



Western Australia

Plumbers Licensing and Plumbing Standards Regulations 2000

Compare between:

[03 Jun 2016, 04-h0-00] and [01 Jul 2016, 04-i0-02]

Plumbers Licensing and Plumbing Standards Regulations 2000

Part 1 — Preliminary

1. Citation

These regulations are the *Plumbers Licensing and Plumbing Standards Regulations 2000*¹.

[Regulation 1 inserted in Gazette 14 Nov 2013 p. 5231.]

2. Commencement

These regulations come into operation on the day on which the *Water Services Coordination Amendment Act 1999* comes into operation¹.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
alternative solution has the meaning given in the Plumbing Code Part A1;

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;

apprentice means a person who is an apprentice under a training contract registered under the *Vocational Education and Training Act 1996* Part 7 Division 2;

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 complaint means a complaint under regulation 28;

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; or
- (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; or
- (c) to prevent the escape of foul air or offensive or infectious matter from a sewer or apparatus for the treatment of sewerage; or
- (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 a water services provider in connection with the undertaking, maintenance or operation of water services works of the water services provider;

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 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 licensee or permit holder under regulation 17(2) or 20(6);

legal practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

licence means plumbing contractor's licence, tradesperson's licence, tradesperson's licence (drainage plumbing), provisional tradesperson's licence or provisional 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 includes fittings and fixtures associated with a pipe;

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

Plumbing Code means the Plumbing Code of Australia which is volume 3, as amended from time to time, of the National Construction Code Series published by, or on behalf of, the Australian Building Codes Board;

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 in regulation 48;

provisional tradesperson's licence means a licence of the kind referred to in regulation 13AA;

provisional tradesperson's licence (drainage plumbing) means a licence of the kind referred to in regulation 13AB;

register means the register referred to in regulation 102;

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;

serious offence means an offence (whether committed in or outside this State) that is —

- (a) an indictable offence against a law of this State, the Commonwealth or another jurisdiction (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against the law of another jurisdiction that would be an indictable offence against a law of this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this State);

sewer means sewerage works of a licensee as defined in the *Water Services Act 2012* section 3(1);

trade waste has the meaning given in the *Water Services Act 2012* section 101(1);

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 includes solid, liquid and gaseous waste;

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 a licensee as defined in the *Water Services Act 2012* section 3(1);

water services works of a water services provider means water service works of a licensee as defined in the *Water Services Act 2012* section 3(1);

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; and
 - (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; 26 Jun 2007 p. 3062; 11 Dec 2009 p. 5060; 14 Nov 2013 p. 5232; 19 Dec 2014 p. 4831-2; 24 Apr 2015 p. 1495-6; 29 Apr 2016 p. 1329-30.]

4. Plumbing work specified (Act 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;
- (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) deleted]

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

Part 2 — The Plumbers Licensing Board

5. Membership

[(1) deleted]

- (2) The Board consists of 7 members —
- (a) one person appointed by the Minister to be a member and the chairperson of the Board; and
 - (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; and
 - (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; and
 - (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; and
 - (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 *Fair Trading Act 2010* 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).

- (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; 30 Jun 2011 p. 2656.]*

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 Public Sector Commissioner.
- (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 Public Sector Commissioner.

[Regulation 7 amended in Gazette 11 Feb 2011 p. 506-7.]

8. Constitution and proceedings (Sch. 2)

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

Part 3 — Licences and permits

[Heading inserted in Gazette 7 Oct 2005 p. 4511.]

9. When licence or permit is required

- (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 for this subregulation: a fine of \$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; 29 Apr 2016 p. 1330.]

10. Unlicensed persons not to be employed etc. for plumbing work

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: a fine of \$5 000.

[Regulation 10 amended in Gazette 28 Jun 2004 p. 2406; 29 Apr 2016 p. 1330.]

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; and
- (b) a tradesperson's licence; and
- (c) a tradesperson's licence (drainage plumbing); and
- (da) a provisional tradesperson's licence; and
- (db) a provisional 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; 19 Dec 2014 p. 4832.]

12. Effect of 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; or
 - (ia) water supply plumbing work and sanitary plumbing work; or
 - (ii) water supply plumbing work and drainage plumbing work; or
 - (iii) water supply plumbing work; or
 - (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); and
 - (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 or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing).
- (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 —
 - (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; 26 Jun 2007 p. 3063; 19 Dec 2014 p. 4832 and 4841.]

13. Effect of 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 or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing),

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 or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing),
- 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; 19 Dec 2014 p. 4832 and 4841.]

13AA. Effect of provisional tradesperson's licence

A provisional tradesperson's licence authorises the holder to carry out plumbing work under the supervision of —

- (a) a licensed plumbing contractor; or
- (b) the holder of —
 - (i) in any case, a tradesperson's licence; or
 - (ii) in the case of drainage plumbing work, a tradesperson's licence (drainage plumbing),working under the general direction and control of a licensed plumbing contractor.

[Regulation 13AA inserted in Gazette 19 Dec 2014 p. 4832-3.]

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13AB. Effect of provisional tradesperson's licence (drainage plumbing)

A provisional tradesperson's licence (drainage plumbing) authorises the holder to carry out drainage plumbing work under the supervision of —

- (a) a licensed plumbing contractor; or
- (b) the holder of —
 - (i) a tradesperson's licence; or
 - (ii) a tradesperson's licence (drainage plumbing), working under the general direction and control of a licensed plumbing contractor.

[Regulation 13AB inserted in Gazette 19 Dec 2014 p. 4833.]

13A. Restricted plumbing permit, effect of

- (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; or
 - (b) the existing pipes are not in safe and proper working order; or
 - (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 for this subregulation: a fine of \$2 000.

- (4) In subregulation (1) —

compression union means a connection between pipes which can be fastened and unfastened and which complies with 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; amended in Gazette 29 Apr 2016 p. 1331.]

14. Only natural persons can hold licence or permit

A licence or permit can only be held by a natural person.

[Regulation 14 amended in Gazette 7 Oct 2005 p. 4513; 29 May 2007 p. 2503.]

15. Application for issue of licence or permit

- (1) An application for the issue of a licence or permit must be —
- (a) made to the Board in the approved form; and

- (b) accompanied by —
 - (i) the application fee and licence fee or permit fee; and
 - (ii) a photograph of the applicant that complies with regulation 21A.
- (2) The Board may, in writing, request an applicant for a licence or permit to provide the Board with such further information relevant to the application as the Board requires.
- (3) The Board may specify in the request a reasonable time within which the applicant must comply with the request.
- (3A) The Board may refuse to accept an application if the applicant does not comply with a request under subregulation (3) within the time specified in the request or, if no time is specified, within a reasonable period.
- (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; 29 May 2007 p. 2503; 19 Dec 2014 p. 4833 and 4841; 29 Apr 2016 p. 1331.]

16. False or misleading information in application, offence

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: a fine of \$2 000.

[Regulation 16 amended in Gazette 29 Apr 2016 p. 1332.]

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.
- (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; or
 - (b) the photograph is unclear or not provided in a format
approved by the Board.

[(c) deleted]

[(4) deleted]

*[Regulation 17 amended in Gazette 28 Jun 2004 p. 2408-9;
7 Oct 2005 p. 4514; 29 May 2007 p. 2503; 19 Dec 2014
p. 4833-4 and 4841; 29 Apr 2016 p. 1332.]*

18. Refusal to issue 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
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; 29 May 2007 p. 2504; 19 Dec 2014 p. 4834
and 4841.]*

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.

[(1a) deleted]

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- (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 for this subregulation: a fine of \$5 000.

[Regulation 19 amended in Gazette 30 Dec 2004 p. 6928; 7 Oct 2005 p. 4514-15; 29 May 2007 p. 2504; 19 Dec 2014 p. 4834; 29 Apr 2016 p. 1332.]

19A. Application for renewal of licence or permit

- (1) An application for the renewal of a licence or permit must be —
 - (a) made to the Board in the approved form; and
 - (b) accompanied by —
 - (i) the renewal fee for the licence or permit; and
 - (ii) a photograph of the licensee or permit holder that complies with regulation 21A, unless a photograph has been provided to the Board in the period of 5 years ending on the day the application is made.
- (2) An application for the renewal of a licence or permit must be made within the period beginning 12 weeks before the licence or permit is due to expire and ending on the day that is 28 days after the licence or permit would otherwise have expired (the **renewal period**).
- (3) The Board may refuse to accept an application for the renewal of 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; or
 - (b) the photograph is unclear or not provided in a format approved by the Board.
- (4) The Board may, in writing, request an applicant for renewal of a licence or permit to provide the Board with such further information relevant to the application as the Board requires.
 - (5) The Board may specify in the request a reasonable time within which the person must comply with the request.
 - (6) The Board may refuse to accept an application if the applicant does not comply with a request under subregulation (4) within the time specified in the request or, if no time is specified, within a reasonable period.
 - (7) The Board is not obliged to return a photograph given to it under this regulation.

[Regulation 19A inserted in Gazette 29 Apr 2016 p. 1332-4.]

20. Renewing licence and permit

- (1) Subject to subregulations (2), (3) and (4), the Board must renew a licence or permit on an application made under regulation 19A if the Board —
 - (a) has accepted the application; and
 - (b) is satisfied that the licensee or permit holder is a fit and proper person to hold the licence or permit.
- (2) The Board must not renew a provisional tradesperson's licence or a provisional tradesperson's licence (drainage plumbing) if the licence has been renewed on a previous occasion.
- (3) The Board may refuse to renew a provisional tradesperson's licence if it considers that, during the licence period for the licence, the applicant made insufficient progress towards

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attaining the qualification referred to in Schedule 3 clause 3(b)(i) or (ii).

- (4) The Board may refuse to renew a provisional tradesperson's licence (drainage plumbing) if it considers that, during the licence period for the licence, the applicant made insufficient progress towards attaining the qualification referred to in Schedule 3 clause 4(b)(i) or (ii).
- (5) In subregulations (3) and (4) a reference to the renewal of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) includes a reference to the issue of that licence following the expiry of a previously-held licence of the same type.
- (6) On renewal of a licence or permit, the Board must issue an identification card to the licensee or permit holder.

[Regulation 20 inserted in Gazette 29 Apr 2016 p. 1334-5.]

20A. Reissuing licence or permit

- (1A) In this regulation —
re-issue a licence or permit means to issue a licence or permit to a person with the same licence, permit or authorisation number as previously held by the person.
- (1) The Board may, instead of issuing a licence or permit to a person who has applied for one, re-issue a licence or permit to the person if the person previously held a licence or permit 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*⁴ or the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.
- (2) The Board may re-issue a licence or permit to a person who has applied for the renewal of a licence or permit if the application for renewal is made after the renewal period for the licence or permit referred to in regulation 19A(2).

- (3) The provisions of this Part that apply to the issue of a licence or permit apply to the re-issue of a licence or permit except that subregulation (4) applies to the person instead of regulation 17(1)(b).
- (4) Before re-issuing a licence or permit, 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 or permit as a person who has recently met the requirements set out in Schedule 3 for a licence or permit 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 or permit under regulation 17(1).
- (6) For the purposes of subregulation (1), a plumbing contractor's licence, a tradesperson's licence, a tradesperson's licence (drainage plumbing), a provisional tradesperson's licence and provisional tradesperson's licence (drainage plumbing) are each a type of licence, regardless of what plumbing work is specified or authorised by the licence.
- (7) For the purposes of subregulation (1), a restricted plumbing permit is a type of permit, regardless of what plumbing work is specified or authorised by the permit.

[Regulation 20A inserted in Gazette 28 Jun 2004 p. 2411-12; amended in Gazette 19 Dec 2014 p. 4835-6 and 4841; 29 Apr 2016 p. 1335.]

21. Duration of licence or permit

- (1) A licence or permit expires on the day that is —
 - (a) in the case of a provisional tradesperson's licence or a provisional tradesperson's licence (drainage plumbing) — the day of the 1st anniversary of the day on which the licence is issued; and

- (b) otherwise — the day of the 3rd anniversary of the day on which the licence or permit is issued.
- (2) A licence or permit that is renewed under these regulations expires on the day that is —
 - (a) in the case of a provisional tradesperson's licence or a provisional tradesperson's licence (drainage plumbing) — the day of the 1st anniversary of the day on which the licence is renewed; and
 - (b) otherwise — the day of the 3rd anniversary of the day on which the licence or permit is renewed.
- (3) If an application for the renewal of a licence or permit is made in accordance with regulation 19A but the licence or permit is not renewed before the expiry of the licence or permit —
 - (a) the licence or permit is to be taken to have effect on and from the day immediately following its expiry until any of the following occur —
 - (i) the Board refuses to accept the application;
 - (ii) the applicant withdraws the application;
 - (iii) the Board renews or refuses to renew the licence or permit;
 - (iv) the licence or permit is suspended or cancelled;and
 - (b) the licence or permit, if renewed, is to be taken to have been renewed on the day immediately following its expiry.
- (4) No later than 7 days after the expiry of a licence or permit, the licensee or permit holder must —
 - (a) give to the Board the licence or permit and the identification card given to the licensee or permit holder; and
 - (b) where practicable, remove or obliterate all references to his or her licence or permit in advertisements and

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

Penalty for this subregulation: a fine of \$2 000.

- (5) For the purposes of subregulation (4), the expiry day of a licence or permit is the later of the following days —
- (a) the day on which the licence or permit expires; or
 - (b) if subregulation (3) applies, the day the licence or permit ceases to have effect under subregulation (3)(a).

[Regulation 21 inserted in Gazette 29 Apr 2016 p. 1335-7.]

21A. Photograph of applicant etc., requirements for

- (1) A photograph of an applicant, licensee or permit holder must be a 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 in a format approved by the Board and 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; 29 Apr 2016 p. 1337.]

22. Duplicate licence or permit, issue of

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. Licence and permit not to be used by others

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: a fine of \$5 000.

[Regulation 23 amended in Gazette 7 Oct 2005 p. 4518; 29 Apr 2016 p. 1337.]

24. Licensed plumbing contractor's licence to be displayed

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

Penalty: a fine of \$2 000.

[Regulation 24 amended in Gazette 12 Sep 2003 p. 4080; 28 Jun 2004 p. 2457; 29 Apr 2016 p. 1338.]

24A. Identification card, duty of holder to produce

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;
or
- (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; or
- (c) a prospective employer; or
- (d) a plumbing compliance officer.

Penalty: a fine of \$3 000.

[Regulation 24A inserted in Gazette 28 Jun 2004 p. 2413; amended in Gazette 7 Oct 2005 p. 4518; 29 Apr 2016 p. 1338.]

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 for this subregulation: a fine of \$2 000.

- (2) In subregulation (1) —

advertisement includes —

- (a) a business card;
- (b) a letterhead.

[Regulation 25 amended in Gazette 12 Sep 2003 p. 4078 and 4080; 28 Jun 2004 p. 2457; 7 Oct 2005 p. 4518; 29 Apr 2016 p. 1338.]

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.

Penalty for this subregulation: a fine of \$5 000.

- (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; and
- (b) the residential or business address of that person; and
- (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.

Penalty for this subregulation: a fine of \$5 000.

- (3) A record required by subregulation (1) must be kept at the licence holder's principal place of business.

Penalty for this subregulation: a fine of \$5 000.

- (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.

Penalty for this subregulation: a fine of \$5 000.

- (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 for this subregulation: a fine of \$5 000.

[Regulation 25B inserted in Gazette 12 Sep 2003 p. 4079; amended in Gazette 28 Jun 2004 p. 2413 and p. 2457; 29 Apr 2016 p. 1338.]

26. Licence and permit not transferable

A licence or permit is not transferable.

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

26A. Licence and permit, surrender of

- (1) A licensee or permit holder may surrender the licence or permit by giving written notice to the Board specifying the day on which the licence or permit is surrendered.
- (2) The day specified cannot be earlier than the day on which the notice is given to the Board.
- (3) The licence or permit must be given back to the Board on or before the day on which it is surrendered.

[Regulation 26A inserted in Gazette 29 May 2007 p. 2505.]

26B. Refund of fees

- (1) If a licence or permit is surrendered, the Board is to refund to the former licensee or permit holder so much of the fee last paid for the licence or permit as the Board, on application by the former licensee or permit holder, determines as appropriate to be refunded.
- (2) If a plumbing contractor's licence is issued to a person who holds a tradesperson's licence or a tradesperson's licence (drainage plumbing), the Board is to refund to the person so much of the fee last paid for the tradesperson's licence or a tradesperson's licence (drainage plumbing) as the Board determines as appropriate to be refunded.
- (3) If a tradesperson's licence is issued to a person who holds a provisional tradesperson's licence, the Board is to refund to the person so much of the fee last paid for the provisional

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tradesperson's licence as the Board determines is appropriate to be refunded.

- (4) If a tradesperson's licence (drainage plumbing) is issued to a person who holds a provisional tradesperson's licence (drainage plumbing), the Board is to refund to the person so much of the fee last paid for the provisional tradesperson's licence (drainage plumbing) as the Board determines is appropriate to be refunded.

[Regulation 26B inserted in Gazette 29 May 2007 p. 2506; amended in Gazette 19 Dec 2014 p. 4836-7 and 4841.]

Part 4 — Disciplinary proceedings

26C. Application of Part

This Part applies, with any necessary modifications, to a former licensee or permit holder in relation to conduct occurring while the person was a licensee or permit holder in the same way as it applies to a licensee or permit holder.

[Regulation 26C inserted in Gazette 29 Apr 2016 p. 1339.]

27. Disciplinary matters defined

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

- (a) the licensee or permit holder has obtained a licence or permit because of incorrect or misleading information;
- (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;
- (ca) the licensee or permit holder has been convicted of a serious offence;
- (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 these regulations;
- (f) the licensee or permit holder has engaged in fraudulent conduct in relation to the carrying out of plumbing work;
- (fa) the licensee or permit holder has engaged in conduct that is harsh, unconscionable, oppressive, misleading or deceptive in relation to the carrying out of plumbing work;

- (fb) the licensee or permit holder has been negligent or incompetent in relation to the carrying out of plumbing work;
- (g) the licensee or permit holder has failed to comply with a building remedy order or a HBWC remedy order made by the Building Commissioner under the *Building Services (Complaint Resolution and Administration) Act 2011*;
- (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;
- (j) the licensee, being the holder of a provisional tradesperson's licence, has carried out plumbing work while not under the supervision of a licensed plumbing contractor or the holder of —
 - (i) in any case, a tradesperson's licence; or
 - (ii) in the case of drainage plumbing work, a tradesperson's licence (drainage plumbing), working under the general direction and control of a licensed plumbing contractor;
- (k) the licensee, being the holder of a provisional tradesperson's licence (drainage plumbing), has carried out drainage plumbing work while not under the supervision of a licensed plumbing contractor or the holder of —
 - (i) a tradesperson's licence; or
 - (ii) a tradesperson's licence (drainage plumbing),

working under the general direction and control of a licensed plumbing contractor;

- (l) the licensee or permit holder has failed to comply with —
 - (i) an undertaking given by the licensee or permit holder under regulation 31(2)(b); or
 - (ii) an order made by the State Administrative Tribunal under regulation 34(1)(c).

[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; 19 Dec 2014 p. 4837; 29 Apr 2016 p. 1339-40.]

28. Making a complaint about disciplinary matter

- (1) A person may make a complaint to the Board that a disciplinary matter exists or has occurred in respect of a licensee or permit holder.
- (2) A complaint under this regulation must be made in an approved form.

[Regulation 28 inserted in Gazette 29 Apr 2016 p. 1341.]

29. Further information and verification

The Board may, in writing, request a person making a disciplinary complaint to do either or both of the following —

- (a) give the Board further details about the complaint;
- (b) verify any details about the complaint by statutory declaration.

[Regulation 29 inserted in Gazette 29 Apr 2016 p. 1341.]

30. Board to decide what action to take in respect of complaint

The Board may, on consideration of a disciplinary complaint, decide —

- (a) not to take any action; or

- (b) to refer the complaint to the Building Commissioner for investigation; or
- (c) to take action under regulation 31; or
- (d) to make an allegation about the complaint to the State Administrative Tribunal.

[Regulation 30 inserted in Gazette 29 Apr 2016 p. 1341.]

31. Board may deal with certain complaints

- (1) This regulation applies if —
 - (a) the Board is satisfied that a disciplinary matter exists in relation to a licensee or permit holder; and
 - (b) the Board is of the opinion that a proceeding before the State Administrative Tribunal is not warranted by the nature of the matter.
- (2) If this regulation applies, the Board may do one or more of the following —
 - (a) caution or reprimand the licensee or permit holder;
 - (b) require the licensee or permit holder to give an undertaking to the Board for such period as is specified —
 - (i) in relation to the person's future conduct as a licensee or permit holder; or
 - (ii) to comply with such conditions as are specified in relation to the carrying out of plumbing work by the licensee or permit holder;
 - (c) order the licensee or permit holder to pay a penalty of a specified amount not exceeding \$3 000.
- (3) If action is taken under subregulation (2) in relation to a disciplinary matter, no further action is to be taken under this Part with respect to the matter.
- (4) The Board must give the complainant, if any, and the respondent notice of a decision made under subregulation (2).

- (5) The Board must include with the notice of a decision given to the respondent short particulars of the reasons for the decision and the right to apply for a review of the decision under regulation 100.

[Regulation 31 inserted in Gazette 29 Apr 2016 p. 1342-3.]

[32-33. Deleted in Gazette 30 Dec 2004 p. 6929.]

34. SAT's powers on allegation of disciplinary matter

- (1) If, in a proceeding commenced by an allegation under regulation 30(d), 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) caution or 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 of a specified amount 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.

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- (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 return their licence or permit and identification card to the Board no later than 14 days after the day they are notified of the cancellation or suspension.

Penalty for this subregulation: a fine of \$2 000.

*[Regulation 34 amended in Gazette 28 Jun 2004 p. 2415;
30 Dec 2004 p. 6929; 7 Oct 2005 p. 4520; 29 Apr 2016
p. 1343.]*

[35-39. Deleted 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.]

40. Application of Division

This Division does not apply in respect of major plumbing work that includes an alternative solution.

[Regulation 40 inserted in Gazette 24 Apr 2015 p. 1496.]

41. Notice of intention to commence major plumbing work to be given to Board

- (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 for this subregulation: a fine of \$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.

- (3A) A licensed plumbing contractor or permit holder who carries out major plumbing work that is emergency plumbing work must give to the Board a notice of intention in respect of the work at the same time as the certificate of compliance for the work is given to the Board.

Penalty for this subregulation: a fine of \$3 000.

- (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; 29 Apr 2016 p. 1344.]

42. Certificate of compliance for 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; and
 - (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 for this subregulation: a fine of \$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 —
- (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; and
 - (b) the plumbing work of the previous contractor or permit holder was not completed by the previous contractor or permit holder; and
 - (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 for this subregulation: a fine of \$3 000.

*[Regulation 42 inserted in Gazette 28 Jun 2004 p. 2417-18;
amended in Gazette 7 Oct 2005 p. 4521; 29 Apr 2016 p. 1344.]*

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 for this subregulation: a fine of \$3 000.

(2) 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 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 for this subregulation: a fine of \$3 000.

*[Regulation 43 inserted in Gazette 28 Jun 2004 p. 2418-19;
amended in Gazette 7 Oct 2005 p. 4521-2; 29 Apr 2016
p. 1344.]*

Division 2 — Minor plumbing work

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

44. Certificate of compliance for 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 for this subregulation: a fine of \$2 000.

- (2) Subregulation (1) does not apply to a licensed plumbing contractor or permit holder if the work was carried out for 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; 29 Apr 2016 p. 1345.]

Division 3A — Plumbing work including alternative solutions

[Heading inserted in Gazette 24 Apr 2015 p. 1496.]

45A. Notice of intention to include alternative solution

- (1) A licensed plumbing contractor must not carry out, or permit or arrange to be carried out, plumbing work that includes an alternative solution unless the contractor has given the Board a notice of intention to carry out work including an alternative solution at least 5 working days before the work commences.
Penalty for this subregulation: a fine of \$5 000.
- (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 licensed plumbing contractor has, or ought to have, given a notice of intention under subregulation (1).
- (3) The notice of intention must —
 - (a) be in the approved form; and
 - (b) be accompanied by the lodgment fee set out in Schedule 1; and
 - (c) be accompanied by the new installation fee (where relevant).

[Regulation 45A inserted in Gazette 24 Apr 2015 p. 1496-7; amended in Gazette 29 Apr 2016 p. 1345.]

45B. Certificate of compliance for alternative solution

- (1) When plumbing work that includes an alternative solution is completed, the licensed plumbing contractor 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; and
 - (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 for this subregulation: a fine of \$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 (4), 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 must cover the plumbing of a previous contractor if —
 - (a) the principal plumbing includes or relies upon plumbing that is the result of plumbing work for which another licensed plumbing contractor (the *previous contractor*) is responsible; and
 - (b) the plumbing work of the previous contractor was not completed by the previous contractor; and
 - (c) a certificate of compliance for the plumbing work of the previous contractor has not been given; and
 - (d) the plumbing of the previous contractor is essential to the safe and effective operation of the principal plumbing.
- (5) A licensed plumbing contractor who has given a certificate of compliance must keep a copy of the certificate at the contractor's principal place of business for at least 6 years after giving the certificate.

Penalty for this subregulation: a fine of \$3 000.

[Regulation 45B inserted in Gazette 24 Apr 2015 p. 1497-8; amended in Gazette 29 Apr 2016 p. 1345.]

45C. Non-completion of plumbing work including alternative solution

- (1) A licensed plumbing contractor who has given a notice of intention to carry out work including an alternative solution must, by giving notice to the Board in the approved form, withdraw the notice of intention to the extent that the contractor is not going to carry out the work including the alternative solution.

Penalty for this subregulation: a fine of \$3 000.

- (2) A licensed plumbing contractor must comply with regulation 45B in relation to work including an alternative solution that has been completed by the contractor if —
- (a) the contractor has given a notice of intention to carry out the work; and
 - (b) the contractor has commenced the work; and
 - (c) the contractor is not going to complete all the work.

Penalty for this subregulation: a fine of \$3 000.

[Regulation 45C inserted in Gazette 24 Apr 2015 p. 1498-9; amended in Gazette 29 Apr 2016 p. 1345.]

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 in notices etc., offence

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: a fine of \$5 000.

[Regulation 46 inserted in Gazette 28 Jun 2004 p. 2421; amended in Gazette 29 Apr 2016 p. 1345.]

Part 6 — Plumbing standards

[Heading inserted in Gazette 24 Apr 2015 p. 1499.]

47. Term used: responsible person

In this Part —

responsible person, in relation to plumbing work, means each of the following —

- (a) a person who carries out the plumbing work;
- (b) a person under whose general direction and control or supervision the plumbing work is carried out;
- (c) the licensed plumbing contractor or permit holder who is responsible for the plumbing work.

[Regulation 47 inserted in Gazette 24 Apr 2015 p. 1499.]

48. Plumbing standards

The standards that apply to plumbing and plumbing work (**plumbing standards**) are, subject to the modifications set out in regulation 49, the requirements set out in the following provisions of the Plumbing Code —

- (a) Section A;
- (b) Part B1 and Part B2 other than Part B2.6;
- (c) to the extent that the requirements relate to water supply plumbing and water supply plumbing work — Parts B3 and B4;
- (d) Parts C1 and C2;
- (e) Part G1.

[Regulation 48 inserted in Gazette 24 Apr 2015 p. 1500.]

49. Modifications to Plumbing Code

- (1) For the purposes of regulation 48, AS/NZS 3500.1 (Water services) as referenced in the Plumbing Code is modified to delete clause 3.5.2(a).

- (2) For the purposes of regulation 48, the modifications set out in the Table are made to AS/NZS 3500.2 (Sanitary plumbing and drainage) as referenced in the Plumbing Code.

Table

Provision	Modification
Clause 3.2	<p>Delete “that building.” and insert:</p> <p>buildings on that property.</p>
Clause 3.9.2.2	<p>Delete the clause and insert:</p> <p>3.9.2.2 <i>Downstream (boundary trap) vent</i></p> <p>Where, on any drain, a boundary trap vent is required by Clause 3.9.1(a), it shall be installed so that —</p> <p>(a) the vent is connected not more than 10 m from the boundary trap riser and no other fixture is connected between the vent and the boundary trap riser;</p> <p>(b) if the vent is unsupported, it terminates between a minimum of 150 mm and a maximum of 250 mm above ground or adopted flood level using one of the following methods —</p> <p>(i) one 88° bend and a flat grate with invert level not less than 150 mm above ground or adopted flood level;</p>

Provision	Modification
	(ii) two 88° bends and a flat grate or vent cowl so that there is not less than 150 mm between the flat grate or vent cowl and the ground or adopted flood level;
	(iii) an air admittance valve not less than 150 mm above ground or adopted flood level installed in accordance with Clause 6.9;
	and
	(c) the vent is sized in accordance with Clause 3.9.3.1 so that the fixture unit loading on the main drain determines the size of the vent with the minimum size being not less than DN 50.

Clause 3.18

Delete paragraphs (b) to (d) and insert:

- (b) The inspection shaft shall be a sweep or 45° junction installed in the graded drain with the branch of the junction extended vertically upwards to surface level.
- (c) The junction to the inspection shaft shall be against the grade of the drain so that any rodding of the line is in the direction away from the chamber.

Provision	Modification
	(d) Where more than one drain is connected to a vacuum chamber, the spill level of both overflow gullies of the drains shall be installed level with each other wherever possible.
	(e) A DN 100 vent pipe shall be provided on each drain connected to a vacuum chamber.
	(f) A vacuum sewer system vent can be located on the main drain as close as possible to the inspection shaft riser but can also be connected further upstream as long as no other fixture is connected between the inspection shaft riser and the vent connection.
	(g) A vacuum sewer system vent can terminate between a minimum of 150 mm and a maximum of 250 mm above ground or adopted flood level using one of the following methods —
	(i) one 88° bend and a flat grate with invert level not less than 150 mm above ground or adopted flood level;
	(ii) two 88° bends and a flat grate or vent cowl so that there is not less than 150 mm between the flat grate or vent cowl and the ground or adopted flood level;

Provision	Modification
	<p>(iii) an air admittance valve not less than 150 mm above ground or adopted flood level installed in accordance with Clause 6.9.</p> <p>(h) Where a vacuum sewer system vent is installed as a low level vent it shall terminate in accordance with Clause 3.9.2.3.</p> <p>(i) Where a vacuum sewer system vent is not installed as a low level vent it shall terminate in accordance with Clause 6.8.4 and where an air admittance valve is used it shall be installed in accordance with Clause 6.9.</p>
Clause 4.6.2	<p>Delete paragraph (b) and insert:</p> <p>(b) have each gully riser provided with a grating or cover of a loose, pop-out type to relieve surcharge and allow adequate ventilation to the gully riser; and</p> <p>In paragraph (c)(ii) delete “surround)” and insert:</p> <p>surround); and</p>

Provision	Modification
	<p>At the end of the clause insert:</p> <p>(d) have the height of the gully riser not more than 600 mm measured from the top of the water seal to the grate of the gully.</p>
Table 4.6.6.6	<p>Delete the 1st item.</p> <p>In the 2nd item delete “or shower”.</p> <p>Delete the 3rd item.</p> <p>In the last item delete “Top surface level of the fixture outlet” and insert:</p> <p>Overflow level of the fixture</p>
Clause 4.7.1	<p>Delete paragraphs (a) to (h) and insert:</p> <p>(a) at the downstream end of any branch drain that exits a building, adjacent to the junction into the main drain;</p> <p>(b) at the upstream and downstream ends of all branch drains and main drains that are external to a building;</p> <p>(c) at every change of horizontal direction greater than 45°;</p> <p>(d) at intervals of not more than 30 m;</p> <p>(e) at the connection to the water services provider’s sewer if not provided by the water services provider;</p>

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Provision	Modification
	(f) at the downstream end of any drain that passes under a building, except where waste fixtures only are concerned;
	(g) where any new section of drain is connected to an existing drain; and
	(h) at the upper bend of a jump-up or rising shaft.

Clause 6.4.3	Before “600 mm” insert: 300 mm for urinals and
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- (3) For the purposes of regulation 48, AS/NZS 3500.4 (Heated water services) as referenced in the Plumbing Code is modified in Table 5.9.1(A) in the item relating to Expansion control valve (Australia) in the 3rd and 4th columns to delete “See Note 1 of Clause 5.8 and insert:

Yes

- (4) For the purposes of regulation 48, the modifications set out in the Table are made to AS/NZS 3500.5 (Housing Installations) as referenced in the Plumbing Code.

Table

Provision	Modification
Clause 2.5.6.2	Delete paragraph (a).
Table 3.20.1	In the item relating to Expansion control valve (Australia) in the 3 rd and 4 th columns delete “*” and insert:

Provision	Modification
	Yes
Clause 4.10	Delete “that building.” and insert: buildings on that property.
Clause 4.21.1	Delete paragraphs (a) to (h) and insert: <ul style="list-style-type: none"> (a) at the downstream end of any branch drain that exits a building, adjacent to the junction into the main drain; (b) at the upstream and downstream ends of all branch drains and main drains that are external to a building; (c) at every change of horizontal direction greater than 45°; (d) at intervals of not more than 30 m; (e) at the connection to the water services provider’s sewer if not provided by the water services provider; (f) at the downstream end of any drain that passes under a building, except where waste fixtures only are concerned; (g) where any new section of drain is connected to an existing drain; and (h) at the upper bend of a jump-up or rising shaft.

Provision	Modification
Clause 4.34.2.2	<p>Delete the clause and insert:</p> <p>4.34.2.2 <i>Downstream (boundary trap) vent</i></p> <p>Where, on any drain, a boundary trap vent is required by Clause 4.34.1(a), it shall be installed so that —</p> <ul style="list-style-type: none">(a) the vent is connected not more than 10 m from the boundary trap riser and no other fixture is connected between the vent and the boundary trap riser;(b) if the vent is unsupported, it terminates between a minimum of 150 mm and a maximum of 250 mm above ground or adopted flood level using one of the following methods —<ul style="list-style-type: none">(i) one 88° bend and a flat grate with invert level not less than 150 mm above ground or adopted flood level;(ii) two 88° bends and a flat grate or vent cowl so that there is not less than 150 mm between the flat grate or vent cowl and the ground or adopted flood level;(iii) an air admittance valve not less than 150 mm above ground or adopted flood level installed in accordance with Clause 4.34.8; <p>and</p>

Provision	Modification
	<p>(c) the vent is sized in accordance with Clause 4.34.3.1 so that the fixture unit loading on the main drain determines the size of the vent with the minimum size being not less than DN 50.</p>
<p>Clause 4.36.2</p>	<p>Delete paragraph (b) and insert:</p> <p>(b) have each gully riser provided with a grating or cover of a loose, pop-out type to relieve surcharge and allow adequate ventilation to the gully riser; and</p> <p>In paragraph (c)(ii) delete “product.” and insert:</p> <p>product; and</p> <p>At the end of the clause insert:</p> <p>(d) have the height of the gully riser not more than 600 mm measured from the top of the water seal to the grate of the gully.</p>
<p>Table 4.36.6.6</p>	<p>Delete the 1st item.</p> <p>In the 2nd item delete “or shower”.</p> <p>Delete the 3rd item.</p>

Provision	Modification
	In the last item delete “Top surface level of the fixture outlet” and insert: Overflow level of the fixture
Clause 4.37.1.7	Delete paragraph (c) and insert: (c) connected as close as possible to the fixture outlet. Before “600 mm” insert: 300 mm for urinals and
Clause 4.38	Delete paragraphs (b) to (d) and insert: (b) The inspection shaft shall be a sweep or 45° junction installed in the graded drain with the branch of the junction extended vertically upwards to surface level. (c) The junction to the inspection shaft shall be against the grade of the drain so that any rodding of the line is in the direction away from the chamber. (d) Where more than one drain is connected to a vacuum chamber, the spill level of both overflow gullies of the drains shall be installed level with each other wherever possible.

Provision	Modification
	(e) A DN 100 vent pipe shall be provided on each drain connected to a vacuum chamber.
	(f) A vacuum sewer system vent can be located on the main drain as close as possible to the inspection shaft riser but can also be connected further upstream as long as no other fixture is connected between the inspection shaft riser and the vent connection.
	(g) A vacuum sewer system vent can terminate between a minimum of 150 mm and a maximum of 250 mm above ground or adopted flood level using one of the following methods —
	(i) one 88° bend and a flat grate with invert level not less than 150 mm above ground or adopted flood level;
	(ii) two 88° bends and a flat grate or vent cowl so that there is not less than 150 mm between the flat grate or vent cowl and the ground or adopted flood level;
	(iii) an air admittance valve not less than 150 mm above ground or adopted flood level installed in accordance with Clause 4.34.8.
	(h) Where a vacuum sewer system vent is installed as a low level vent it shall terminate in accordance with Clause 4.34.2.3.

r.

Provision	Modification
	(i) Where a vacuum sewer system vent is not installed as a low level vent it shall terminate in accordance with Clause 4.34.7, and where an air admittance valve is used it shall be installed in accordance with Clause 4.34.8.

[Regulation 49 inserted in Gazette 24 Apr 2015 p. 1500-12; amended in Gazette 29 Apr 2016 p. 1346.]

50. Compliance with plumbing standards and standard of work

A person must ensure that plumbing work for which the person is a responsible person —

- (a) complies with the plumbing standards that apply to the plumbing work; and
- (b) is carried out in a tradesman like manner.

Penalty: a fine of \$5 000.

[Regulation 50 inserted in Gazette 24 Apr 2015 p. 1512.]

51. Connecting unsafe plumbing

- (1) A person who is a responsible person for plumbing work must ensure that plumbing is not connected to a water supply system, a sewerage system or an apparatus for the treatment of sewerage, unless the plumbing complies with the plumbing standards that apply to the plumbing.

Penalty for this subregulation: a fine of \$5 000.

- (2) A person does not commit an offence under subregulation (1) if the person proves that he or she did not know that the plumbing did not comply with the plumbing standards.
- (3) A prosecution of an offence under subregulation (1) cannot be commenced without the approval of the Board.

- (4) The Board cannot give approval under subregulation (3) unless the Board is satisfied that connecting the plumbing was unsafe or gave rise to a dangerous situation.

[Regulation 51 inserted in Gazette 24 Apr 2015 p. 1512-13; amended in Gazette 29 Apr 2016 p. 1346.]

52. Specifications not to be exceeded

- (1) A person who installs a pipe, fixture or fitting as part of plumbing work for which the person is a responsible person must ensure that —
- (a) the installation specifications specified by the manufacturer of the pipe, fixture or fitting are complied with; and
 - (b) the operating conditions specified by the manufacturer of the pipe, fixture or fitting will not be exceeded.

Penalty for this subregulation: a fine of \$5 000.

- (2) Subregulation (1) does not apply if the manufacturers specifications for installation or operating conditions are inconsistent with the plumbing standards that apply to the plumbing.

[Regulation 52 inserted in Gazette 24 Apr 2015 p. 1513; amended in Gazette 29 Apr 2016 p. 1347.]

53. Liquid waste from airconditioners

- (1) In this regulation —
- airconditioning waste*** means liquids that drain out of an airconditioning unit.
- (2) A person who is a responsible person for drainage plumbing work that involves or would result in the discharge of airconditioning waste into the sewer must ensure that the work is carried out in accordance with the requirements of AS/NZS 3500.2:2003 (Sanitary plumbing and drainage) clause 11.20.

[Regulation 53 inserted in Gazette 24 Apr 2015 p. 1513-14.]

54. Non-application, modification of, plumbing standards

- (1) In this regulation —
declaration means a declaration under subregulation (2);
specified means specified in a declaration.
- (2) The Board may, in writing and on the application of another person —
 - (a) declare that a specified plumbing standard does not apply to specified plumbing work or specified plumbing;
or
 - (b) modify in a specified way a plumbing standard that applies to specified plumbing work or specified plumbing.
- (3) A declaration has effect in accordance with its terms.
- (4) The Board must not make a declaration unless satisfied that the declaration would not result in an increased risk to people, property or the environment and that making the declaration —
 - (a) is in the public interest; or
 - (b) is consistent with the purpose of any other written law or a Commonwealth law.
- (5) A declaration may be made subject to specified conditions.
- (6) If a declaration is made subject to a specified condition, the declaration has no effect at any time when the condition is being contravened.
- (7) The Board may, by notice in writing, revoke or amend a declaration at any time and must serve the applicant for the original declaration with a copy of the notice.
- (8) An application for a declaration must be made in an approved form and accompanied by the application fee set out in Schedule 1.

[Regulation 54 inserted in Gazette 24 Apr 2015 p. 1514-15.]

[55-65. Deleted in Gazette 24 Apr 2015 p. 1499.]

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, designation of and identity cards for

- (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; and
 - (b) the person's name; and
 - (c) a statement that the person is a plumbing compliance officer; and
 - (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, rules applying to

- (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. Inspection of plumbing work by officer, notice of etc.

- (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; and
 - (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; and

- (b) obtain the written consent of the occupier (or owner if there is no occupier) to the plumbing compliance officer, 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 may be given to dwelling owner etc. in some cases

- (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; and
 - (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. Drainage plumbing work (major plumbing work) ready for inspection, notice to be given to Board of

- (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 and must give the notice —
 - (a) before the time; and
 - (b) in the manner,

nominated by the Board by notice published in the *Gazette*.
Penalty for this subregulation: a fine of \$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; and
 - (b) the contractor or a licensee whose licence covers the type of work to be inspected is present at the time of the inspection if so requested by a plumbing compliance officer; 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 for this subregulation: a fine of \$5 000.

- (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.

[Regulation 70 inserted in Gazette 28 Jun 2004 p. 2435-6; amended in Gazette 1 May 2007 p. 1896-7; 29 Apr 2016 p. 1347.]

71. Rectification notices

- (1) A plumbing compliance officer may give a rectification notice in respect of plumbing work if the officer is satisfied that —
 - (a) the plumbing work was not carried out in accordance with the plumbing standards that applied to the work at the time it was carried out; or
 - (b) the plumbing work —
 - (i) did not comply with the deemed-to-satisfy provisions in the Plumbing Code as modified in accordance with regulation 49 at the time the work was carried out; and
 - (ii) a notice of intention to include an alternative solution was not given under regulation 45A for the work;

or

- (c) the plumbing work included the installation of a pipe, fixture or fitting in respect of which regulation 52(1) applied and —
 - (i) the installation specifications specified by the manufacturer of the pipe, fixture or fitting were not complied with; or
 - (ii) the operating conditions specified by the manufacturer of the pipe, fixture or fitting were exceeded;or
 - (d) the plumbing work was not carried out in a tradesman like manner.
- (2) A rectification notice may not be given more than 6 years after the later of the following events —
- (a) the certificate of compliance for the plumbing work is given in accordance with regulation 42(1) or 45B(1);
 - (b) a previous rectification notice in respect of the plumbing work is given.
- (3) The rectification notice is to be in the approved form and must specify —
- (a) the plumbing that is to be rectified; and
 - (b) the rectification that is required to be carried out; and
 - (c) whether the rectification must be carried out by a licensed plumbing contractor or permit holder; and
 - (d) the time within which the rectification must be carried out.
- (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.

[Regulation 71 inserted in Gazette 24 Apr 2015 p. 1515-17.]

72. Rectification notice to be complied with etc.

- (1) A person who is given a rectification notice must comply with the notice.
Penalty for this subregulation: a fine of \$5 000.
- (2) A person who is given a rectification notice must, as soon as is practicable, notify —
 - (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 for this subregulation: a fine of \$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 for this subregulation: a fine of \$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; amended in Gazette 29 Apr 2016 p. 1347-8.]

73. Inspection of rectified plumbing work, fee for

- (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 —

authorised person means —

- (a) a plumbing compliance officer; or
- (b) a person designated 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 a regulation listed in the Table to regulation 75(3).

[Regulation 74 inserted in Gazette 29 Apr 2016 p. 1348.]

75. Infringement notices, issue of

- (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.
- (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

Offence against regulation	Modified penalty
	\$
9(1), 42(1), 45A(1), 45B(1)	1 000

Offence against regulation	Modified penalty
	\$
24A, 41(3A)	300
25, 44(1), 104(3), 105	200
41(1), 43(1) or (2), 45B(5), 45C(1) or (2)	600
70(1), 70(3)	500

[Regulation 75 inserted in Gazette 28 Jun 2004 p. 2440; amended in Gazette 24 Apr 2015 p. 1517; 29 Apr 2016 p. 1348-9.]

76. Extending time to pay modified penalty

- (1) An authorised person may, in a particular case, extend the period within which the modified penalty specified in an infringement notice may be paid and the extension may be allowed whether or not that period has elapsed.
- (2) An authorised person may not extend the period within which a modified penalty specified in an infringement notice may be paid if the authorised person gave the infringement notice.

[Regulation 76 inserted in Gazette 29 Apr 2016 p. 1349.]

77. Withdrawing infringement 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.

- (3) An authorised person may not withdraw an infringement notice if the authorised person gave the infringement notice.

[Regulation 77 inserted in Gazette 28 Jun 2004 p. 2441; amended in Gazette 29 Apr 2016 p. 1349.]

78. Payment of modified penalty, consequences of

- (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. Paid modified penalties, application of

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. Designation of employee of department as authorised person

- (1) The Board may, in writing, designate an employee of the department to be an authorised person for the purposes of regulation 75, 76 or 77.
- (2) The Board is to issue to each person who is designated under subregulation (1) a certificate of that person's authorisation.

- (3) An authorised person must, at the request of a person to whom an infringement notice has been given, produce the certificate given to the person under subregulation (2).

[Regulation 80 inserted in Gazette 29 Apr 2016 p. 1350.]

Division 4 — Dangerous situations

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

81. Plumbing compliance officers' powers to deal with dangerous situations

- (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; and
 - (b) prevent persons other than those authorised by a plumbing compliance officer from entering the area where the dangerous situation exists; and
 - (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. Terms used

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. Power to enter 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; or
 - (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.

- (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 intention to enter dwelling, issue of

- (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 powers for inspection and compliance purposes

- (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; or
- (b) inspect or examine the place; or
- (c) direct a person to produce any document that is or may be relevant to the inspection; or
- (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; or
- (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

- (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; or
- (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, use of

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. Remedial action by State under r. 72(5) or 81, recovering cost of

- (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.

- (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; and
 - (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.
Penalty for this subregulation: a fine of \$5 000.
- (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.
Penalty for this subregulation: a fine of \$5 000.
- (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.
Penalty for this subregulation: a fine of \$5 000.
- (4) It is a defence to a charge under this regulation to prove that the person charged had a reasonable excuse.
- [(5) deleted]*

Plumbers Licensing and Plumbing Standards Regulations 2000

Part 7 Inspection, investigation and enforcement

Division 6 General provisions

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*[Regulation 90 inserted in Gazette 28 Jun 2004 p. 2449;
amended in Gazette 29 Apr 2016 p. 1350.]*

Part 8 — Miscellaneous provisions

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

100. Application to SAT for review of certain decisions of Board

- (1) This regulation applies to a decision of the Board —
 - (a) to refuse to issue a licence or permit; or
 - (b) to refuse to renew a licence or permit; or
 - (c) to impose a condition on a licence or permit; or
 - (d) to change, remove or add a condition to a licence or permit; or
 - (e) to take action under regulation 31(2); or
 - (f) to refuse to make a declaration under regulation 54; or
 - (g) to impose a condition on a declaration made under regulation 54.
- (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.

[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; 29 Apr 2016 p. 1351.]

[101. Deleted in Gazette 30 Dec 2004 p. 6930.]

102. Register of licences etc., public access to etc.

- (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.

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- (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.
- (5) The Board may remove private address and telephone details from —
 - (a) the copy of the register that is available for inspection under subregulation (2); or
 - (b) a copy of the register that is provided under subregulation (3); or
 - (c) an extract from the register that is provided under subregulation (4).

[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; 26 Jun 2007 p. 3069.]

103. Register, content of

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 and his or her telephone number at that address or a mobile telephone number;
- (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; 26 Jun 2007 p. 3069.]

104. Register, Board may amend etc.

- (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.
- (3) A licensee or permit holder must comply with a notice given to the licensee or permit holder under subregulation (2).

Penalty for this subregulation: a fine of \$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; 29 Apr 2016 p. 1351.]

105. Change of address etc., licensee etc. to notify Board of

A licensee or permit holder must notify the Board in writing of a change in the licensee's or permit holder's address or telephone number as registered under regulation 103(b) no later than 14 days after the change occurs.

Penalty: a fine of \$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; 26 Jun 2007 p. 3069; 29 Apr 2016 p. 1351.]

106. Forms, approval of etc.

- (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; and
 - (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; and
 - (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.

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

107. Evidentiary provisions

- (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. Information about Board, Board may publish

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.]

109. Information that may be disclosed (Act s. 60B(2)(b))

For the purposes of section 60B(2)(b) of the Act —

- (a) information may be disclosed to a person or body who or which has functions relating to the regulation of

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plumbing work under the law of this or another State, a Territory or the Commonwealth; and

- (b) details of property on which plumbing work has been carried out may be disclosed to a water services provider if the disclosure is in accordance with an arrangement between the Board and the water services provider.

[Regulation 109 inserted in Gazette 26 Jun 2007 p. 3070.]

[Part 9: Div. 1 (r. 110-117) and Div. 2 (r. 120-124) deleted in Gazette 29 Apr 2016 p. 1352.]

Schedule 1 — Fees

[r. 3, 22, 45, 45A, 54, 73 and 102]

*[Heading inserted in Gazette 28 Jun 2004 p. 2458; amended in Gazette 24 Apr 2015 p. 1517.]***1. Table of fees**

The amounts of the fees for the purposes of these regulations are set out in the Table to this clause.

Table

Item	Description of fee	Amount (\$)
1.	Application for plumbing contractor's licence (regulation 15)	56.40
2.	Application for tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 15)	25.00
3A.	Application for provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) (regulation 15)	22.50
3B.	Application for restricted plumbing permit (regulation 15)	22.50
3.	Issue of plumbing contractor's licence (regulation 17)	578.00
4.	Issue of tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 17)	214.00
5A.	Issue of provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) (regulation 17)	70.00
5B.	Issue of restricted plumbing permit (regulation 17)	282.00
5.	Renewal of plumbing contractor's licence (regulation 19A)	578.00

Plumbers Licensing and Plumbing Standards Regulations 2000

Schedule 1 Fees

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Item	Description of fee	Amount (\$)
6.	Renewal of tradesperson's licence or tradesperson's licence (drainage plumbing) (regulation 19A)	214.00
7.	Renewal of provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) (regulation 19A)	70.00
8.	Renewal of restricted plumbing permit (regulation 19A)	289.00
9.	Issue of duplicate licence or permit (regulation 22)	23 60.00
10.	Combined notice of intention and certificate of compliance (regulation 41(1) and 42(1)) — 1 notice/certificate	22.50
11.	Combined notice of intention and certificate of compliance (regulation 41(1) and 42(1)) — booklet of 2 or more notices/certificates	22.50 per notice/certificate
12.	Multi-entry certificate of compliance (regulation 44(1)) — 1 multi-entry certificate	17.00
13.	Multi-entry certificate of compliance (regulation 44(1)) — booklet of 2 or more multi-entry certificates	16.00 per certificate
14.	New installation fee for plumbing work involving 9 or less fixtures (regulation 45)	69.25
15.	New installation fee for plumbing work involving more than 9 fixtures (regulation 45)	69.25 plus 11.40 for each fixture more than 9

Item	Description of fee	Amount (\$)
16A.	Notice of intention to carry out work that includes alternative solution (regulation 45A(1)) — 1 notice	22. 40 75
16B.	Lodgment fee for notice of intention to carry out work that includes alternative solution (regulation 45A(3))	777.60 780.00
16C.	Application for declaration for non-application or modification of plumbing standards (regulation 54)	530 780.00
16.	Re-inspection fee per hour or part-hour (regulation 73)	70 120.00
17.	Copy of register (regulation 102(3))	56.25 60.00
18.	Extract from register (regulation 102(4))	23 60.00

[Clause 1 inserted in Gazette 28 Jun 2004 p. 2458-9; amended in Gazette 7 Oct 2005 p. 4525-6; 29 May 2007 p. 2506; 25 Jun 2010 p. 2882; 22 Jun 2011 p. 2330-1; 15 Jun 2012 p. 2622-3; 27 Jun 2013 p. 2714-15; 17 Jun 2014 p. 1976-7; 19 Dec 2014 p. 4837-8; 24 Apr 2015 p. 1518; 23 Jun 2015 p. 2183-4; 29 Apr 2016 p. 1352; 3 Jun 2016 p. 1769.]

[2. Deleted in Gazette 29 May 2007 p. 2506.]

Schedule 2 — Constitution and proceedings

[r. 8]

1. Term used: meeting

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. Vacancies, when they occur

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

- (a) resigns the office by written notice delivered to the Minister; or
- (b) becomes ineligible to hold office as a member; or
- (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; or
- (b) has misbehaved; or
- (c) is incompetent; or
- (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, appointment of etc.

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

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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 19 Dec 2014 p. 4838.]

Division 1 — Preliminary

[Heading inserted in Gazette 19 Dec 2014 p. 4838.]

1. Terms used

In this Schedule —

approved means approved by the Board;

Certificate, followed by a designation, means a certificate bearing that designation that is issued by a registered training provider;

registered training provider has the meaning given in the *Vocational Education and Training Act 1996*;

statement of attainment, of particular units of competency, means a document issued by a registered training provider containing information to the effect that the person named in the document has attained those units while receiving training from the provider;

statement of competency, in relation to particular plumbing work, means a document issued by a registered training provider containing information to the effect that the person named in the document —

- (a) has received training from the provider in the performance of the work; and
- (b) is competent to do that work.

[Clause 1 inserted in Gazette 19 Dec 2014 p. 4838-9.]

Division 2 — Licence requirements

[Heading inserted in Gazette 19 Dec 2014 p. 4839.]

2. Plumbing contractor's licence

The requirements for a plumbing contractor's licence are that the applicant —

- (a) is the holder of a tradesperson's licence; and

- (b) holds —
 - (i) a statement of competency as a water supply plumber, sanitary plumber or drainer; or
 - (ii) an equivalent Western Australian qualification as determined by the Board.

[Clause 2 inserted in Gazette 19 Dec 2014 p. 4839.]

3. Tradesperson's licence

The requirements for a tradesperson's licence are that —

- (a) the applicant holds —
 - (i) a Certificate III in Plumbing attained by fulfilling the obligations of an apprentice under a training contract, as those terms are defined in the *Vocational Education and Training Act 1996* section 60A; or
 - (ii) an equivalent Western Australian qualification as determined by the Board;

or

- (b) the applicant holds, or has within the preceding 6 months held, a provisional tradesperson's licence and also holds —
 - (i) a Certificate III in Plumbing (Migrant Gap Training); or
 - (ii) an equivalent Western Australian qualification as determined by the Board.

[Clause 3 inserted in Gazette 19 Dec 2014 p. 4839.]

4. Tradesperson's licence (drainage plumbing)

The requirements for a tradesperson's licence (drainage plumbing) are that —

- (a) the applicant holds —
 - (i) a Certificate II in Drainage; or
 - (ii) an equivalent Western Australian qualification as determined by the Board;

or

- (b) the applicant holds, or has within the preceding 6 months held, a provisional tradesperson's licence (drainage plumbing) and also holds —
 - (i) a statement of attainment of approved units of competency within Certificate III in Plumbing (Migrant Gap Training); or
 - (ii) an equivalent Western Australian qualification as determined by the Board.

[Clause 4 inserted in Gazette 19 Dec 2014 p. 4839-40.]

5. Provisional tradesperson's licence

- (1) In this clause —

Trades Recognition Australia means the body set up by the Commonwealth Department of Immigration and Border Protection.
- (2) The requirements for a provisional tradesperson's licence are that the applicant holds —
 - (a) an Offshore Technical Skills Record, issued by the body called Trades Recognition Australia, that relates to units of competency within Certificate III in Plumbing; or
 - (b) an equivalent Western Australian qualification as determined by the Board.

[Clause 5 inserted in Gazette 19 Dec 2014 p. 4840.]

6. Provisional tradesperson's licence (drainage plumbing)

The requirements for a provisional tradesperson's licence (drainage plumbing) are that the applicant holds —

- (a) an Offshore Technical Skills Record, issued by Trades Recognition Australia, that relates to units of competency within Certificate II in Drainage; or
- (b) an equivalent Western Australian qualification as determined by the Board.

[Clause 6 inserted in Gazette 19 Dec 2014 p. 4840.]

Division 3 — Permit requirements

[Heading inserted in Gazette 19 Dec 2014 p. 4840.]

7. Restricted plumbing permit

- (1) In this clause —
- restricted plumbing*** means plumbing work that is authorised by a restricted plumbing permit.
- (2) The requirements for a restricted plumbing permit are that —
- (a) the applicant holds —
- (i) a statement of attainment of approved units of competency within a course of training provided in restricted plumbing; or
 - (ii) an equivalent Western Australian qualification as determined by the Board;
- and
- (b) the applicant holds —
- (i) an electrical worker's licence issued and endorsed as an electrician's licence under the *Electricity (Licensing) Regulations 1991* regulation 24; or
 - (ii) a gasfitting permit or authorisation issued under the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999* regulation 12.

[Clause 7 inserted in Gazette 19 Dec 2014 p. 4840-1; amended in Gazette 29 Apr 2016 p. 1352.]

Schedule 4 — Forms

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

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

Form 1

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

What you must do	<p>1. You may elect to have this matter heard and determined by a court. To do this, complete the details in “Electing action by a court” 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 “Paying the modified penalty” 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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Form 2

Reverse of Form 1

Electing action by a court	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:
Paying the modified penalty	<p>You may pay the modified penalty —</p> <p>1. BY POSTING your credit card details or a cheque or money order made payable to [details to be inserted here];</p> <p>OR</p> <p>2. IN PERSON to [details to be inserted here].</p>

[Form 1 inserted in Gazette 28 Jun 2004 p. 2462-3; amended in Gazette 14 Nov 2013 p. 5234.]

Form 2

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

[Form 2 inserted in Gazette 28 Jun 2004 p. 2463; amended in Gazette 14 Nov 2013 p. 5234.]

Notes

¹ This is a compilation of the *Plumbers Licensing and Plumbing Standards Regulations 2000* and includes the amendments made by the other written laws referred to in the following table ¹⁴². The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Water Services Coordination (Plumbers Licensing) Regulations 2000</i> ⁸	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> ⁹	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)
Reprint 1: The Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 as at 1 Oct 2004 (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

Plumbers Licensing and Plumbing Standards Regulations 2000

Citation	Gazettal	Commencement
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2007</i>	1 May 2007 p. 1896-7	1 May 2007
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2007</i>	29 May 2007 p. 2502-6	r. 1 and 2: 29 May 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jun 2007 (see r. 2(b))
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 3) 2007</i>	26 Jun 2007 p. 3062-70	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
Reprint 2: The Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 as at 3 Aug 2007 (includes amendments listed above)		
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2009</i>	11 Dec 2009 p. 5060-1	r. 1 and 2: 11 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Dec 2009 (see r. 2(b))
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2010</i>	25 Jun 2010 p. 2881-2	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
<i>Public Sector Reform (Consequential Amendments) Regulations 2011 r. 20</i>	11 Feb 2011 p. 502-7	12 Feb 2011 (see r. 2(d))
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2011</i>	22 Jun 2011 p. 2329-31	r. 1 and 2: 22 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2011</i>	30 Jun 2011 p. 2655-6	r. 1 and 2: 30 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
Reprint 3: The Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 as at 3 Feb 2012 (includes amendments listed above)		
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2012</i>	15 Jun 2012 p. 2621-3	r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2013</i>	27 Jun 2013 p. 2713-15	r. 1 and 2: 27 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))

Citation	Gazettal	Commencement
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2013</i>	14 Nov 2013 p. 5231-4	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027)
Reprint 4: The Plumbers Licensing and Plumbing Standards Regulations 2000 as at 14 Feb 2014 (includes amendments listed above)		
<i>Plumbers Licensing and Plumbing Standards Amendment Regulations 2014</i>	17 Jun 2014 p. 1975-7	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<i>Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2014</i>	19 Dec 2014 p. 4831-41	r. 1 and 2: 19 Dec 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2015 (see r. 2(b))
<i>Plumbers Licensing and Plumbing Standards Amendment Regulations 2015</i>	24 Apr 2015 p. 1495-518	r. 1 and 2: 24 Apr 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2015 (see r. 2(b))
<i>Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2015</i>	23 Jun 2015 p. 2183-4	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
<i>Plumbers Licensing and Plumbing Standards Amendment Regulations 2016</i>	29 Apr 2016 p. 1329-52	r. 1 and 2: 29 Apr 2016 (see r. 2(a)); Regulations other than r. 1, 2 and 33: 30 Apr 2016 (see r. 2(c)); r. 33: 1 May 2016 (see r. 2(b))

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

~~Provisions that have not come into operation~~

Citation	Gazettal	Commencement
<i>Commerce Regulations Amendment (Fees and Charges) Regulations 2016</i> Pt. 15 ¹⁹	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))

² ~~Formerly referred to the~~² [The Water Services Coordination Act 1995](#), the short title of which was changed to the *Water Services Licensing Act 1995* by the *Economic Regulation Authority Act 2003* s. 62, and then subsequently changed to the *Plumbers Licensing Act 1995* by the *Water Services Legislation Amendment and Repeal Act 2012* s. 193.

³ The *Legal Practice Act 2003* was repealed by the *Legal Profession Act 2008*. Under the *Legal Profession Act 2008* s. 630(1), a reference in an Act or document to the *Legal Practice Act 2003* may, if the context permits, be taken to be a reference to the *Legal Profession Act 2008*.

Under the *Legal Profession Act 2008* s. 630(2), a reference in an Act to a lawyer or legal practitioner may, if the context permits, be read as a reference to an Australian lawyer.

⁴ The *Country Towns Sewerage By-laws 1952* were repealed by the *Water Services Legislation Amendment and Repeal Act 2012* s. 200(b).

⁵ The *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* bl. 7.1, 7.2, 7.3, 16.1 and 16.2 were deleted by the *Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 2004* in *Gazette* 28 Jun 2004 p. 2375.

⁶ The *Country Areas Water Supply By-laws 1957* bl. 58(3) and (4) were deleted by the *Country Areas Water Supply Amendment By-laws 2004* in *Gazette* 28 Jun 2004 p. 2391.

⁷ Repealed by the *Building Services (Registration) Act 2011* s. 107.

⁸ Now known as the *Plumbers Licensing and Plumbing Standards Regulations 2000*; citation changed (see note under r. 1). The citation was originally the *Water Services Coordination (Plumbers Licensing) Regulations 2000* and was subsequently changed to the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*.

⁹ The *Water Services Coordination (Plumbers Licensing) Amendment Regulations (No. 2) 2004* Pt. 3 contains transitional provisions that are of no further effect.

¹⁰ ~~On the date as at which this compilation was prepared, the *Commerce Regulations Amendment (Fees and Charges) Regulations 2016* Pt. 15 had not come into operation. It reads as follows:~~

**~~Part 15 — Plumbers Licensing and Plumbing Standards
Regulations 2000 amended~~**

~~29. — Regulations amended~~

~~— This Part amends the *Plumbers Licensing and Plumbing Standards Regulations 2000*.~~

~~30. Schedule 1 amended~~

~~Amend the provisions listed in the Table as set out in the Table.~~

Table

Provision	Delete	Insert
Sch. 1 cl. 1 it. 9	23.00	60.00
Sch. 1 cl. 1 it. 16A	22.40	22.75
Sch. 1 cl. 1 it. 16B	777.60	780.00
Sch. 1 cl. 1 it. 16C	530.00	780.00
Sch. 1 cl. 1 it. 16	70.00	120.00
Sch. 1 cl. 1 it. 17	56.25	60.00
Sch. 1 cl. 1 it. 18	23.00	60.00