

Western Australia

Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004

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Contents

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Water Services Licensing Act 1995

Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on 1 July 2004.

3. The regulations amended

The amendments in these regulations are to the *Water Services Coordination (Plumbers Licensing) Regulations 2000**.

[* *Published in Gazette 16 June 2000, p. 2897-936.*
For amendments to 11 June 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 420, and Gazette 1 June 2004.]

4. Regulation 1 amended

Regulation 1 is amended by deleting “*Coordination (Plumbers Licensing)*” and inserting instead —

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“ *Licensing (Plumbers Licensing and Plumbing Standards)* ”.

5. Regulation 3 amended

- (1) Regulation 3 is amended by inserting before “In” the subregulation designation “(1)”.
- (2) Regulation 3 is amended by inserting the following definitions in the appropriate alphabetical positions —

“

“**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, means the fee for an application for that licence set out in Schedule 1;

“**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;

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“certificate of compliance” means a certificate given by a licensed plumbing contractor under regulation 42 or 44;

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

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

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

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

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

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

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

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

“fixture” includes any apparatus that is designed to collect, pump, receive or retain, and discharge, wastewater or other waste into sanitary or drainage plumbing, for example, a water-closet pan, urinal, bath, sink, basin, trough or pump;

“identification card” means an identification card issued to a licensee under regulation 17(2) or 20(7);

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

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

“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;

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- (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 under regulation 41;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

”.

(3) Regulation 3 is amended as follows:

(a) in the definition of “apprentice” by inserting after “1975” —

“

or a trainee within the meaning of the *Industrial Relations Act 1979*

”;

(b) in the definition of “court” by deleting “41” and inserting instead —

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-
- “ 100 ”;
- (c) in the definition of “register” by deleting “43” and inserting instead —
- “ 102 ”.
- (4) Regulation 3 is amended by deleting the definitions of “drainage plumbing”, “sanitary plumbing” and “water supply plumbing”.
- (5) At the end of regulation 3, the following subregulations are inserted —
- “
- (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 is responsible for major plumbing work if —
- (a) the contractor has given a notice of intention in respect of the work;
- (b) the contractor has not withdrawn the notice of intention in respect of the work; and

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- (c) the contractor has not been replaced by another licensed plumbing contractor who has given a notice of intention in respect of the work.

”.

6. Regulation 4 amended

- (1) Regulation 4(1)(a), (b) and (c) are amended by deleting “plumbing” in each place where it occurs and inserting instead —

“ plumbing work ”.

- (2) Regulation 4(2) is repealed.

7. Regulation 10 amended

Regulation 10 is amended by deleting “under a contract of service” and inserting instead —

“ , under a contract of service or for services, ”.

8. Regulation 12 amended

- (1) Regulation 12(1)(a) is amended as follows:

- (a) after subparagraph (iii) by deleting “or”;
- (b) after subparagraph (iv) by deleting the comma and inserting instead —

“

; or

- (v) sanitary plumbing work and drainage plumbing work,

”.

- (c) by inserting after “licence” —

“

for the purposes of this subregulation (that is, to carry out that work at contractor level)

”.

”.

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- (d) by deleting “plumbing” in each place where it occurs and inserting instead —
“ plumbing work ”.
- (2) Regulation 12(1)(b) is amended by inserting after “licence” —
“ or a tradesperson’s licence (drainage plumbing) ”.
- (3) Regulation 12(2) is amended in the definition of “authorised work” by inserting after “licence” —
“ for the purposes of subregulation (1) ”.
- (4) After regulation 12(2) the following subregulation is inserted —
“
- (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)).

”.

9. Regulation 15 amended

- (1) Regulation 15(1) is amended by deleting “in a form approved by the Board” and inserting instead —

“

to the Board in the approved form, with the application fee and licence fee

”.

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- (2) After regulation 15(2) the following subregulations are inserted —
- “
- (3) An applicant must provide the Board with 2 identical photographs of the applicant that comply with regulation 21A.
- (4) The Board is not obliged to return a photograph given to it under this regulation.
- ”.

10. Regulation 17 amended

- (1) Regulation 17 is amended by inserting before “The” the subregulation designation “(1)”.
- (2) Regulation 17 is amended by deleting “on receipt of the licence fee if” and inserting instead —
- “ if the licence fee has been paid and ”.
- (3) At the end of regulation 17 the following subregulations are inserted —
- “
- (2) On the issue of a license, the Board must issue an identification card to the licensee that includes a photograph of the licensee that complies with regulation 21A.
- (3) The Board may refuse to issue a licence if —
- (a) the Board is not satisfied of the proof required by regulation 21A(3) in relation to a photograph provided by the applicant;
- (b) the photograph is unclear; or

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- (c) the Board is satisfied that, for any other reason, the photograph would not serve its purpose if it were included in the identification card.

”.

11. Regulation 18 amended

Regulation 18 is amended by inserting after “Board is to” —
“ refund the licence fee and ”.

12. Regulation 20 amended

- (1) Regulation 20(1) is amended as follows:

- (a) after paragraph (a) by deleting “and”;
- (b) after paragraph (b) by deleting the full stop and inserting —

“

; and

- (c) whether the licensee must provide the Board with 2 identical photographs of the licensee that comply with regulation 21A.

”.

- (2) Regulation 20(2) and (3) are repealed and the following subregulations are inserted instead —

“

- (2) The Board is not to require a licensee to provide photographs of the licensee more than once every 5 years.
- (3) The Board is to renew a licence if the renewal fee for the licence and any photographs required under subregulation (1) are received by the Board on or before 28 days after the 30 June on which the licence would otherwise have expired.

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

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- (9) The Board is not obliged to return a photograph given to it under this regulation.

”

13. Regulation 20A inserted

After regulation 20 the following regulation is inserted —

“

20A. Re-issue of licence

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

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that it would in relation to an application for the issue of an equivalent licence under regulation 17(1).

- (6) For the purposes of subregulation (1), a plumbing contractor's licence, a tradesperson's licence and a tradesperson's licence (drainage plumbing) are each a type of licence, regardless of what plumbing work is specified or authorised by the licence.
- (7) In this regulation —
- “**re-issue a licence**” means to issue a licence to a person with the same licence or authorisation number as previously held by the person.

”

14. Regulation 21 amended

Regulation 21(b) is amended by deleting “year immediately following the year in which” and inserting instead —

“ financial year for which ”.

15. Regulation 21A inserted

After regulation 21 the following regulation is inserted —

“

21A. Requirements in relation to photographs of applicant or licensee

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

”

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16. Regulation 22 amended

Regulation 22 is amended by deleting “item 5 of”.

17. Regulation 24A inserted

After regulation 24 the following regulation is inserted —

“

24A. Requirement to produce identification card

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

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

Penalty: \$3 000.

”

18. Regulation 25B amended

Regulation 25B(2) is amended by deleting “a form approved by the Board” and inserting instead —

“ an approved form ”.

19. Regulation 27 amended

- (1) Regulation 27(b) is deleted and the following paragraph is inserted instead —

“

- (b) the licensee is no longer a fit and proper person to hold the licence;

”

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(2) Regulation 27(e) is amended as follows:

(a) in subparagraph (i) by inserting after “1981” —

“

(as in force before the *Water Services
Coordination (Plumbers Licensing)
Amendment Regulations 2004* came into
operation)

”;

(b) in subparagraph (ii) by inserting after “1981” —

“

(as in force before the *Water Services
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operation)

”;

(c) in subparagraph (iii) by deleting “1957; or” and
inserting instead —

“

1957 (as in force before the *Water
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”;

(d) in subparagraph (iv) by deleting “1952,” and inserting
instead —

“

1952 (as in force before the *Water
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or

”;

”;

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- (e) after subparagraph (iv) by inserting the following subparagraph —

“

- (v) a provision of Part 5, Part 6, Part 7
Division 2 or regulation 90,

”.

20. Regulation 34 amended

- (1) Regulation 34(1)(e) is amended by deleting “to the Board”.
- (2) After regulation 34(3) the following subregulation is inserted —

“

- (4) If a licence is cancelled or suspended, the licensee must surrender to the Board his or her licence and identification card.

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

”.

21. Regulation 36 amended

Regulation 36 is amended by deleting “Board” and inserting instead —

“ State ”.

22. Parts 5 to 7 inserted

After Part 4 the following Parts are inserted —

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“

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

Division 1 — Major plumbing work

- 41. Notice of intention to commence major plumbing work**
- (1) A licensed plumbing contractor must not carry out major plumbing work, or permit or arrange for major plumbing work to be carried out, unless the contractor has given the Board a notice of intention to carry out the work at least 24 hours before the work commences.
Penalty: \$3 000.
 - (2) Subregulation (1) does not apply to a licensed plumbing contractor if the contractor is to carry out the work for a licensed plumbing contractor and that licensed plumbing contractor or another contractor has, or ought to have, given a notice of intention to carry out the work under subregulation (1).
 - (3) Subregulation (1) does not apply to a licensed plumbing contractor if the plumbing work is emergency plumbing work, but the notice of intention in respect of the work must be given to the Board at the same time as the certificate of compliance for the work is given to the Board.
 - (4) The notice of intention must —
 - (a) be in the approved form; and
 - (b) be given with the new installation fee (where relevant).

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42. Certificate of compliance of major plumbing work

- (1) When major plumbing work 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 that complies with this regulation;
 - (b) give a copy of the certificate to the owner or occupier of the place where the work was carried out; and
 - (c) give a copy of the certificate to the local government in whose district the work was carried out if the work is drainage plumbing work and the drainage plumbing is not, and is not intended to be, connected to a sewer.

Penalty: \$5 000.

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

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- (5) 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;
 - (b) the plumbing work of the previous contractor was not completed by the previous contractor;
 - (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,

the certificate must cover the plumbing of the previous contractor.

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

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

43. Non-completion of major plumbing work

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

the contractor must withdraw the notice of intention, to the extent to which the contractor is not going to carry out the work, as soon as practicable by giving notice to the Board in the approved form.

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Penalty: \$3 000.

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

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

Penalty: \$3 000.

Division 2 — Minor plumbing work

44. Minor plumbing work

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

Penalty: \$2 000.

- (2) Subregulation (1) does not apply to a licensed plumbing contractor if the work was carried out for another licensed plumbing contractor and that licensed plumbing contractor or another contractor has given, or ought to give, the certificate under subregulation (1).
- (3) The certificate must certify that —

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- (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.

Division 3 — General provisions

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

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

46. False or misleading statements

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

Penalty: \$5 000.

Part 6 — Plumbing standards

Division 1 — Obligations and the plumbing standards

47. Obligation to comply with plumbing standards

- (1) A person —
 - (a) who is carrying out plumbing work;
 - (b) under whose general direction and control or supervision plumbing work is being carried out;
or
 - (c) who is a licensed plumbing contractor responsible for plumbing work that is being carried out,

must ensure that the plumbing that is the result of the plumbing work complies with the plumbing standards.

- (2) In these regulations, the “**plumbing standards**” are —
 - (a) the provisions of AS/NZS 3500.1.2:1998, AS/NZS 3500.2.2:1996 and AS/NZS 3500.4.2:1997, which are applied for the purposes of this regulation as modified as set out in regulation 49; and

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(b) the provisions of Division 2.

48. Offence of connecting unsafe plumbing

- (1) A person who connects plumbing to a water supply system, a sewerage system or an apparatus for the treatment of sewerage, that does not comply with the plumbing standards commits an offence.
Penalty: \$5 000.
- (2) It is a defence to a prosecution under subregulation (1) for the person to prove that the person did not know that the plumbing did not comply with the plumbing standards.
- (3) A prosecution for an offence under subregulation (1) cannot be commenced without the approval of the Board.
- (4) The Board cannot give approval under subregulation (3) unless satisfied that connecting the plumbing was unsafe or gave rise to a dangerous situation.

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

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

Table

provision	modification
section 3	is repealed
clause 4.5	is deleted
clause 5.5.2.2(b)	is deleted
clause 5.5.2.3(a)	is deleted

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

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

Table

provision	modification
clause 3.3.4	“Not more than two water closet pans shall be connected to vented DN 80 drains, and the” is deleted and “The” is inserted instead
clause 3.10.3(a)	“where the discharge pipe size is smaller than the unvented drain size, the maximum length of discharge pipe shall not exceed” is deleted and “the length of waste pipe does not include a vertical dropper between the crown of the trap and the branch exceeding” is inserted instead
clause 3.10.3(a)(i)	“with DN 80 outlets” is deleted
clause 3.10.3(a)(ii)	“fitted with ‘s’ traps” is deleted
clause 3.10.3(c)	“The unvented branch drain and fixture discharge pipe shall be installed” is deleted and “Installed” is inserted instead

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provision	modification
Table 3.6	“(including not more than one water closet pan or slop hopper)” is deleted
clause 3.17	is deleted
clause 4.2.1	“regulatory authority” is deleted and “licensed water service provider” is inserted instead
clause 4.4.1	“when required by a relevant authority” is inserted after “boundary trap areas”
clause 4.6.2(d)	“, and for external locations the grating must be of a loose, lightweight, domed, pop-out type” is inserted after “surcharge”
Table 4.3	“(not fitted with a hob)” is inserted after “shower” “Showers (fitted with a hob)” is inserted below item 2 in column 1 “Overflow level of the hob” is inserted below item 2 in column 2
Table 6.1	the first item relating to water closet pans is deleted
clause 7.3.1	“except in the case of water closet pans and slop hoppers which may be connected to DN 80 discharge pipes” is deleted
clause 7.3.4	is deleted
clause 7.4(f)	is deleted
Table 8.2	item 3 is deleted
clause 8.8.2(c)(vi)	is deleted
clause 8.8.3(b)(vi)	is deleted
clause 10.9	“Waste” is deleted and “If permitted by the water services provider, waste” is inserted instead

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provision	modification
clauses 10.11 and 11.14	are deleted
clause 11.20.2	“DN 80 or” is deleted
clause 11.23	“The” is deleted and “If permitted by the water services provider, the” is inserted instead
clause 11.26.2.1(c)	is deleted
clause 11.26.3	“and must not discharge through a grease arrester” is inserted after “DN 50”
clause 11.27	is deleted
clause 11.28.1	“DN 80” is deleted and “DN 100” is inserted instead

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

Table

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

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50. Definitions in AS/NZS 3500.0:1995 apply

Subject to regulation 51, a word or expression that —

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

has that meaning when so used.

51. Variations from definitions in AS/NZS 3500

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

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

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By-laws 1981;*

- (f) “main drain” has the meaning given to “drainage plumbing work” in these regulations;
- (g) “sewer” has the meaning given to that term in these regulations;
- (h) “spill level” has the meaning given to that term in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;
- (i) “trade waste” has the meaning given to “industrial waste” in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;
- (j) “water heater” has the meaning given to that term in these regulations;
- (k) “water service” has the meaning given to “water supply plumbing” in these regulations;
- (l) “water supply system” has the meaning given to “water supply plumbing” in these regulations.

52. Inconsistency between standards and these regulations

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

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Division 2 — Particular requirements

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

53. Standard of work

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

54. Joining pipes and fittings

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

Subdivision 2 — Water supply plumbing

55. Specifications not to be exceeded

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

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

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56. Concealed pipes

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

57. Water heaters

A water heater must be placed so that —

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

58. Water pressure and flow rate

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

59. Storage tanks

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

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60. Joint water supply system

- (1) If 2 or more dwellings are supplied water from a joint water service, the branch pipe for any common garden areas must have an isolating valve installed so that the area can be isolated from the joint water service and each dwelling and common facility.
- (2) In this regulation —
 - “**common facility**” means a facility associated with 2 or more dwellings that is for the use of the occupants of the dwellings;
 - “**joint water service**” means a water supply pipe that —
 - (a) supplies water to 2 or more dwellings; and
 - (b) is owned directly or indirectly by the owners of the dwellings.

Subdivision 3 — Sanitary and drainage plumbing

61. Specifications not to be exceeded

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

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

62. Air-conditioners

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

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- (2) In this regulation —
“**air conditioning waste**” means liquids that drain out of the air conditioning unit.

63. Flushing toilets

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

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

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

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

- (2) The pre-treatment equipment must be constructed of approved materials.
- (3) The outlet for the pre-treatment equipment must be connected to an industrial waste sampling point.
- (4) In this regulation —
“**industrial waste**” has the meaning given to the term in by-law 1.1 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*;

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

65. Grease arrestors — requirements and specifications

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

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

Division 1 — Plumbing compliance officers

66. Plumbing compliance officers

- (1) The Board may, in writing, designate an employee of the Department or of a local government as a plumbing compliance officer for the purposes of one or more specified regulations in this Part.
- (2) The Board is to give each plumbing compliance officer an identity card that includes —
 - (a) a recent passport-size photograph of the person;
 - (b) the person’s name;

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- (c) a statement that the person is a plumbing compliance officer;
 - (d) the regulation or regulations under which the compliance officer may exercise powers; and
 - (e) the expiry date of the card.
- (3) A plumbing compliance officer must produce his or her identity card whenever asked to do so by a person apparently having charge of any land, premises or other thing in respect of which the officer has exercised or is about to exercise any power.
- (4) Production of the identity card of a plumbing compliance officer is evidence in any court of the designation and powers of the officer unless evidence is given to the contrary.

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

67. Entry for inspection purposes

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

68. Notice of inspection given to a licensed plumbing contractor

- (1) The Board may give notice of inspection to a licensed plumbing contractor in respect of plumbing work —
 - (a) for which the contractor is responsible; or
 - (b) for which the contractor has given, or is required to give, a certificate of compliance,

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specifying —

- (c) the plumbing that is to be inspected by a plumbing compliance officer;
 - (d) what test or tests (if any) are to be carried out; and
 - (e) the time within which the inspection must take place (which must be at least 2 working days after the day on which notice is received).
- (2) Notice under subregulation (1) may be oral.
- (3) If the plumbing to be inspected is at a dwelling, the contractor is, to the extent possible, to —
- (a) arrange a time for the inspection with the occupier (or owner if there is no occupier) of the dwelling;
 - (b) obtain the written consent of the occupier (or owner if there is no occupier) to the plumbing compliance officer, 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 contractor 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 contractor or a licensee whose licence 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 in respect of plumbing work more than 6 years after the work is completed (which, if no rectification notice in respect of the work

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has been given, is to be taken to be the time when the certificate of compliance for the work is given).

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

- (1) The Board may give a notice of inspection to the occupier (or owner if there is no occupier) of a dwelling in respect of plumbing work carried out at the dwelling if —
 - (a) notice of inspection in respect of the work cannot be given to a licensed plumbing contractor under regulation 68; or
 - (b) notice has been given to the licensed plumbing contractor but the Board is satisfied that the contractor is unlikely to comply with it.
- (2) The notice of inspection must specify —
 - (a) the plumbing that is to be inspected by a plumbing compliance officer;
 - (b) what test or tests (if any) are to be carried out; and
 - (c) when the inspection is to take place.
- (3) A notice under this regulation must be given at least 2 working days before the day on which the inspection is specified to take place.

70. Inspecting drainage plumbing work

- (1) The licensed plumbing contractor responsible for major plumbing work that is drainage plumbing work must give the Board notice of the time at which the plumbing will be ready to be inspected before 4.00 pm on the working day before the day on which the plumbing will be ready to be inspected.

Penalty: \$5 000.

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- (2) The contractor may withdraw the notice by giving the Board at least one hour's notice.
- (3) The contractor must ensure that —
 - (a) the drainage plumbing is ready for inspection at the time notified;
 - (b) the contractor or a licensee whose licence covers the type of work to be inspected is present at the time of the inspection; and
 - (c) the plumbing is not covered until —
 - (i) a plumbing compliance officer is satisfied that the plumbing can be covered; or
 - (ii) the time of the inspection has passed and no inspection has taken place.

Penalty: \$5 000.

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

71. Rectification notices

- (1) If a plumbing compliance officer is satisfied that plumbing work was not carried out in accordance with the plumbing standards that applied at the time the

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work was carried out, the officer may give a rectification notice.

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

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- (7) The plumbing compliance officer who gave a rectification notice, or the Board, may amend or revoke the notice by giving the person to whom it was given a notice in the approved form.
- (8) In this regulation and regulation 72 —
 “plumbing standards” means, in relation to plumbing work carried out before these regulations came into operation, the rules and standards that applied under a written law to the carrying out of the work;
 “rectified” means made to comply with the current plumbing standards.

72. Complying with a rectification notice

- (1) A person who is given a rectification notice must comply with the notice.
Penalty: \$5 000.
- (2) A person who is given a rectification notice must, as soon as is practicable, notify —
 - (a) the plumbing compliance officer who gave the notice; or
 - (b) if the officer cannot be notified — the Board,when the plumbing specified in the notice is rectified.
Penalty: \$3 000.
- (3) A person who carries out plumbing work, or arranges for plumbing work to be carried out, because of a rectification notice given to the person is not entitled to any payment or other remuneration for the work.
- (4) A person who carries out plumbing work, or arranges for plumbing work to be carried out, because of a rectification notice given to the person must not request payment or other remuneration for the work.

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Penalty: \$5 000.

- (5) If the person to whom a rectification notice is given fails to comply with the notice and the Board is of the opinion that the plumbing specified in the notice must be rectified without further delay —
- (a) to prevent the waste or contamination of water supplied by a water supply system;
 - (b) to prevent the entry into a sewer or apparatus for the treatment of sewerage of any matter that is likely to hinder or prevent the proper functioning of the sewer or apparatus;
 - (c) to prevent the escape of foul air or offensive or infectious matter from a sewer or apparatus for the treatment of sewerage;
 - (d) to avert or rectify a dangerous situation,
- a plumbing compliance officer may, with the approval of the Board, carry out the work or arrange for the work to be carried out.
- (6) For the purposes of subregulation (5), the plumbing compliance officer may enter the place where the plumbing is located after obtaining, or attempting to obtain, the consent of the occupier (or owner if there is no occupier) of the place.

73. Fee for re-inspecting plumbing work

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

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Division 3 — Infringement notices

74. Terms used in this Division

In this Division —

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

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

75. Infringement notices

- (1) An authorised person who has reason to believe that a person has committed a prescribed offence may, within 12 months after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (2) The infringement notice is to be in the form set out in Schedule 4 Form 1.
- (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
105	\$100
44(1), 25, 104(2)	\$200
24A, 41(1), 43(1) or (2)	\$300
42(1), 70(1), 70(3)	\$500

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76. Extension of time

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

77. Withdrawal of notice

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

78. Bringing of proceedings prevented

- (1) Subregulation (2) applies if the modified penalty specified in an infringement notice has been paid within 28 days after the day on which the notice was given, or such further time as is allowed, and the notice has not been withdrawn.
- (2) If this subregulation applies it prevents the bringing of proceedings and the imposition of penalties to the same extent that they would be prevented if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (3) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

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79. Application of penalties collected

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

80. Appointment of authorised persons

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

Division 4 — Dangerous situations

81. Dangerous situations — emergency measures

- (1) If a plumbing compliance officer suspects on reasonable grounds —
 - (a) that a dangerous situation exists; and
 - (b) that immediate measures are needed in order to assess, reduce, eliminate or avert the risk to people, property or the environment,the officer may take those measures.
- (2) For the purposes of subregulation (1), a plumbing compliance officer may —
 - (a) enter any place;

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

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

82. Meaning of inspection and compliance purposes

In these regulations —

“compliance purposes” means the purposes of —

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

“inspection purposes” means the purposes of —

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

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83. Entry for inspection or compliance purposes

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

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

84. Notice of intended entry

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

85. General inspection and compliance powers

- (1) Upon entry to a place under this Division, a plumbing compliance officer may, for inspection or compliance purposes —
 - (a) require a person having the control or custody of the place to give reasonable access to it and other reasonable assistance;
 - (b) inspect or examine the place;
 - (c) direct a person to produce any document that is or may be relevant to the inspection;
 - (d) inspect any document produced, make copies of it or take extracts from it, and remove it for as long as is reasonably necessary to make copies or extracts; or
 - (e) direct a person to answer questions.

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- (2) Upon entry to a place under this Division, a plumbing compliance officer may, for inspection purposes —
- (a) carry out, or supervise, reasonable tests on the plumbing;
 - (b) take photographs of or make other recordings of the place and plumbing; or
 - (c) take or remove for analysis or examination samples of any thing relating to plumbing or plumbing work in the place.
- (3) A person is not excused from answering a question that a plumbing compliance officer has directed him or her to answer on the ground that the answer to the question might tend to incriminate the person, but —
- (a) the answer to the question; or
 - (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).

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;

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- (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.

87. Assistants and equipment

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

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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.

Division 6 — General provisions

89. Recovering costs of government action

- (1) The State may recover any reasonable costs and expenses incurred under regulation 72(5) or 81 in a court of competent jurisdiction as a debt due to the State.
- (2) Costs and expenses incurred under regulation 72(5) are recoverable from the person given the rectification notice under regulation 71.
- (3) Costs and expenses incurred under regulation 81 are recoverable jointly and severally from the person or persons who carried out the plumbing work that gave rise to the dangerous situation.
- (4) Costs and expenses incurred under regulation 81 are not recoverable from a person who proves that —
 - (a) the dangerous situation was due to the act or default of another person;
 - (b) the person took all reasonably practicable measures to prevent the dangerous situation;
and
 - (c) the dangerous situation was not attributable to an employee, agent or subcontractor of the person.

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90. Offences

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

”

23. Heading to Part 5 replaced and renumbered

The heading to Part 5 is repealed and the following heading is inserted instead —

“

Part 8 — Miscellaneous provisions

”

24. Regulations 41 to 47B renumbered

- (1) Regulations 41, 42, 43, 44, 45 and 46 are renumbered as 100, 101, 102, 103, 104 and 105 respectively.
- (2) Regulations 47 and 47B are renumbered as 107 and 108 respectively.

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25. Regulation 43, as renumbered, amended

Regulation 43, renumbered by regulation 24(1) as regulation 102, is amended as follows:

- (a) in subregulation (3) by deleting “item 6 of”;
- (b) in subregulation (4) by deleting “item 7 of”.

26. Regulation 44, as renumbered, amended

Regulation 44, renumbered by regulation 24(1) as regulation 103, is amended after paragraph (e) by deleting the full stop and inserting —

“

;

- (f) the type or types of plumbing work which the licence authorises the licensee to carry out.

”.

27. Regulation 45, as renumbered, amended

- (1) Regulation 45, renumbered by regulation 24(1) as regulation 104, is amended by inserting before “The” the subregulation designation “(1)”.
- (2) At the end of regulation 45, renumbered as regulation 104, the following subregulation is inserted —

“

- (2) For the purposes of subregulation (1), the Board may, by written notice, require a licensee to give it any information covered by regulation 103 that relates to the licensee within 28 days of the notice being given.
Penalty applicable to subregulation (2): \$2 000.

”.

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28. Regulation 106 inserted

After regulation 46, renumbered by regulation 24(1) as regulation 105, the following regulation is inserted —

“

106. Approved forms

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

”

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r. 29

29. Regulation 47, as renumbered, amended

Regulation 47, renumbered by regulation 24(2) as regulation 107, is amended by inserting after subregulation (2) the following subregulation —

“

- (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.

”.

30. Regulation 47A repealed

Regulation 47A is repealed.

31. Heading to Part 6 replaced and renumbered

The heading to Part 6 is repealed and the following headings are inserted instead —

“

Part 9 — Transitional provisions

Division 1 — Transitional provisions — general

”.

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r. 32

32. Regulations 48 to 54 renumbered

Regulations 48, 49, 50, 51, 52, 53 and 54 are renumbered as 110, 111, 112, 113, 114, 115 and 116 respectively.

33. Regulation 117 and Division 2 inserted

After regulation 54, renumbered by regulation 32 as regulation 116, the following regulation and Division are inserted —

“

117. Photographs of licensees — transitional arrangements

- (1) The Board need not comply with the requirements in regulation 20(7) to include a photograph of the licensee in the identification card if it has not required the licensee to provide it with a photograph of the licensee.
- (2) Subregulation (3) applies for the purposes of allowing the Board to issue an identification card to a licensee prior to the renewal of the licensee's licence.
- (3) The Board may require a licensee who was a licensee before commencement and who has not yet been required by the Board to provide it with 2 identical photographs of the licensee that comply with regulation 21A to provide it with 2 such identical photographs, even if the licensee's licence will not soon expire.
- (4) A person who fails to comply with a requirement of the Board under subregulation (3) within a reasonable time commits an offence.

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

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

120. Definitions

In this Division —

“**commencement**” means the commencement of the
*Water Services Coordination (Plumbers
Licensing) Amendment Regulations 2004*;

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

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

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

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

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

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

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

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

121. Notices of intention given before commencement

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

122. Certificates of completion and compliance

- (1) For the purposes of these regulations, an old certificate given before commencement is, after commencement, to be taken to be a new certificate.

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

123. Directions to carry out work

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

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124. Standard of plumbing work

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

”.

34. Various references to “holder of a plumbing contractor’s licence” changed to “licensed plumbing contractor”

- (1) Each provision listed in the Table to this subregulation is amended by deleting “the holder of a plumbing contractor’s licence” in each place where it occurs and inserting instead —
“ a licensed plumbing contractor ”.

Table

r. 9(2)(a) and (b)	r. 27(h) and (i)
r. 13(1) and (2)	

- (2) Each provision listed in the Table to this subregulation is amended by deleting “The holder of a plumbing contractor’s licence” in each place where it occurs and inserting instead —
“ A licensed plumbing contractor ”.

Table

r. 24	r. 25A(1)
r. 25(1)	r. 25B(1)

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35. Schedule 1 replaced

Schedule 1 is repealed and the following Schedule is inserted instead —

“

Schedule 1 — Fees

[r. 3, 22, 43]

1. Table of fees

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

Table

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

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

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2. Pro rata reduction of fees

- (1) If, in a financial year, a licence is issued or renewed after 30 September in the year the fee for the issue or renewal is reduced by 25% for each 3 month period that has expired since the start of the year.
- (2) If —
 - (a) a person is issued a plumbing contractor's licence for a financial year; and
 - (b) the person also holds a tradesperson's licence or a tradesperson's licence (drainage plumbing) for the year,

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

”

36. Schedule 3 amended

Schedule 3 clause 4 is repealed and the following clause is inserted instead —

“

4. Tradesperson's licence (drainage plumbing)

- (1) The requirements for a tradesperson's licence (drainage plumbing) are that the applicant comply with either the requirements in subclause (2) or the requirements in subclause (3).
- (2) The requirements are that the applicant —
 - (a) was engaged in carrying out drainage plumbing work for part or all of the period of 5 years that ends on the day on which the *Water Services Coordination (Plumbers Licensing) Amendment Regulations 2001* commenced; and

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- (b) has sufficient experience and knowledge to qualify the applicant to carry out competently the drainage plumbing work that the applicant would be authorised to carry out under the licence.
- (3) The requirements are that —
- (a) the applicant holds —
- (i) a certificate known as a Certificate II in drainage issued by a registered training provider; or
- (ii) an equivalent Western Australian qualification as determined by the Board;
- (b) the applicant —
- (i) holds a recognised qualification in drainage plumbing work; and
- (ii) provides evidence to the satisfaction of the Board of at least 2 years' practical experience in drainage plumbing work;
- or
- (c) the applicant —
- (i) has passed a test in drainage plumbing work, involving both theoretical and practical components, conducted by an approved person or body; and
- (ii) provides evidence to the satisfaction of the Board of at least 2 years' practical experience in drainage plumbing work.

”

37. Schedule 4 inserted

After Schedule 3 the following Schedule is inserted —

“

Schedule 4 — Forms

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

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Form 1

<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 r. 75(2)</i>		Notice No:	
Infringement Notice			
Alleged offender	Family name:		
	Other names:		
	Address:	No.:	Street name:
		Suburb:	Postcode:
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>
-------------------------	--

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:

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Paying the modified penalty	You may pay the modified penalty — 1. BY POSTING your credit card details or a cheque or money order made payable to [details to be inserted here]; OR 2. IN PERSON to [details to be inserted here].
------------------------------------	--

Form 2

<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 r. 77(1)</i>		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>[* delete whichever is not applicable]</p>			
Details of withdrawn notice	Date notice given:		
	Notice number:		
	Alleged offence:		
Authorised person who issued this notice	Name:		
	Signature:		
	Date:		

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.