



Western Australia

Building Services (Complaint Resolution and Administration) Act 2011
Plumbers Licensing Act 1995

Commerce Regulations Amendment (Plumbing) Regulations 2024

Commerce Regulations Amendment (Plumbing) Regulations 2024

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Commerce Regulations Amendment (Plumbing) Regulations 2024

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Commerce Regulations Amendment (Plumbing) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website (**publication day**);
- (b) Part 2 Division 3 — immediately after the *Plumbers Licensing and Plumbing Standards Amendment Regulations 2022* Part 4 comes into operation;
- (c) Part 2 Division 4 — on the day after the period of 12 months beginning on the day after publication day;
- (d) the rest of the regulations — on the day after publication day.

Part 2 — *Plumbers Licensing and Plumbing Standards Regulations 2000* amended

Division 1 — Regulations amended

3. Regulations amended

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

Division 2 — Amendments commencing day after publication day

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:
- apparatus for the treatment of sewerage*
 - apprentice*
 - approved material*
 - area associated with a home*
 - dwelling*
 - fitting*
 - fixture*
 - minor plumbing work*
 - mobile home*
 - provisional tradesperson's licence (drainage plumbing)*
 - waste*
 - wastewater*
 - water heater*

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

alternative water supply system —

- (a) means a system for the supply of water that is not a water supply service of a water services provider; and
- (b) includes —
 - (i) a system by which an exempted provider supplies water; and
 - (ii) a private rainwater storage, bore or recycled water supply system; and
 - (iii) a water tank supplied with carted water;

apparatus for the treatment of sewage has the meaning given in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);

apprentice has the meaning given in regulation 3A;

AS, followed by a designation, means the Australian Standard having that designation that is published by Standards Australia;

backflow prevention device has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

building permit has the meaning given in the *Building Act 2011* section 3;

building work has the meaning given in the *Building Act 2011* section 3;

Class, followed by a designation, in relation to a building, means a building of that class under the Plumbing Code;

contractor-level work, in relation to a licensed plumbing contractor, has the meaning given in regulation 12(2);

dwelling means —

- (a) a Class 1a or 4 building; or
- (b) a sole-occupancy unit (as defined in the Plumbing Code Schedule 1) in a Class 2 building; or
- (c) a Class 10a building that is for the use of a resident of a Class 1a building;

exempted provider means a person to whom an exemption under the *Water Services Act 2012* section 7 applies;

fitting has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

fixture has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

flexible hose assembly has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

greywater means water containing kitchen, laundry or bathroom waste other than faecal matter or urine;

isolating valve has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

meter has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

minor plumbing work —

- (a) means the testing, maintenance, repair or replacement of existing —
 - (i) water supply plumbing; or

- (ii) sanitary plumbing; or
 - (iii) drainage plumbing;
- but

- (b) does not include the replacement of a water heater or testable backflow prevention device;

sewerage system has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

testing includes testing required under —

- (a) the plumbing standards; and
- (b) AS/NZS 2845.3 (Water supply — Backflow prevention devices — Field testing and maintenance of testable devices); and
- (c) AS 4032.3 (Water supply — Valves for the control of heated water supply temperatures — Requirements for field-testing, maintenance or replacement of thermostatic mixing valves, tempering valves and end-of-line temperature control devices);

thermostatic mixing tap has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

trade-level work —

- (a) in relation to a licensed plumbing contractor — has the meaning given in regulation 13(3); or
- (b) in relation to the holder of a tradesperson's licence — has the meaning given in regulation 13A(3); or
- (c) in relation to the holder of a tradesperson's licence (drainage plumbing) — has the meaning given in regulation 13B(3);

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unit of competency means a unit of competency entered on the National Register as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3;

wastewater has the meaning given in the *Water Agencies (Powers) Act 1984* section 3(1);

water heater has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

water supply service has the meaning given in the *Water Services Act 2012* section 3(1);

water supply system means —

- (a) a water supply service of a water services provider; or
- (b) an alternative water supply system;

- (3) In regulation 3(1) in the definition of **AS/NZS** delete “designation consisting of a number and a year,” and insert:

designation,

- (4) In regulation 3(1) in the definition of **drainage plumbing work** delete “regulation 4;” and insert:

regulation 4B;

- (5) In regulation 3(1) in the definition of ***emergency plumbing work***:

(a) in paragraph (b) delete “sewerage” and insert:

sewage

(b) in paragraph (c) delete “sewerage; or” and insert:

sewage; or

(c) in paragraph (e) delete “dwelling” and insert:

building

(d) in paragraph (e) delete “hot” and insert:

heated

- (6) In regulation 3(1) in the definition of ***licence*** delete the passage that begins with “plumbing), provisional” and ends with “plumbing);” and insert:

plumbing) or provisional tradesperson’s licence;

- (7) In regulation 3(1) in the definition of ***pipe*** delete “and fixtures”.

- (8) In regulation 3(1) in the definition of ***plumbing contractor’s licence*** delete “regulation 12;” and insert:

regulations 12 and 13;

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- (9) In regulation 3(1) in the definition of ***provisional tradesperson's licence*** delete “regulation 13AA;” and insert:
- regulation 13C;
- (10) In regulation 3(1) in the definition of ***restricted plumbing permit*** delete “regulation 13A;” and insert:
- regulation 13D;
- (11) In regulation 3(1) in the definition of ***sanitary plumbing work*** delete “regulation 4;” and insert:
- regulation 4A;
- (12) In regulation 3(1) in the definition of ***tradesperson's licence*** delete “regulation 13(1);” and insert:
- regulation 13A;
- (13) In regulation 3(1) in the definition of ***tradesperson's licence (drainage plumbing)*** delete “regulation 13(2);” and insert:
- regulation 13B;

5. Regulation 3A inserted

After regulation 3 insert:

3A. Meaning of apprentice

- (1) An **apprentice** is a person who is an apprentice under a training contract, registered under the *Vocational Education and Training Act 1996* Part 7 Division 2, for the purpose of obtaining a Certificate III in Plumbing or Certificate II in Drainage.
- (2) If the person completes their training contract they are taken to continue to be an **apprentice** until —
 - (a) if, during the period of 2 months beginning on the day on which the person completes their training contract, the Board accepts an application by the person for a tradesperson's licence or tradesperson's licence (drainage plumbing) under regulation 15 — the day on which the Board issues or refuses to issue the licence under regulation 17; or
 - (b) otherwise — the end of the period of 2 months beginning on the day on which the person completes their training contract.

6. Regulation 4 amended

Delete regulation 4(1)(b) and (c).

Note: The heading to amended regulation 4 is to read:

Water supply plumbing work specified (Act s. 59I)

7. Regulations 4A and 4B inserted

At the end of Part 1 insert:

4A. Sanitary plumbing work specified (Act s. 59I)

- (1) For the purposes of section 59I of the Act, **sanitary plumbing work** is the installation, replacement, alteration, connection, disconnection, ventilation, repair, testing, commissioning or maintenance of pipes, materials, fixtures or components used or intended to be used to collect and convey wastewater or other waste to —
 - (a) drainage plumbing; or
 - (b) an apparatus for the treatment of sewage; or
 - (c) a greywater diversion device or treatment system.
- (2) Despite subregulation (1), **sanitary plumbing work** does not include the following —
 - (a) drainage plumbing work;
 - (b) exempt work;
 - (c) work in relation to an apparatus for the treatment of trade waste.

4B. Drainage plumbing work specified (Act s. 59I)

- (1) For the purposes of section 59I of the Act, **drainage plumbing work** is the installation, replacement, alteration, connection, disconnection, ventilation, repair, testing, commissioning or maintenance of pipes, materials or components that are —
 - (a) below ground level; and

- (b) used or intended to be used to convey wastewater or other waste to —
 - (i) a sewerage system; or
 - (ii) an apparatus for the treatment of sewage; or
 - (iii) a greywater diversion device or treatment system.
- (2) Despite subregulation (1), ***drainage plumbing work*** does not include the following —
 - (a) work in relation to a pipe with a nominal diameter of less than 65 mm;
 - (b) exempt work;
 - (c) work in relation to an apparatus for the treatment of trade waste.

8. Regulation 9 amended

- (1) Delete regulation 9(2)(a) and (b) and insert:
 - (a) a licensed plumbing contractor for whom the work is contractor-level work; or
 - (b) either of the following persons working under the general direction and control of a licensed plumbing contractor for whom the work is contractor-level work —
 - (i) a licensed plumbing contractor for whom the work is trade-level work;
 - (ii) a tradesperson for whom the work is trade-level work.

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(2) After regulation 9(3) insert:

- (4) Subregulation (1) does not apply to an owner or occupier of a dwelling, or a person acting without remuneration on behalf of the owner or occupier, who carries out any of the following plumbing work in relation to the dwelling —
- (a) maintenance, repair or replacement of a shower head;
 - (b) maintenance or repair of a tap, other than a thermostatic mixing tap;
 - (c) replacement of a cistern washer;
 - (d) replacement of a water filter cartridge;
 - (e) clearance of a blocked toilet, shower, basin, trough, sink, bath or waste pipe using a plunger.

9. Regulation 11 amended

Delete regulation 11(db).

10. Regulations 12 to 13A replaced

Delete regulations 12 to 13A and insert:

**12. Effect of plumbing contractor's licence:
contractor-level work**

- (1) A plumbing contractor's licence authorises the holder to —
- (a) carry out the plumbing work that the licence specifies is contractor-level authorised work;
and

- (b) exercise general direction and control over the carrying out of, or supervision of the carrying out of, the specified plumbing work by a tradesperson, or another licensed plumbing contractor, for whom the work is trade-level work; and
 - (c) supervise the carrying out of the specified plumbing work by —
 - (i) an apprentice; or
 - (ii) a pre-apprentice; or
 - (iii) the holder of a provisional tradesperson's licence.
 - (2) Plumbing work that a licensed plumbing contractor is authorised under subregulation (1) to carry out, exercise general direction and control over the carrying out of or supervision of the carrying out of, or supervise the carrying out of, is **contractor-level work** for the contractor.
- 13. Effect of plumbing contractor's licence: trade-level work**
- (1) A plumbing contractor's licence authorises the holder to —
 - (a) carry out the plumbing work that the licence specifies is trade-level authorised work; and
 - (b) supervise the carrying out of the specified plumbing work by —
 - (i) an apprentice; or
 - (ii) a pre-apprentice; or
 - (iii) the holder of a provisional tradesperson's licence.

- (2) However, the holder of a plumbing contractor's licence is only authorised to carry out, or supervise the carrying out of, the work referred to in subregulation (1) under the general direction and control of a licensed plumbing contractor for whom the work is contractor-level work.
- (3) Plumbing work that a licensed plumbing contractor is authorised under subregulation (1) to carry out, or supervise the carrying out of, is **trade-level work** for the contractor.

13A. Effect of tradesperson's licence

- (1) A tradesperson's licence authorises the holder to —
 - (a) carry out plumbing work; and
 - (b) supervise the carrying out of plumbing work by —
 - (i) an apprentice; or
 - (ii) a pre-apprentice; or
 - (iii) the holder of a provisional tradesperson's licence.
- (2) However, the holder of a tradesperson's licence is only authorised to carry out, or supervise the carrying out of, the work referred to in subregulation (1) under the general direction and control of a licensed plumbing contractor for whom the work is contractor-level work.
- (3) Plumbing work that a tradesperson is authorised under subregulation (1) to carry out, or supervise the carrying out of, is **trade-level work** for the tradesperson.

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

- (1) A tradesperson's licence (drainage plumbing) authorises the holder to —
 - (a) carry out drainage plumbing work; and
 - (b) supervise the carrying out of drainage plumbing work by —
 - (i) an apprentice; or
 - (ii) a pre-apprentice; or
 - (iii) the holder of a provisional tradesperson's licence.
- (2) However, the holder of a tradesperson's licence (drainage plumbing) is only authorised to carry out, or supervise the carrying out of, the work referred to in subregulation (1) under the general direction and control of a licensed plumbing contractor for whom the work is contractor-level work.
- (3) Plumbing work that a tradesperson is authorised under subregulation (1) to carry out, or supervise the carrying out of, is **trade-level work** for the tradesperson.

13C. 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 for whom the work is contractor-level work; or
- (b) either of the following persons working under the general direction and control of a licensed

plumbing contractor for whom the work is contractor-level work —

- (i) a licensed plumbing contractor for whom the work is trade-level work;
- (ii) a tradesperson for whom the work is trade-level work.

13D. Effect of restricted plumbing permit

- (1) In this regulation —

compression fitting has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

existing pipes, in relation to a water heater, means pipes connected to the water heater and the structure to which the water heater is, or is intended to be, attached that are necessary for the safe and effective operation of the water heater;

expansion control valve has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;

temperature-pressure relief valve has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3.

- (2) A restricted plumbing permit authorises the holder to disconnect, remove, install and connect the following in the course of removing or replacing a water heater —
- (a) a compression fitting;
 - (b) a temperature-pressure relief valve;
 - (c) an expansion control valve;

- (d) an isolating valve;
 - (e) if the water heater is installed with a flexible hose assembly — the flexible hose assembly.
- (3) A restricted plumbing permit does not authorise the holder to carry out the work referred to in subregulation (2) if —
 - (a) a change to the existing pipes or pipe configuration is required; or
 - (b) the existing pipes are not in safe and proper working order; or
 - (c) the temperature-pressure relief valve overflow pipe does not comply with the plumbing standards.
- (4) The holder of a restricted plumbing permit who is not authorised to carry out plumbing work must inform the person for whom the work would otherwise be done —
 - (a) of the reasons why the holder is unable to perform the work; and
 - (b) that a licensed plumbing contractor should be engaged to perform the work.

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

13E. Course for assessment of competence in rainwater storage support work

The Board may set or specify a course to assess the skills and knowledge necessary to safely and effectively carry out water supply plumbing work that is for the supply of water from a rainwater storage system to a building.

11. Regulation 20 amended

- (1) In regulation 20(1) delete “subregulations (2), (3) and (4),” and insert:

subregulations (2) and (3),

- (2) In regulation 20(2) delete “or a provisional tradesperson’s licence (drainage plumbing)”.

- (3) Delete regulation 20(4).

- (4) In regulation 20(5):

- (a) delete “subregulations (3) and (4)” and insert:

subregulation (3)

- (b) delete “or provisional tradesperson’s licence (drainage plumbing)”.

12. Regulation 20A amended

- (1) Delete regulation 20A(1A) and insert:

- (1A) In this regulation —

re-issue, in relation to 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(6) delete “plumbing), a provisional tradesperson’s licence and provisional tradesperson’s licence (drainage plumbing)” and insert:

plumbing) and a provisional tradesperson’s licence

13. Regulation 21 amended

- (1) In regulation 21(1)(a) and (2)(a) delete “licence or a provisional tradesperson’s licence (drainage plumbing) —” and insert:

licence —

- (2) In regulation 21(3):

- (a) in paragraph (a) delete “to be”;
- (b) delete paragraph (a)(i) to (iv) and insert:

- (i) the Board notifies the applicant of its refusal to accept the application;
- (ii) the applicant withdraws the application;
- (iii) the Board notifies the applicant of its renewal of, or refusal to renew, the licence or permit;
- (iv) the State Administrative Tribunal notifies the applicant that the licence or permit is suspended or cancelled;

- (c) in paragraph (b) delete “to be”.

- (3) In regulation 21(4)(b) delete “his or her” and insert:

the

14. Regulation 25 replaced

Delete regulation 25 and insert:

25. Requirements and restrictions in relation to advertising

- (1) In this regulation —
advertisement includes a business card or letterhead;
represent —
- (a) means to hold out or imply; and
 - (b) includes to advertise.
- (2) A licensed plumbing contractor or permit holder must ensure that the number of the licence or permit appears in any advertisement relating to the business for which the licence or permit is, or is intended to be, used.
Penalty for this subregulation: a fine of \$2 000.
- (3) A person who does not hold a licence or permit must not represent that they hold the licence or permit.
Penalty for this subregulation: a fine of \$5 000.
- (4) A person who is not authorised to carry out plumbing work of a particular kind or in particular circumstances must not represent that they are authorised to carry out the work.
Penalty for this subregulation: a fine of \$5 000.

- (5) It is a defence to a charge of an offence under subregulation (3) or (4) to prove that the person —
- (a) made the representation as part of a representation in relation to work of which the plumbing work is only a part; and
 - (b) had arrangements in place to ensure that the plumbing work would be carried out by a person authorised to carry out the plumbing work.

15. Regulation 25B amended

- (1) Delete regulation 25B(1) and insert:

- (1) A licensed plumbing contractor (the **primary contractor**) must keep a record of —
- (a) each licensed plumbing contractor or tradesperson who carries out, or supervises the carrying out of, plumbing work under the primary contractor's general direction and control; and
 - (b) each apprentice, pre-apprentice or holder of a provisional tradesperson's licence who carries out plumbing work under the supervision of —
 - (i) the primary contractor; or
 - (ii) a licensed plumbing contractor or tradesperson who supervises the carrying out of the work under the primary contractor's general direction and control.

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

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(2) In regulation 25B(2):

(a) delete “A record required by subregulation (1)” and
insert:

The record

(b) delete paragraph (a) and insert:

(a) the full name of the licensee, apprentice or
pre-apprentice; and

(c) in paragraph (d) delete “carrying out of the work.” and
insert:

carrying out, or supervision of the carrying out, of the
work; and

(d) after paragraph (d) insert:

(e) details of any training undertaken by that
person during that period that relates to
plumbing work.

(3) Delete regulation 25B(3) and insert:

(3) The primary contractor must keep the record at the
primary contractor’s principal place of business.

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

- (4) In regulation 25B(4) delete “A person required by subregulation (1) to keep a record” and insert:

The primary contractor

- (5) In regulation 25B(5) delete “A person who has a record required by subregulation (1)” and insert:

The primary contractor

Note: The heading to amended regulation 25B is to read:

Records to be kept of persons under general direction and control or supervision

16. Regulation 26B amended

Delete regulation 26B(4).

Note: The heading to amended regulation 26B is to read:

Refund of licence or permit fees

17. Regulation 27 amended

- (1) In regulation 27(d) delete “his or her” and insert:

their

- (2) Delete regulation 27(h) to (k) and insert:

(h) the licensed plumbing contractor has failed to —

(i) properly exercise general direction and control over the carrying out of, or supervision of the carrying out of, plumbing work over which the

- contractor was ostensibly exercising
general direction and control; or
- (ii) properly supervise the carrying out of
plumbing work that the contractor was
ostensibly supervising;
 - (i) the tradesperson has failed to properly
supervise the carrying out of plumbing work
that the tradesperson was ostensibly
supervising;
 - (j) the licensed plumbing contractor or
tradesperson for whom plumbing work is
trade-level work has carried out, or supervised
the carrying out of, the work while not under
the general direction and control of a licensed
plumbing contractor for whom the work is
contractor-level work;
 - (k) the holder of a provisional tradesperson's
licence has carried out plumbing work while
not under the supervision of —
 - (i) a licensed plumbing contractor for
whom the work is contractor-level work
or trade-level work; or
 - (ii) a tradesperson for whom the work is
trade-level work;

18. Regulation 31 amended

After regulation 31(5) insert:

- (6) The Board may recover an amount that is unpaid under
an order made under subregulation (2)(c) in a court of
competent jurisdiction as a debt due to the Board.

19. Regulation 37 amended

- (1) In regulation 37 delete the definition of ***qualifying plumbing courses***.
- (2) In regulation 37 insert in alphabetical order:

Australian Qualifications Framework has the meaning given in the *Higher Education Support Act 2003* (Commonwealth) Schedule 1 clause 1(1);

qualifying plumbing unit means each of the following units of competency or any equivalent units approved by the Board —

- (a) HLTPOP025: Provide basic repairs and maintenance to health hardware and fixtures;
 - (b) HLTPOP026: Monitor and maintain sewage or effluent systems;
 - (c) HLTPOP027: Monitor and maintain water supply;
-
- (3) In regulation 37 in the definition of ***authorised worker*** delete paragraphs (b) and (c) and insert:
 - (b) holds a qualification at Certificate II level or above under the Australian Qualifications Framework in any of the following subject areas, or an equivalent qualification approved by the Board —
 - (i) environmental health;
 - (ii) Indigenous environmental health;

- (iii) population health;
- (iv) public health;
- (v) preventative health;
- and

- (c) has completed all of the qualifying plumbing units;

(4) In regulation 37 in the definition of ***permitted work***:

- (a) delete paragraph (a) and insert:

- (a) replacing or repairing shower heads;
- (aa) replacing domestic water filter cartridges;
- (ab) maintaining or repairing a tap, other than a thermostatic mixing tap;

- (b) delete paragraphs (c) and (d) and insert:

- (c) replacing leaking hose taps, hose connection vacuum breakers, cistern stop taps and flexible hose assemblies;
- (d) replacing leaking cistern washers, valves and flush pipe connectors;

- (c) in paragraphs (g) and (h) delete “plungers, flexible hand rods or hand-held water hoses only;” and insert:

plungers or flexible hand rods;

20. Regulation 39 amended

- (1) Delete regulation 39(2) and insert:
- (2) A service provider must keep a register in the approved form of all of its authorised workers, recording for each authorised worker the following information —
- (a) the authorised worker's full name;
 - (b) each period during which the authorised worker is employed or otherwise engaged by the service provider;
 - (c) the qualification referred to in paragraph (b) of the definition of **authorised worker** in regulation 37 that the authorised worker holds and the date on which the qualification was obtained;
 - (d) the qualifying plumbing units that the authorised worker has completed and the date on which each unit was completed.

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

- (2A) The information referred to in subregulation (2) must be retained on the register for at least 6 years after the day on which the authorised worker ceases to be employed or engaged by the service provider.
- (2B) A service provider must keep a record in the approved form of permitted work carried out by each of its authorised workers.

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

- (2C) A record referred to in subregulation (2B) must be retained for at least 6 years after the day on which the permitted work is completed.

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- (2D) A service provider must, on request, make the register referred to in subregulation (2) or a record referred to in subregulation (2B) available for inspection by —
- (a) in any case — a plumbing compliance officer; or
 - (b) in the case of a record — a licensed plumbing contractor who reasonably requires a copy of the record to carry out plumbing work.

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

- (2) In regulation 39(4) delete “qualifying plumbing courses undertakes those courses” and insert:

the qualifying plumbing units undertakes those units

21. Regulation 42 amended

- (1) Delete regulation 42(1)(b) and insert:

- (b) give a copy of the certificate to —
 - (i) if the work relates to building work carried out under a building permit — the person named as the builder on the building permit; or
 - (ii) otherwise — the owner or occupier of the place where the work was carried out;

and

- (2) In regulation 42(6) delete “his or her” and insert:

their

22. Regulation 45A amended

In regulation 45A(3)(b) before “lodgment” insert:

applicable

23. Regulation 45B amended

Delete regulation 45B(1)(b) and insert:

- (b) give a copy of the certificate to —
 - (i) if the work relates to building work carried out under a building permit — the person named as the builder on the building permit; or
 - (ii) otherwise — the owner or occupier of the place where the work was carried out;

and

24. Regulation 45D amended

Delete regulation 45D(2) and insert:

- (2) Drainage plumbing work for which a diagram must be given is drainage plumbing work that involves the installation or alteration of pipes, materials or

components that, once in place, are not readily accessible.

25. Regulation 45DA amended

- (1) In regulation 45DA(1) delete:

sanitary drainage connection point

sanitary drainage service line

- (2) In regulation 42DA(1) insert in alphabetical order:

drainage plumbing connection point

drainage plumbing service line

- (3) In regulation 45DA(2) delete “sanitary drainage” (each occurrence) and insert:

drainage plumbing

Note: The heading to amended regulation 45DA is to read:

Diagram of drainage plumbing service line or drainage plumbing connection point to be given

26. Regulation 45E amended

After regulation 45E(3) insert:

- (4) Subregulations (2) and (3) do not apply to an application made by —
(a) a sewerage service licensee; or

- (b) a local government listed in the Class Exemption for Small Local Government Sewerage and/or Non-Potable Water Services Providers published in the *Gazette* on 1 July 2022 at p. 4039-40.

- (5) In subregulation (4)(a) —
sewerage service licensee means a licensee for the provision of a sewerage service as those terms are defined in the *Water Services Act 2012* section 3(1).

27. Regulation 48 amended

In regulation 48(2)(a)(ii) delete “B3, B4”.

28. Regulation 51 amended

- (1) In regulation 51(1) delete “sewerage,” and insert:

sewage,

- (2) In regulation 51(2) delete “he or she” and insert:

they

29. Regulation 52 amended

In regulation 52(1) delete “fixture or fitting” (each occurrence) and insert:

material, fixture or component

30. Regulation 53 deleted

Delete regulation 53.

31. Regulation 55 amended

- (1) In regulation 55 delete the definitions of:

approved disposal system

connection point

sanitary drainage connection point

sanitary drainage service line

service line

water service connection point

water service line

- (2) In regulation 55 insert in alphabetical order:

connection point, for a lot on subdivided land, means a drainage plumbing connection point or water supply plumbing connection point on the lot;

drainage plumbing connection point, for a lot on subdivided land, means a point on the lot at which the main drain for a building on the lot can be connected to a drainage plumbing service line;

drainage plumbing service line, for a lot on subdivided land, means a pipe used or intended to be used to convey wastewater or other waste from a drainage plumbing connection point for the lot to a sewerage system, apparatus for the treatment of sewage or greywater diversion device or treatment system;

service line, for a lot on subdivided land, means a drainage plumbing service line or water supply plumbing service line for the lot;

water supply plumbing connection point, for a lot on subdivided land, means a point on the lot at which

water supply plumbing for a building on the lot can be connected to a water supply plumbing service line;

water supply plumbing service line, for a lot on subdivided land, means a pipe used or intended to be used for the supply of water from a water supply system to the water supply plumbing connection point for the lot.

32. Regulation 56 amended

(1) In regulation 56(2):

- (a) delete “sanitary drainage” (1st and 2nd occurrences) and insert:

drainage plumbing

- (b) in paragraph (a)(iii) delete “a sanitary drainage system” and insert:

drainage plumbing

- (c) in paragraph (b) delete “sanitary drainage” (each occurrence) and insert:

drainage plumbing

(2) In regulation 56(3) delete “service” (each occurrence) and insert:

supply plumbing

33. Regulation 57 amended

(1) Delete regulation 57(3)(b) and insert:

(b) installed within the main boundary of the subdivided land.

(2) After regulation 57(3) insert:

(3A) Despite subregulation (3)(b), a drainage plumbing service line that cannot be connected to a sewerage system, apparatus for the treatment of sewage or greywater diversion device or treatment system within the main boundary may be installed outside the main boundary to the extent necessary to connect the service line to the sewerage system, apparatus for the treatment of sewage or greywater diversion device or treatment system.

34. Regulation 67 amended

In regulation 67(2) in the definition of *inspection purposes* delete “to that term”.

Note: The heading to amended regulation 67 is to read:

Rules applying to entry for inspection purposes

35. Regulation 71 amended

(1) In regulation 71(1)(c) delete “fixture or fitting” (each occurrence) and insert:

material, fixture or component

- (2) In regulation 71(6) delete “to the owner of the place where the plumbing work was carried out.” and insert:

to —

- (a) if the plumbing work relates to building work carried out under a building permit — the person named as the builder on the building permit; or
- (b) otherwise — the owner of the place where the plumbing work was carried out.

36. Regulation 72 amended

In regulation 72(5):

- (a) in paragraph (b) delete “sewerage” and insert:

sewage

- (b) in paragraph (c) delete “sewerage;” and insert:

sewage;

Note: The heading to amended regulation 72 is to read:

Obligations in relation to rectification notices

37. Regulation 75 amended

In regulation 75(3) in the Table:

- (a) delete “25, 39,” and insert:

25(2), 39(1), (2), (2B), (2D), (3) or (4),

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(b) before “45D(1)” insert:

25(3) or (4),

Note: The heading to amended regulation 75 is to read:

Issue of infringement notices

38. Regulation 102 amended

In regulation 102(5) delete “private address and telephone details” and insert:

address, telephone or email address information

Note: The heading to amended regulation 102 is to read:

Register of licences and permits

39. Regulation 103 amended

Delete regulation 103(b) and insert:

- (b) the full name of the licensee or permit holder;
- (ba) the licensee or permit holder’s residential or business address, telephone number and email address;

Note: The heading to amended regulation 103 is to read:

Contents of register

40. Regulation 105 amended

In regulation 105 delete “address or telephone number as registered under regulation 103(b)” and insert:

name, address, telephone number or email address recorded on the register under regulation 103(b) or (ba)

Note: The heading to amended regulation 105 is to read:

Licensee or permit holder must notify Board of change in details

41. Regulation 109 amended

(1) In regulation 109 delete “For” and insert:

(1) For

(2) At the end of regulation 109 insert:

(2) For the purposes of section 60B(2)(d) of the Act, a plumbing compliance officer may disclose information obtained in the course of duty to a relevant person for the purpose of assisting the relevant person to carry out a function under —

- (a) the *Building Services (Complaint Resolution and Administration) Act 2011*; or
- (b) the *Electricity Act 1945*; or
- (c) the *Energy Coordination Act 1994*; or
- (d) the *Gas Standards Act 1972*; or
- (e) the *Water Efficiency Labelling and Standards Act 2006*.

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(3) In subregulation (2) —

relevant person means —

- (a) the Building Commissioner designated under the *Building Services (Complaint Resolution and Administration) Act 2011* section 85(1); or
 - (b) the Director of Energy Safety referred to in the *Energy Coordination Act 1994* section 5; or
 - (c) a person designated as an inspector under the *Energy Coordination Act 1994* section 12(2); or
 - (d) a WELS inspector appointed under the *Water Efficiency Labelling and Standards Act 2006* section 45(1).
- (4) For the purposes of section 60B(2)(d) of the Act, information obtained in the course of duty may be recorded, disclosed or used for the purposes of education or training if the information could not reasonably be expected to enable particulars relating to any person or business to be ascertained.

Note: The heading to amended regulation 109 is to read:

Information that may be disclosed

42. Regulation 109A inserted

After regulation 109 insert:

109A. Refund of fees

- (1) The Board may, on the application of a person who has paid a fee under these regulations, refund all or part of the fee if the Board considers it appropriate to do so.

- (2) The Board may require the applicant to provide any information that the Board considers necessary for the purposes of determining the application.

43. Part 9 heading inserted

Before regulation 110 insert:

Part 9 — Transitional provisions

44. Regulation 113 inserted

After regulation 112 insert:

113. Transitional provision for *Commerce Regulations Amendment (Plumbing) Regulations 2024*: sanitary plumbing work, drainage plumbing work, major plumbing work and minor plumbing work

- (1) In this regulation —
commencement day means the day on which the *Commerce Regulations Amendment (Plumbing) Regulations 2024* regulation 7 comes into operation;
former regulation 3(1) means regulation 3(1) as in force immediately before commencement day;
former regulation 4 means regulation 4 as in force immediately before commencement day.
- (2) Despite regulation 4A, sanitary plumbing work that commenced before commencement day is taken not to be sanitary plumbing work for the purposes of these

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regulations if, when the work commenced, it was not sanitary plumbing work under former regulation 4.

- (3) Despite regulation 4B, drainage plumbing work that commenced before commencement day is taken not to be drainage plumbing work for the purposes of these regulations if, when the work commenced, it was not drainage plumbing work under former regulation 4.
- (4) Despite anything to the contrary in regulation 3(1), plumbing work that commenced before commencement day is taken to be major plumbing work for the purposes of these regulations if, when the work commenced, it was major plumbing work under former regulation 3(1).
- (5) Despite anything to the contrary in regulation 3(1), plumbing work that commenced before commencement day is taken to be minor plumbing work for the purposes of these regulations if, when the work commenced, it was minor plumbing work under former regulation 3(1).

45. Schedule 1 Division 1 amended

In Schedule 1 Division 1 items 3, 7 and 11 delete “or provisional tradesperson’s licence (drainage plumbing)”.

46. Schedule 1 Division 2 amended

In Schedule 1 Division 2:

- (a) in item 3 after “solution” insert:

in relation to a building that is not a Class 1 or Class 10 building

(b) after item 3 insert:

- 3A. Lodgment fee for notice of intention to carry out work that includes performance solution in relation to a Class 1 or Class 10 building (r. 45A(3)) 270.00

47. Schedule 3 amended

Delete the reference after the heading to Schedule 3 and insert:

[r. 17(1)(b), 20(3) and 20A(4)]

48. Schedule 3 clause 2 amended

In Schedule 3 clause 2:

- (a) in paragraph (a) delete “licence; and” and insert:

licence or tradesperson’s licence (drainage plumbing); and

- (b) in paragraph (b)(ii) delete “Western”.

49. Schedule 3 clause 3 amended

In Schedule 3 clause 3:

- (a) in paragraph (a)(ii) delete “Western Australian qualification” and insert:

Australian qualification, and equivalent practical experience,

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- (b) in paragraph (b)(i) delete “Plumbing (Migrant Gap Training); or” and insert:

Plumbing; or

- (c) in paragraph (b)(ii) delete “Western”.

50. Schedule 3 clause 4 replaced

Delete Schedule 3 clause 4 and insert:

4. Tradesperson’s licence (drainage plumbing)

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

- (a) a Certificate II in Drainage 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
- (b) an equivalent Australian qualification, and equivalent practical experience, as determined by the Board.

51. Schedule 3 clause 5 amended

- (1) Delete Schedule 3 clause 5(1).
- (2) In Schedule 3 clause 5(2):
- (a) in paragraph (a) after “issued by the” insert:

Commonwealth

- (b) in paragraph (b) delete “Western”.

52. Schedule 3 clause 6 deleted

Delete Schedule 3 clause 6.

53. Schedule 3 clause 7 amended

- (1) Delete Schedule 3 clause 7(1).
- (2) In Schedule 3 clause 7(2)(a):
 - (a) delete subparagraph (i) and insert:
 - (i) a statement of attainment for the unit of competency CPCPWT3022 — Install and commission water heating systems and adjust controls and devices; or
 - (b) in subparagraph (ii) delete “Western”.

**Division 3 — Amendments commencing immediately after
Plumbers Licensing and Plumbing Standards Amendment
Regulations 2022 Part 4 commences on 1 May 2024**

54. Regulation 48 amended

In regulation 48(2)(a)(ii) delete “B2D4),” and insert:

B2D4)

55. Regulation 49 amended

In regulation 49(1) in the Table delete “basin)” and insert:

basin in a Class 1, 2, 4, 5, 6, 7, 8 or 10 building)

Division 4 — Amendments commencing 12 months after publication day

56. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of ***restricted plumbing permit***.
- (2) In regulation 3(1) insert in alphabetical order:

modular plumbing work means water supply plumbing work or sanitary plumbing work carried out in the course of manufacturing or building a plumbing module;

plumbing module means a module, or a prefabricated or transportable building, that contains pipes, materials, fixtures or components that —

- (a) are water supply plumbing or sanitary plumbing; and
- (b) are designed to be connected to water supply plumbing, sanitary plumbing or drainage plumbing that is not in the module or building;

restricted plumbing permit means a restricted plumbing permit (rainwater storage) or restricted plumbing permit (water heater);

restricted plumbing permit (rainwater storage) means the permit referred to in regulation 13E;

restricted plumbing permit (water heater) means the permit referred to in regulation 13D;

WaterMark Technical Specification, followed by a designation, means a WaterMark Technical Specification —

- (a) having that designation; and

- (b) published by, or on behalf of, the Australian Building Codes Board;

57. Regulation 4 replaced

Delete regulation 4 and insert:

4. Water supply plumbing work specified (Act s. 59I)

- (1) In this regulation —
fire service has the meaning given in AS/NZS 3500.0 (Plumbing and Drainage — Glossary of terms) clause 3;
point of discharge includes the outlet of a backflow prevention device that, under the plumbing standards, is required to connect an industrial or specialised service or equipment (including a fire service, irrigation service or heating, ventilation or air-conditioning system) to water supply plumbing.
- (2) For the purposes of section 59I of the Act, **water supply plumbing work** is the installation, replacement, alteration, connection, disconnection, repair, testing, commissioning or maintenance of pipes, materials or components used or intended to be used for the supply of water from a water supply system to a point of discharge.
- (3) Despite subregulation (2), **water supply plumbing work** does not include the following —
- (a) exempt work;

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- (b) the installation or replacement of a meter if the meter is owned and operated by a water services provider or exempted provider and the installation or replacement can be done without the need to carry out work on the pipes associated with the meter;
- (c) work in relation to the internal components of a water heater;
- (d) work that —
 - (i) involves a product certified under WaterMark Technical Specification WMTS-050; and
 - (ii) would, but for this paragraph, be modular plumbing work.

58. Regulation 4A amended

In regulation 4A(2):

- (a) in paragraph (c) delete “waste.” and insert:

waste;

- (b) after paragraph (c) insert:

- (d) work that —
 - (i) involves a product certified under WaterMark Technical Specification WMTS-050; and

- (ii) would, but for this paragraph, be modular plumbing work.

59. Regulation 9 amended

After regulation 9(4) insert:

- (5) Subregulation (1) does not apply to a person who carries out the replacement of a water pump that supplies water to a place if —
 - (a) the person who carries out the replacement is —
 - (i) an owner or occupier of the place; or
 - (ii) a person acting without remuneration on behalf of an owner or occupier of the place;
 - and
 - (b) water is not supplied to the place by a water supply service of a water services provider.

60. Regulation 11 amended

Delete regulation 11(d) and insert:

- (d) a restricted plumbing permit (water heater); and
- (e) a restricted plumbing permit (rainwater storage).

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61. Regulation 13D amended

In regulation 13D(2), (3) and (4) after “restricted plumbing permit” insert:

(water heater)

Note: The heading to amended regulation 13D is to read:

Effect of restricted plumbing permit (water heater)

62. Regulation 13E replaced

Delete regulation 13E and insert:

13E. Effect of restricted plumbing permit (rainwater storage)

- (1) A restricted plumbing permit (rainwater storage) authorises the holder to carry out water supply plumbing work that is for the supply of water from a rainwater storage system to a building.
- (2) A restricted plumbing permit (rainwater storage) does not authorise the holder to carry out the work referred to in subregulation (1) within a building.
- (3) The Board may set or specify a course to assess the skills and knowledge necessary to safely and effectively carry out water supply plumbing work that is for the supply of water from a rainwater storage system to a building.

Note for this regulation:

An application for issue of a restricted plumbing permit (rainwater storage) must be made within 12 months of the day on which the *Commerce Regulations Amendment*

(Plumbing) Regulations 2024 regulation 62 comes into operation: see Schedule 3 clause 8(2)(a).

63. Regulation 42 amended

After regulation 42(1)(b)(i) insert:

- (ia) if the work is modular plumbing work — the person with control of the plumbing module at the time the contractor completes the work; or

64. Regulation 45B amended

After regulation 45B(1)(b)(i) insert:

- (ia) if the work is modular plumbing work — the person with control of the plumbing module at the time the contractor completes the work; or

65. Regulation 48 amended

In regulation 48(2)(a)(ii) delete “B2D4) and B5;” and insert:

B2D4), B3, B5 and B6;

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66. Regulation 71 amended

After regulation 71(6)(a) insert:

- (aa) if the plumbing work is modular plumbing work — the person with control of the plumbing module; or

67. Regulations 114 and 115 inserted

At the end of Part 9 insert:

114. Transitional provision for *Commerce Regulations Amendment (Plumbing) Regulations 2024*: water supply plumbing work

- (1) In this regulation —
commencement day means the day on which the *Commerce Regulations Amendment (Plumbing) Regulations 2024* regulation 57 comes into operation;
former regulation 4 means regulation 4 as in force immediately before commencement day.
- (2) Despite regulation 4, water supply plumbing work that commenced before commencement day is taken not to be water supply plumbing work for the purposes of these regulations if, when the work commenced, it was not water supply plumbing work under former regulation 4.

115. Transitional provision for *Commerce Regulations Amendment (Plumbing) Regulations 2024*: rainwater storage support work

- (1) In this regulation —
commencement day means the day on which the *Commerce Regulations Amendment (Plumbing) Regulations 2024* regulation 62 comes into operation.
- (2) This regulation applies in relation to a person who, if they were an applicant for a restricted plumbing permit (rainwater storage) under regulation 15, would meet the requirements set out in Schedule 3 clause 8(2)(b) to (d).
- (3) Despite regulation 9(1), the person may, without a licence or permit, carry out work that would be authorised under a restricted plumbing permit (rainwater storage) during the period —
 - (a) beginning on commencement day; and
 - (b) ending —
 - (i) if, during the period of 4 months beginning on commencement day, the Board accepts an application by the person for a restricted plumbing permit (rainwater storage) under regulation 15 — on the day on which the Board issues or refuses to issue the permit under regulation 17; or
 - (ii) otherwise — on the day after the period of 4 months beginning on commencement day.

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68. Schedule 1 Division 1 amended

In Schedule 1 Division 1:

(a) in item 4 after “permit” insert:

(water heater)

(b) after item 4 insert:

4A. Application for restricted plumbing permit (rainwater
storage) (r. 15)

Nil

(c) in item 8 after “permit” insert:

(water heater)

(d) after item 8 insert:

8A. Issue of restricted plumbing permit (rainwater
storage) (r. 17)

Nil

(e) in item 12 after “permit” insert:

(water heater)

(f) after item 12 insert:

12A. Renewal of restricted plumbing permit (rainwater
storage) (r. 19A)

Nil

69. Schedule 3 clause 7 amended

In Schedule 3 clause 7(2) after “restricted plumbing permit” insert:

(water heater)

Note: The heading to amended Schedule 3 clause 7 is to read:

Restricted plumbing permit (water heater)

70. Schedule 3 clause 8 inserted

At the end of Schedule 3 insert:

8. Restricted plumbing permit (rainwater storage)

(1) In this clause —

commencement day means the day on which the *Commerce Regulations Amendment (Plumbing) Regulations 2024* regulation 62 comes into operation.

(2) The requirements for a restricted plumbing permit (rainwater storage) are that —

- (a) the application for the issue of the permit is made before the end of the 12-month period beginning on commencement day; and
- (b) the applicant does not hold a licence; and
- (c) in the 5-year period ending on commencement day, the applicant carried out work of the kind described in regulation 13E(1) on an ongoing basis (whether or not for the full 5-year period); and
- (d) while carrying out the work, the applicant did not hold a licence; and
- (e) if the Board sets or specifies a course under regulation 13E — the applicant successfully completes the course.

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- (3) For the purposes of regulation 20A(4), subclause (2)(a) does not apply.

Part 3 — *Building Services (Complaint Resolution and Administration) Regulations 2011* amended

71. Regulations amended

This Part amends the *Building Services (Complaint Resolution and Administration) Regulations 2011*.

72. Regulation 5AA inserted

After regulation 4 insert:

5AA. Building service Act: *Plumbers Licensing Act 1995* Parts 1 and 6

The *Plumbers Licensing Act 1995* Parts 1 and 6 are prescribed for the purposes of the definition of ***building service Act*** in section 3 of the Act.

K. COLLERAN, Clerk of the Executive Council