

CM302\*

Plumbers Licensing Act 1995

## **Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2014**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 2) 2014*.

### **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 1 January 2015.

### **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 definitions of:

*late renewal fee*  
*licence*

- (2) In regulation 3(1) insert in alphabetical order:

*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);

*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;

**5. Regulation 11 amended**

After regulation 11(c) insert:

- (da) a provisional tradesperson's licence; and
- (db) a provisional tradesperson's licence (drainage plumbing); and

**6. Regulation 12 amended**

In regulation 12(1)(c) delete "an apprentice." and insert:

an apprentice or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing).

**7. Regulation 13 amended**

- (1) In regulation 13(1)(b) delete "an apprentice," and insert:

an apprentice or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing),

- (2) In regulation 13(2)(b) delete "an apprentice," and insert:

an apprentice or the holder of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing),

**8. Regulations 13AA and 13AB inserted**

After regulation 13 insert:

**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.

**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.

**9. Regulation 15 amended**

In regulation 15(1):

- (a) after "a licence" insert:

or permit

- (b) delete "licence fee." and insert:

licence fee or permit fee.

**10. Regulation 17 amended**

- (1) Delete regulation 17(1) and (2) and insert:

- (1) The Board may issue a licence or permit if the licence fee or permit fee has been paid and the Board is satisfied that the applicant —
  - (a) is a fit and proper person to hold the licence or permit; and
  - (b) has complied with the requirements set out in Schedule 3 in respect of the licence or permit.
- (2) On the issue of a licence or permit, the Board must issue an identification card to the licensee or permit holder that includes a photograph of the licensee or permit holder that complies with regulation 21A.

- (2) In regulation 17(3) after “a licence” insert:
- or permit
- (3) Delete regulation 17(4).
- 11. Regulation 18 amended**
- In regulation 18:
- (a) delete “licence,” and insert:
- licence or permit,
- (b) after “fee” insert:
- or permit fee
- 12. Regulation 19 amended**
- (1) In regulation 19(1):
- (a) after “A licence” insert:
- or permit
- (b) delete “licence.” and insert:
- licence or permit.
- (2) Delete regulation 19(1a).
- 13. Regulation 20 amended**
- (1) In regulation 20(3) delete “The” and insert:
- Subject to subregulations (4), (5A) and (5B) the
- (2) After regulation 20(3) insert:
- (4) The Board can renew a provisional tradesperson’s licence or a provisional tradesperson’s licence (drainage plumbing) only once.
- (5A) The Board may refuse to renew a provisional tradesperson’s licence if it considers that, during the previous licence period, the applicant made insufficient progress towards attaining the qualification referred to in Schedule 3 clause 3(b)(i) or (ii).

- (5B) The Board may refuse to renew a provisional tradesperson's licence (drainage plumbing) if it considers that, during the previous licence period, the applicant made insufficient progress towards attaining the qualification referred to in Schedule 3 clause 4(b)(i) or (ii).
- (5) In subregulations (5A) and (5B) 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.

**14. Regulation 20A amended**

- (1) Before regulation 20A(1) insert:
- (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.
- (2) In regulation 20A(1), (2) and (3) after “licence” (each occurrence) insert:
- or permit
- (3) In regulation 20A(4):
- (a) delete “licence,” and insert:
- licence or permit,
- (b) delete “the licence” and insert:
- the licence or permit
- (c) after “a licence” insert:
- or permit
- (4) In regulation 20A(5) after “equivalent licence” insert:
- or permit

- (5) In regulation 20A(6) delete “licence and a tradesperson’s licence (drainage plumbing)” and insert:

licence, a tradesperson’s licence (drainage plumbing), a provisional tradesperson’s licence and provisional tradesperson’s licence (drainage plumbing)

- (6) Delete regulation 20A(7) and insert:

- (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.

**15. Regulation 21 amended**

- (1) Delete regulation 21(1a) and (1b) and insert:

- (1A) A licence that is issued on or after 1 June 2007 remains in force until the end of the period of —
- (a) in the case of a provisional tradesperson’s licence or a provisional tradesperson’s licence (drainage plumbing), 12 months; or
  - (b) in any other case, 3 years,
- beginning on the day on which it is issued.
- (1B) Except as provided in subregulation (1d), a renewed licence or permit remains in force until the end of —
- (a) in the case of a provisional tradesperson’s licence or a provisional tradesperson’s licence (drainage plumbing), 12 months; or
  - (b) in any other case, 3 years,
- after the day on which it would otherwise have expired.

- (2) In regulation 21(2) and (3) delete “clause 5(b)” and insert:

clause 7(2)(b)

**16. Regulation 26B amended**

After regulation 26B(2) insert:

- (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 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.

**17. Regulation 27 amended**

In regulation 27:

- (a) in paragraph (i) delete "contractor." and insert:

contractor;

- (b) after paragraph (i) insert:

- (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.

**18. Schedule 1 amended**

In Schedule 1 clause 1 in the Table:

- (a) in item 2 delete "tradesperson's (drainage plumbing) licence" and insert:

tradesperson's licence (drainage plumbing)

(b) after item 2 insert:

- |     |  |       |
|-----|--|-------|
| 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 |

(c) after item 4 insert:

- |     |   |        |
|-----|---|--------|
| 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 |

(d) delete item 6A and insert:

- |    |   |        |
|----|---|--------|
| 7. | Renewal of provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) (regulation 20) | 70.00  |
| 8. | Renewal of restricted plumbing permit (regulation 20)   | 282.00 |

## 19. Schedule 3 replaced

Delete Schedule 3 and insert:

### Schedule 3 — Licence or permit requirements

[r. 17(1)(b)]

#### Division 1 — Preliminary

##### 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.

## **Division 2 — Licence requirements**

### **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.

### **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.

### **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.

**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.

**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.

**Division 3 — Permit requirements**

**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 or contractor's licence issued 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.

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

**Table**

<b>Amended regulation</b>	<b>Regulation heading</b>
r. 12	<b>Effect of plumbing contractor's licence</b>
r. 13	<b>Effect of tradesperson's licence</b>
r. 15	<b>Application for issue of licence or permit</b>
r. 17	<b>Issue of licence or permit</b>
r. 18	<b>Refusal to issue licence or permit</b>
r. 20A	<b>Reissuing licence or permit</b>
r. 21	<b>Duration of licence or permit</b>
r. 26B	<b>Refund of fees</b>

R. KENNEDY, Clerk of the Executive Council.

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