
COMMERCE

CM301

Plumbers Licensing Act 1995

**Plumbers Licensing and Plumbing Standards
Amendment Regulations (No. 2) 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

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

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of *alternative solution*.
- (2) In regulation 3(1) insert in alphabetical order:

performance solution has the same meaning as “Performance Solution (Alternative Solution)” in the Plumbing Code Part A1;

5. Regulation 9 amended

After regulation 9(2) insert:

- (3) Subregulation (1) does not apply to an authorised worker who carries out permitted work in accordance with Part 4A.

6. Regulation 31 amended

In regulation 31(2)(c) after “pay” insert:

to the Board

7. Part 4A inserted

After regulation 34 insert:

**Part 4A — Basic plumbing work in remote
Aboriginal communities**

35. Purpose of this Part

The purpose of this Part is to allow certain persons who have undertaken some relevant training to carry out basic plumbing work in remote and inaccessible

Aboriginal communities even though they are not licensed plumbing contractors if —

- (a) the plumbing work is required to prevent —
 - (i) a risk to human health or safety; or
 - (ii) a significant waste of water;
- and
- (b) a licensed plumbing contractor is reasonably unable to attend at the community in a timely manner to carry out the plumbing work.

36. **Application of this Part**

Nothing in this Part prevents a licensed plumbing contractor from carrying out the plumbing work referred to in this Part.

37. **Terms used**

In this Part —

authorised worker means a person who —

- (a) is employed or otherwise engaged by a service provider to provide Aboriginal environmental health services to an eligible remote community; and
- (b) holds any of the following —
 - (i) a Certificate II in Population Health;
 - (ii) a Certificate II in Indigenous Environmental Health;
 - (iii) a qualification approved by the Board as being equivalent to the qualifications in subparagraph (i) or (ii);
- and
- (c) has completed qualifying plumbing courses;

eligible remote community means an Aboriginal community listed on a website maintained by the Building Commissioner;

Health Department means the agency (as defined in the *Public Sector Management Act 1994* section 3(1)) principally assisting the Minister responsible for the administration of the *Health Legislation Administration Act 1984*;

permitted work means any of the following plumbing work —

- (a) replacing leaking tap washers, spindles, handles and shower roses (except when additional plumbing work is required);

- (b) replacing “P-Traps” and “S-Traps” in readily accessible locations, such as under sinks, basins or troughs;
- (c) replacing leaking hose taps and hose tap vacuum breakers;
- (d) replacing leaking cistern inlet and outlet washers and valves;
- (e) capping a burst water main, damaged waste pipe or sanitary drain for the purpose of preventing a risk to human health or safety or a significant waste of water;
- (f) replacing general covers (e.g. missing or broken inspection mounds, gully mounds, grates and vent cowls);
- (g) clearing blocked waste pipes and drains by the use of plungers, flexible hand rods or hand-held water hoses only;
- (h) unblocking toilets, showers, basins, troughs, sinks and baths by the use of plungers, flexible hand rods or hand-held water hoses only;
- (i) other plumbing work approved by the Board;

qualifying plumbing courses means—

- (a) in relation to a person who holds a Certificate II in Population Health or an equivalent qualification approved by the Board — all of the following courses or any equivalent courses approved by the Board —
 - (i) HLTPOP0001: Provide basic repairs and maintenance to health hardware and fixtures;
 - (ii) HLTPOP0002: Monitor and maintain sewage systems;
 - (iii) HLTPOP0003: Monitor and maintain water supply;

or

- (b) in relation to a person who holds a Certificate II in Indigenous Environmental Health or an equivalent qualification approved by the Board — all of the following courses or any equivalent courses approved by the Board —
 - (i) HLTPOP214D: Provide basic repairs and maintenance to health hardware and fixtures;
 - (ii) HLTPOP216D: Monitor and maintain septic on-site systems;

- (iii) HLTPOP217D: Monitor and maintain sewerage or effluent systems;
- (iv) HLTPOP218D: Monitor and maintain water supply;

service provider means a person contracted by the Health Department to provide Aboriginal environmental health services to an eligible remote community.

38. Authorised worker may carry out permitted work without a licence or permit

An authorised worker may carry out permitted work in an eligible remote community without a licence or permit as long as the work is carried out —

- (a) for the purpose of this Part as stated in regulation 35; and
- (b) under the direction and control of a service provider.

39. Service provider's obligations

- (1) A service provider must ensure that each of its authorised workers only carries out permitted work for the purpose of this Part as stated in regulation 35.

Penalty for this subsection: a fine of \$1 000.

- (2) A service provider must keep records in the approved form of all permitted work carried out by each of its authorised workers and must make those records available for inspection by —
- (a) a plumbing compliance officer; or
 - (b) a licensed plumbing contractor who reasonably requires a copy of the record to carry out plumbing work.

Penalty for this subsection: a fine of \$1 000.

- (3) A service provider must provide to each of its authorised workers carrying out permitted work the appropriate tools, equipment, personal protective clothing and equipment, and occupational safety and health training necessary to carry out the work safely and competently.

Penalty for this subsection: a fine of \$1 000.

- (4) A service provider must ensure that a person employed or otherwise engaged by it who would be an authorised worker on completion of qualifying plumbing courses undertakes those courses at the service provider's expense.

Penalty for this subsection: a fine of \$1 000.

39A. Enforcement

- (1) Part 7 Division 2 applies to plumbing work carried out under this Part as if the relevant service provider —
 - (a) had carried out, and was responsible for, the work; and
 - (b) was a licensed plumbing contractor.
- (2) If the Board has reasonable grounds to believe that a service provider has contravened or is contravening regulation 10 or 39, the Board may by written notice declare that the service provider is no longer a service provider under this Part —
 - (a) for a period of up to 6 months; or
 - (b) indefinitely.
- (3) The Board may, on application by a service provider who is subject to a declaration under subregulation (2), revoke the declaration as from a date to be specified in a written notice to the service provider.

8. Regulation 49 amended

- (1) Delete regulation 49(3) and insert:
 - (3) For the purposes of regulation 48, the modifications set out in the Table are made to AS/NZS 3500.4 (Heated water services) as referenced in the Plumbing Code.

Table

Provision	Modification
Clause 1.9.2	After “installations” insert: and replacement solar water heater installations
Table 5.9.1(A)	In the item relating to Expansion control valve (Australia) in the 3 rd and 4 th columns delete “See Note 1 of Clause 5.8” and insert: Yes

- (2) In regulation 49(4) in the Table after the 2nd row insert:

Clause 3.2.2	After “installations” insert: and replacement solar water heater installations
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- (3) After regulation 49(4) insert:

- (5) Unless sooner repealed, the following provisions expire on 1 May 2019 —
- (a) the item relating to Clause 1.9.2 in the Table to subregulation (3);
 - (b) the item relating to Clause 3.2.2 in the Table to subregulation (4).

9. Regulation 52 amended

In regulation 52(2) delete “Subreguation” and insert:

Subregulation

10. Regulation 53 amended

In regulation 53(2):

- (a) delete “3500.2:2003” and insert:

3500.2

- (b) delete “11.20.” and insert:

13.20.

11. Regulation 75 amended

In regulation 75(3) in the Table in the 3rd row 1st column delete “25,” and insert:

25, 39,

12. Regulation 82 amended

In regulation 82 in the definition of *compliance purposes* delete “Part 3,” (each occurrence) and insert:

Part 3, 4A,

13. Regulation 89 amended

After regulation 89(4) insert:

- (5) For the purposes of subregulation (3), plumbing work under Part 4A is taken to have been carried out by the relevant service provider.

14. Regulation 100 amended

After regulation 100(1)(e) insert:

- (ea) to make a declaration under regulation 39A(2);
or
(eb) to refuse to revoke a declaration under regulation 39A(3); or

15. Various references to “alternative solution” amended

In the provisions listed in the Table delete “alternative solution” (each occurrence) and insert:

performance solution

Table

r. 40	Pt. 5 Div. 3A heading
r. 45A(1)	r. 45B(1)
r. 45C(1) and (2)	r. 71(1)(b)(ii)
Sch. 1 cl. 1 it. 16A and 16B	

Note: The headings to the amended regulations listed in the Table are to read as set out in the Table.

Table

Amended regulation	Regulation heading
r. 45A	Notice of intention to include performance solution

Amended regulation	Regulation heading
r. 45B	Certificate of compliance for performance solution
r. 45C	Non-completion of plumbing work including performance solution

K. H. ANDREWS, Clerk of the Executive Council.
