licensee's licence.

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- (3) The Board may require a licensee who was a licensee before commencement and who has not yet been required by the Board to provide it with 2 identical photographs of the licensee that comply with regulation 21A to provide it with 2 such identical photographs, even if the licensee's licence will not soon expire.
- (4) A person who fails to comply with a requirement of the Board under subregulation (3) within a reasonable time commits an offence.

Penalty applicable to subregulation (4): \$2 000.

*[Regulation 117 inserted in Gazette 28 Jun 2004 p. 2453.]*

**Division 2 — Transitional provisions — plumbing standards**

*[Heading inserted in Gazette 28 Jun 2004 p. 2454.]*

**120. Definitions**

In this Division —

**“commencement”** means the commencement of the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004*<sup>1</sup>;

**“new certificate”** means a certificate of compliance under regulation 42;

**“new notice of intention”** means a notice of intention to carry out work under regulation 41;

**“old certificate”** means a certificate of completion and compliance under —

- (a) by-law 87B of the *Country Areas Water Supply By-laws 1957*;
- (b) by-law 18B of the *Country Towns Sewerage By-laws 1952*; or
- (c) by-law 30.9.3 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;

**“old direction as to work”** means a direction given under —

- (a) by-law 87F of the *Country Areas Water Supply By-laws 1957*;
- (b) by-law 18F of the *Country Towns Sewerage By-laws 1952*; or
- (c) by-law 30.9.4C.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;

**“old notice of intention”** means a notice of intention to commence work under —

- (a) by-law 87A of the *Country Areas Water Supply By-laws 1957*;
- (b) by-law 18A of the *Country Towns Sewerage By-laws 1952*; or
- (c) by-law 30.9.2 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

*[Regulation 120 inserted in Gazette 28 Jun 2004 p. 2454-5.]*

**121. Notices of intention given before commencement**

- (1) If an old certificate has not been given, before commencement, in respect of all work covered by an old notice of intention, then, for the purposes of these regulations —
  - (a) the old notice of intention is, after commencement, to be taken to be a new notice of intention; and
  - (b) an appropriate old certificate may be given to the Board in relation to that work after commencement and the old certificate has effect as a new certificate.
- (2) Despite the repeal of by-law 87B of the *Country Areas Water Supply By-laws 1957*, by-law 18B of the *Country Towns Sewerage By-laws 1952* or by-law 30.9 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*, they continue to apply to the extent necessary for the purposes of subregulation (1)(b).

*[Regulation 121 inserted in Gazette 28 Jun 2004 p. 2455.]*

**122. Certificates of completion and compliance**

- (1) For the purposes of these regulations, an old certificate given before commencement is, after commencement, to be taken to be a new certificate.
- (2) An obligation to lodge a certificate under by-law 87B, 87D(2)(c) or 87E of the *Country Areas Water Supply By-laws 1957*, by-law 18B, 18D(2)(c) or 18E of the *Country Towns Sewerage By-laws 1952* or by-law 30.9.3, 30.9.4A.2(c) or 30.9.4B of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* that has not been complied with before commencement continues after commencement until —
  - (a) a certificate of completion and compliance is given to the Board under regulation 121; or
  - (b) a certificate of compliance is given to the Board under regulation 44.
- (3) For the purposes of these regulations, a multi-entry plumbing certificate given under by-law 87E of the *Country Areas Water Supply By-laws 1957*, by-law 18E of the *Country Towns Sewerage By-laws 1952* or by-law 30.9.4B of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before commencement is, after commencement, to be taken to be a certificate of compliance given under regulation 44.

*[Regulation 122 inserted in Gazette 28 Jun 2004 p. 2455-6.]*

**123. Directions to carry out work**

An old direction as to work given to a licensed plumber before commencement that requires the licensed plumber to carry out work because work was not carried out in accordance with the relevant by-laws and that has not been fully complied with before commencement, has effect, after commencement, as a rectification notice given under regulation 71.

*[Regulation 123 inserted in Gazette 28 Jun 2004 p. 2456.]*

**124. Standard of plumbing work**

Plumbing that is the result of plumbing work that was commenced before commencement and completed after commencement must comply with the plumbing standards applying because of these regulations at the time the work is completed.

*[Regulation 124 inserted in Gazette 28 Jun 2004 p. 2457.]*

**Schedule 1 — Fees**

*[Heading inserted in Gazette 28 Jun 2004 p. 2458.]*

[r. 3, 22, 43]

**1. Table of fees**

The amounts of the fees for the purposes of these regulations are set out in the Table to this clause, subject to any reduction that may be applicable because of clause 2.

**Table**

<b>Item</b>	<b>Description of fee</b>	<b>Amount (\$)</b>
1.	Application for plumbing contractor's licence (regulation 15)	50.00
2.	Application for tradesperson's licence or tradesperson's (drainage plumbing) licence (regulation 15)	20.00
2A.	Application for restricted plumbing permit (regulation 15)	\$25.00
3.	Issue of plumbing contractor's licence (regulation 17)	200.00
4.	Issue of tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 17)	75.00
4A.	Issue of restricted plumbing permit (regulation 17)	\$100.00
5.	Renewal of plumbing contractor's licence (regulation 20)	200.00
6.	Renewal of tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 20)	75.00
6A.	Renewal of restricted plumbing permit (regulation 20)	\$25.00
7.	Late renewal fee for plumbing contractor's licence (regulation 20(4))	50.00

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		Fees	Schedule 1
Item	Description of fee	Amount (\$)	
8.	Late renewal fee for tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 20(4))	20.00	
8A.	Late renewal fee for restricted plumbing permit (regulation 20(4))	\$25.00	
9.	Issue of duplicate licence or permit (regulation 22)	20.00	
10.	Combined notice of intention and certificate of compliance (regulation 41(1) and 42(1)) — 1 notice/certificate	20.00	
11.	Combined notice of intention and certificate of compliance (regulation 41(1) and 42(1)) — booklet of 2 or more notices/certificates	19.00 per notice/certificate	
12.	Multi-entry certificate of compliance (regulation 44(1)) — 1 multi-entry certificate	15.00	
13.	Multi-entry certificate of compliance (regulation 44(1)) — booklet of 2 or more multi-entry certificates	13.75 per certificate	
14.	New installation fee for plumbing work involving 9 or less fixtures (regulation 45)	60.00	
15.	New installation fee for plumbing work involving more than 9 fixtures (regulation 45)	60.00 plus 10.00 for each fixture more than 9	
16.	Re-inspection fee per hour or part-hour (regulation 73)	60.00	
17.	Copy of register (regulation 102(3))	50.00	
18.	Extract from register (regulation 102(4))	20.00	

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*[Clause 1 inserted in Gazette 28 Jun 2004 p. 2458-9; amended in Gazette 7 Oct 2005 p. 4525-6.]*

**2. Pro rata reduction of fees**

(1) If, in a financial year, a licence or permit is issued or renewed after 30 September in the year the fee for the issue or renewal is reduced by 25% for each 3 month period that has expired since the start of the year.

(2) If —

- (a) a person is issued a plumbing contractor's licence for a financial year; and
- (b) the person also holds a tradesperson's licence or a tradesperson's licence (drainage plumbing) for the year,

the fee for the issue of the plumbing contractor's licence is reduced by 25% of the amount of the fee for the issue of a tradesperson's licence for each 3 month period that has expired since the start of the year.

*[Clause 2 inserted in Gazette 28 Jun 2004 p. 2460; amended in Gazette 7 Oct 2005 p. 4526.]*



## Schedule 2 — Constitution and proceedings

[r. 8]

### 1. Definition

In this Schedule —

“**meeting**” means a meeting of the Board.

### 2. Term of office

Subject to clause 3, a member holds office for such term, not exceeding 3 years, as is specified in the member’s instrument of appointment, and is eligible for reappointment.

### 3. Resignation, removal, etc.

(1) The office of a member becomes vacant if the member —

- (a) resigns the office by written notice delivered to the Minister;
- (b) becomes ineligible to hold office as a member;
- (c) is an insolvent under administration, as that term is defined in the *Corporations Act 2001* of the Commonwealth; or
- (d) is removed from office by the Minister under subclause (2).

(2) The Minister may remove a member from office if the Minister is satisfied that the member —

- (a) has neglected the member’s duty;
- (b) has misbehaved;
- (c) is incompetent;
- (d) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of the member’s functions; or
- (e) has been absent, without leave and reasonable excuse, from 3 consecutive meetings of which the member has had notice.

*[Clause 3 amended in Gazette 28 Sep 2001 p. 5357-8.]*

### 4. Alternate members

(1) The Minister may appoint a person (an “**alternate member**”) to act temporarily in the place of a member, other than the chairperson,

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when the member is unable to act because of illness, absence or other cause.

- (2) In appointing an alternate member, the Minister is, as far as is practicable, to follow the procedure that applied under regulation 5 in relation to the appointment of the member in whose place the alternate member is to act.
- (3) While acting in accordance with the appointment the alternate member is to be taken to be a member.
- (4) The appointment of an alternate member may be terminated at any time by the Minister.
- (5) An act or omission of an alternate member cannot be questioned on the ground that the occasion for the appointment or acting had not arisen or had ceased.

**5. Leave of absence**

The Board may grant leave of absence to a member on the terms and conditions that it thinks fit.

**6. General procedure**

- (1) The chairperson, or in the absence of the chairperson the deputy chairperson, is to preside at all meetings at which he or she is present.
- (2) If both the chairperson and the deputy chairperson are absent from a meeting, the members present are to appoint one of their number to preside.
- (3) The procedure for the calling of meetings and for the conduct of business at meetings is, subject to these regulations, to be determined by the Board.

**7. Quorum**

A quorum for a meeting is 4 members.

*[Clause 7 amended in Gazette 1 Jun 2004 p. 1911.]*

**8. Voting**

- (1) At a meeting each member present has a deliberative vote.

- (2) If the votes of the members present at a meeting are equally divided, the chairperson, deputy chairperson or other member presiding is to have a casting vote.
- (3) A decision supported by a majority of the votes cast at a meeting at which a quorum is present is the decision of the Board.

**9. Resolutions may be passed without meeting**

A resolution in writing signed by each member, or assented to by each member by letter, facsimile transmission or other written means, has the same effect as if it had been passed at a meeting.

**10. Holding meetings remotely**

The presence of a member at a meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

## **Schedule 3 — Licence or permit requirements**

[r. 17(1)(b)]

*[Heading inserted in Gazette 7 Oct 2005 p. 4526.]*

### **Division 1 — Preliminary**

*[Heading inserted in Gazette 7 Oct 2005 p. 4526.]*

#### **1. Definitions**

In this Schedule —

“**approved**” means approved by the Board;

“**recognised**” means recognised by the Australia-New Zealand Reciprocity Association;

“**registered training provider**” has the same meaning as it has in the *Vocational Education and Training Act 1996*.

### **Division 2 — Licence requirements**

*[Heading inserted in Gazette 7 Oct 2005 p. 4526.]*

#### **2. Plumbing contractor’s licence**

The requirements for a plumbing contractor’s licence are that —

(a) the applicant holds —

(i) a Statement of Competency as a water supply plumber, sanitary plumber or drainer issued by a registered training provider; or

(ii) an equivalent Western Australian qualification as determined by the Board;

or

(b) the applicant —

(i) holds a recognised qualification in plumbing work at independent certifier’s level;

(ii) provides evidence to the satisfaction of the Board of at least 6 years’ practical experience in plumbing work; and

- (iii) if the recognised qualification referred to in subparagraph (i) was not obtained in Australia or New Zealand —
  - (I) holds a tradesperson's licence and has done so for at least 3 months; or
  - (II) has completed to the satisfaction of the Board an approved familiarisation programme in relation to plumbing work in this State.

*[Clause 2 amended in Gazette 12 Sep 2003 p. 4080.]*

### **3. Tradesperson's licence**

The requirements for a tradesperson's licence are that —

- (a) the applicant holds —
    - (i) a Trade Certificate in Plumbing and Gasfitting issued by the Director of Industrial Training; or
    - (ii) an equivalent Western Australian qualification as determined by the Board;
  - (b) the applicant —
    - (i) holds a recognised qualification in plumbing work at registration level; and
    - (ii) provides evidence to the satisfaction of the Board of at least 4 years' practical experience in plumbing work;
- or
- (c) the applicant —
    - (i) has passed a test in plumbing work, involving both theoretical and practical components, conducted by an approved person or body; and
    - (ii) provides evidence to the satisfaction of the Board of at least 4 years' practical experience in plumbing work.

*[Clause 3 amended in Gazette 31 Jul 2001 p. 3922.]*

**Schedule 3** Licence or permit requirements

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**4. Tradesperson's licence (drainage plumbing)**

- (1) The requirements for a tradesperson's licence (drainage plumbing) are that the applicant comply with either the requirements in subclause (2) or the requirements in subclause (3).
- (2) The requirements are that the applicant —
  - (a) was engaged in carrying out drainage plumbing work for part or all of the period of 5 years that ends on the day on which the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2001* commenced; and
  - (b) has sufficient experience and knowledge to qualify the applicant to carry out competently the drainage plumbing work that the applicant would be authorised to carry out under the licence.
- (3) The requirements are that —
  - (a) the applicant holds —
    - (i) a certificate known as a Certificate II in drainage issued by a registered training provider; or
    - (ii) an equivalent Western Australian qualification as determined by the Board;
  - (b) the applicant —
    - (i) holds a recognised qualification in drainage plumbing work; and
    - (ii) provides evidence to the satisfaction of the Board of at least 2 years' practical experience in drainage plumbing work;

or

  - (c) the applicant —
    - (i) has passed a test in drainage plumbing work, involving both theoretical and practical components, conducted by an approved person or body; and
    - (ii) provides evidence to the satisfaction of the Board of at least 2 years' practical experience in drainage plumbing work.

*[Clause 4 inserted in Gazette 28 Jun 2004 p. 2460-1.]*

**Division 3 — Permit requirements**

*[Heading inserted in Gazette 7 Oct 2005 p. 4527.]*

**5. Restricted plumbing permit**

The requirements for a restricted plumbing permit are that an applicant must —

- (a) apply to the Board for a restricted plumbing permit on or before —
  - (i) 31 December 2005; or
  - (ii) if an applicant can demonstrate to the satisfaction of the Board that an extension of time within which to lodge his or her application is warranted, such later day as is nominated by the Board;
- (b) be the holder of —
  - (i) an electrical worker's licence or contractor's licence issued under regulation 24 of the *Electricity (Licensing) Regulations 1991*; or
  - (ii) a gasfitting permit or authorisation issued under regulation 12 of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*;
- (c) have been the holder of a licence, permit or authorisation referred to in paragraph (b) continuously on and from 1 July 2004 until the day on which the Board issues, or refuses to issue, a permit to the applicant; and
- (d) have sufficient skill and knowledge to qualify the applicant to carry out competently the work that the applicant would be authorised to carry out under the permit.

*[Clause 5 inserted in Gazette 7 Oct 2005 p. 4527-8.]*

**Schedule 4 — Forms**

[r. 75(2) and 77(1)]

[Heading inserted in Gazette 28 Jun 2004 p. 2461.]

**Form 1**

Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 r. 75(2)		Notice No:	
<b>Infringement Notice</b>			
<b>Alleged offender</b>	Family name:		
	Other names:		
	Address:	No.:	Street name:
		Suburb:	Postcode:
<b>Alleged offence</b>	Details of alleged offence:		
	Description of alleged offence:		
	Where and when:		
<b>Amount of modified penalty</b>	\$		
<b>Plumbing compliance officer who issued this notice</b>	Name:		
	Signature:		
	Date:		

<b>What you must do</b>	<p>1. You may elect to have this matter heard and determined by a court. To do this, complete the details in “<b>Electing action by a court</b>” on the reverse of this notice and return this notice to [details to be inserted here] within 28 days after the service of this notice.</p> <p>2. If you do not wish to have this matter heard and determined by a court you may dispose of this matter by paying the modified penalty within 28 days after being given this notice (see “<b>Paying the modified penalty</b>” on the reverse of this notice).</p> <p>Should you not pursue either of the above options within 28 days, court proceedings may be taken against you. If convicted, you may be liable to a penalty of up to [insert relevant maximum penalty here].</p>
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*Reverse of Form 1*

<b>Electing action by a court</b>	I elect to have the offence alleged in this notice dealt with by a court. I understand that I may receive a summons for the alleged offence.
	Signature:
	Date:
	Address for service:

<b>Paying the modified penalty</b>	You may pay the modified penalty — 1. BY POSTING your credit card details or a cheque or money order made payable to [details to be inserted here]; OR 2. IN PERSON to [details to be inserted here].
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*[Form 1 inserted in Gazette 28 Jun 2004 p. 2462-3.]*

**Form 2**

Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 r. 77(1)		Notice No:		
<b>Withdrawal of Infringement Notice</b>				
<b>To</b> <small>[Details of alleged offender]</small>	Family name:			
	Other names:			
	Address:	No.:	Street name:	
		Suburb:	Postcode:	
<p><b>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —</b></p> <ul style="list-style-type: none"> <li>• <b>NO FURTHER ACTION WILL BE TAKEN*</b></li> <li>• <b>A SUMMONS WILL BE ISSUED*</b></li> </ul> <p><small>[* delete whichever is not applicable]</small></p>				
<b>Details of withdrawn notice</b>	Date notice given:			
	Notice number:			
	Alleged offence:			
<b>Authorised person who issued this notice</b>	Name:			
	Signature:			
	Date:			

*[Form 2 inserted in Gazette 28 Jun 2004 p. 2463.]*

**Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000**

**Notes**

<sup>1</sup> This is a compilation of the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Water Services Coordination (Plumbers Licensing) Regulations 2000</i> <sup>2</sup>	16 Jun 2000 p. 2897-936	19 Jun 2000 (see r. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Water Services Coordination (Plumbers Licensing) Amendment Regulations 2001</i>	20 Apr 2001 p. 2149-51	20 Apr 2001
<i>Water Services Coordination (Plumbers Licensing) Amendment Regulations (No. 2) 2001</i>	31 Jul 2001 p. 3919-22	1 Aug 2001 (see r. 2)
<i>Corporations (Consequential Amendments) Regulations 2001 Pt. 8</i>	28 Sep 2001 p. 5353-8	15 Jul 2001 (see r. 2 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Water Services Coordination (Plumbers Licensing) Amendment Regulations 2003</i>	12 Sep 2003 p. 4077-81	12 Sep 2003
<i>Water Services Coordination (Plumbers Licensing) Amendment Regulations (No. 2) 2004</i> <sup>3</sup>	1 Jun 2004 p. 1909-12	1 Jun 2004
<i>Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004</i>	28 Jun 2004 p. 2397-463	1 Jul 2004 (see r. 2)
<b>Reprint 1: The Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 as at 1 Oct 2004</b> (includes amendments listed above)		
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 3) 2004</i>	30 Dec 2004 p. 6928-30	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Courts and Legal Practice (Consequential Amendments) Regulations 2005 r. 14</i>	19 Apr 2005 p. 1294-302	19 Apr 2005
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2005</i>	7 Oct 2005 p. 4507-28	7 Oct 2005

<sup>2</sup> Now known as the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*; citation changed (see note under r. 1).

<sup>3</sup> The *Water Services Coordination (Plumbers Licensing) Amendment Regulations (No. 2) 2004* Pt. 3 reads as follows:

“

### **Part 3 — Transitional provisions**

#### **7. Current members to continue**

- (1) The person appointed as the Chairperson of the Board and holding office immediately before commencement —
  - (a) continues to be Chairperson of the Board for the remainder of the period for which he or she was appointed to be Chairperson; and
  - (b) is to be taken to have been appointed by the Minister under regulation 5(2)(a) of the Regulations as in force after commencement.
- (2) The person appointed under regulation 5(2)(c) of the Regulations as a member of the Board and holding office immediately before commencement —
  - (a) continues to be a member of the Board for the remainder of the period for which he or she was appointed to be a member; and
  - (b) is to be taken to have been appointed under regulation 5(2)(c) of the Regulations as in force after commencement.
- (3) The person appointed under regulation 5(2)(d) of the Regulations as a member of the Board and holding office immediately before commencement —
  - (a) continues to be a member of the Board for the remainder of the period for which he or she was appointed to be a member; and
  - (b) is to be taken to have been appointed under regulation 5(2)(d) of the Regulations as in force after commencement.
- (4) The person appointed under regulation 5(2)(f) of the Regulations as a member of the Board and holding office immediately before commencement —
  - (a) continues to be a member of the Board for the remainder of the period for which he or she was appointed to be a member; and

- (b) is to be taken to have been appointed under regulation 5(2)(e) of the Regulations as in force after commencement.
- (5) The person appointed under regulation 5(2)(h) of the Regulations as a member of the Board and holding office immediately before commencement —
  - (a) continues to be a member of the Board for the remainder of the period for which he or she was appointed to be a member; and
  - (b) is to be taken to have been appointed under regulation 5(2)(f) of the Regulations as in force after commencement.
- (6) In this Part —
  - “Board”** means the Plumbers Licensing Board established under the *Water Services Licensing Act 1995*;
  - “commencement”** means the commencement of the *Water Services Coordination (Plumbers Licensing) Amendment Regulations (No. 2) 2004*;
  - “Regulations”** means the *Water Services Coordination (Plumbers Licensing) Regulations 2000*.

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