

Plumbers Licensing Act 1995

Compare between:

[03 Sep 2012, 03-b0-02] and [18 Nov 2013, 03-c0-03]

Plumbers Licensing Act 1995

An Act to establish a scheme for the licensing of water services, to confer functions on the Economic Regulation Authority in respect of that scheme and other matters, An Act to establish a Board with functions related to the licensing of plumbers, to provide for regulation making powers in respect of the Board, licensing matters and the carrying out of plumbing work and to make related provisions.

[Long title amended by No. 39 of 1999 s. 4; No. 67 of 2003 s. 6262; No. 25 of 2012 s. 192.]

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Water Services Plumbers Licensing Act* 1995 ¹.

[Section 1 amended by No. 67 of 2003 s. 6262; No. 25 of 2012 s. 193.]

2. Commencement

This Act comes into operation on the day on which Part 2 of the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* comes into operation, that is, on the day fixed by proclamation made under section 2(2) of that Act ¹.

3. Terms used

In this Act, unless the contrary intention appears —

Authority means the Economic Regulation Authority established by the Economic Regulation Authority Act 2003;

Board means the Plumbers Licensing Board established by section 59;

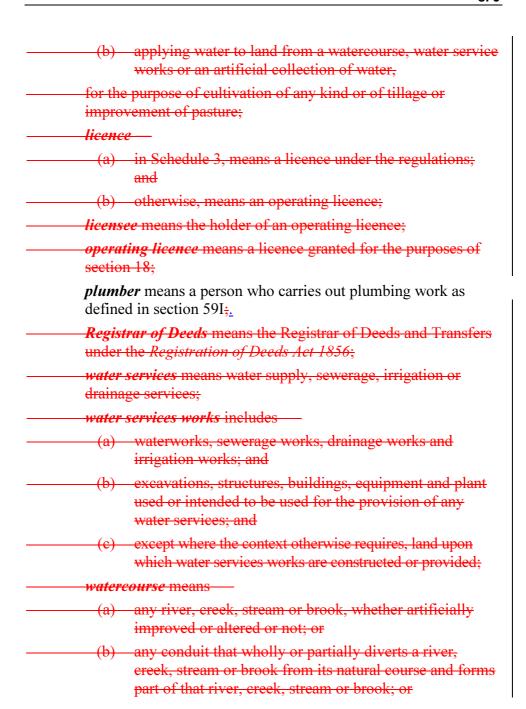
controlled area means an area for the time being constituted as such under section 11(1);

department means the department of the Public Service principally assisting the Minister in the administration of this Act;

inspector means a member of the Authority or a person designated as an inspector under section 47;

irrigation means any method of

(a) causing water from a watercourse, water services works or an artificial collection of water to flow upon and spread over land; or



Preliminary

(c) any natural collection of water into, through, or out of which any thing referred to in paragraph (a) or (b) flows, whether artificially improved or altered or not,

in which water flows or is contained whether permanently, intermittently or occasionally, together with the bed and banks of any thing referred to in paragraph (a), (b) or (c).

[Section 3 amended by No. 39 of 1999 s. 5; No. 67 of 2003 s. 62; No. 25 of 2005 s. 6464; No. 25 of 2012 s. 194.]

[Part 2—Role: s. 4 deleted by No. 25 of Economic Regulation Authority

<u>[Heading inserted 2012 s. 195;</u> <u>s. 5-9 deleted</u> by No. 67 of 2003 s. 62.]

4. ERA, functions of

The functions of the Authority under this Act are

- (a) to administer the licensing scheme provided for in [Part 3; and
- (b) to monitor and report to the Minister on the operation of that licensing scheme and on compliance by licensees with their licences; and
- (c) to inform the Minister about any failure by a licensee to meet operational standards or other requirements of its licence; and
- (d) to monitor
 - (i) the performance of the water services industry and of those participating in that industry; and
- (ii) the performance of providers of water services,

 and, for the purposes of such monitoring, to consult with
 interested groups and persons; and
 - (e) the other functions conferred on the Authority by this Act.

[Section 4 inserted by No. : s. 10-46M deleted by No. 25 of 2012 s. 195; s. 43 deleted by No. 67 of 2003 s. 62.]

[5-9. Deleted by No. 67 of 2003 s. 62.]

Division 1 — Controlled areas

Controlled areas, classification of etc.

- (1) Controlled areas are classified as follows-
 - (a) controlled area (water supply services); or
 - (b) controlled area (sewerage services); or
 - (c) controlled area (irrigation services); or
 - (d) controlled area (drainage services).
- A controlled area is to be designated by reference to one or more of the classifications specified in subsection (1).
- An area of the State may at the same time be included in 2 or more categories of controlled areas but the boundaries of those controlled areas need not be coterminous.

Controlled areas, constitution of etc.

- The Governor may by order published in the Government
 - (a) constitute an area as a controlled area; or
 - add an area to, or excise an area from, a controlled area; or
 - cancel the status of an area as a controlled area.
- An order is not to be made under subsection (1) excising an area from a controlled area or cancelling the status of an area as a controlled area unless the Governor is satisfied that water services provided in the area in question will not, after the excision or cancellation, be of a lower standard than those provided in that area before the excision or cancellation.

Controlled area need not be continuous areas

A controlled area may be one continuous area or be made up of 2 or more separate areas.

13. Consultation required before s. 11 order made

Where it is proposed that an order be made under section 11, the Minister must, before the order is made, consult with any licensee who will be affected by the proposed order.

Orders under s. 11 to be laid before Parliament

An order under section 11 is to be laid before each House of Parliament under section 42 of the Interpretation Act 1984 and that section applies as if the order were a regulation.

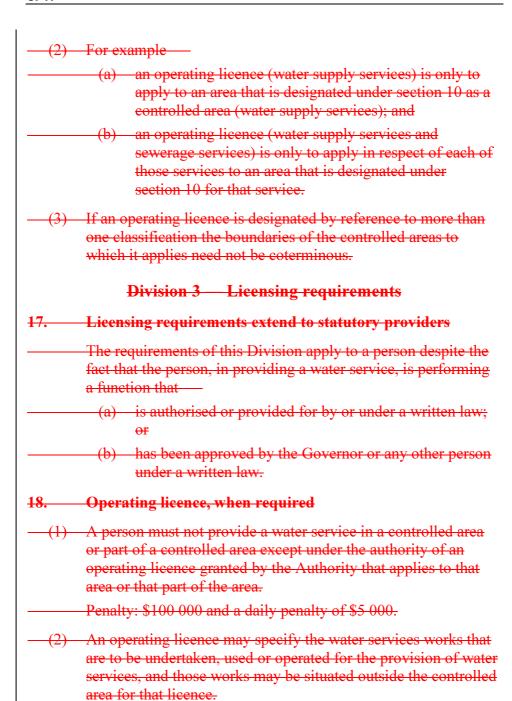
Division 2 Classification of licences

15. Operating licences, classification of etc.

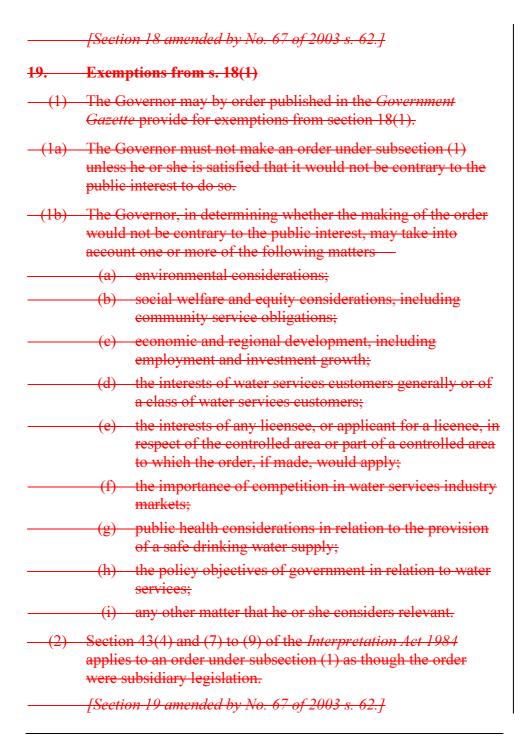
- (1) Operating licences are classified as follows
 - (a) operating licence (water supply services); or
- (b) operating licence (sewerage services); or
- (c) operating licence (irrigation services); or
 - (d) operating licence (drainage services).
- (2) An operating licence is to be designated by reference to one or more of the classifications specified in subsection (1).

16. Operating licence, area to which applies

(1) An operating licence that has a particular designation, whether solely or together with any other designation, is to apply to an area that has a corresponding designation under section 10, whether solely or together with any other designation.

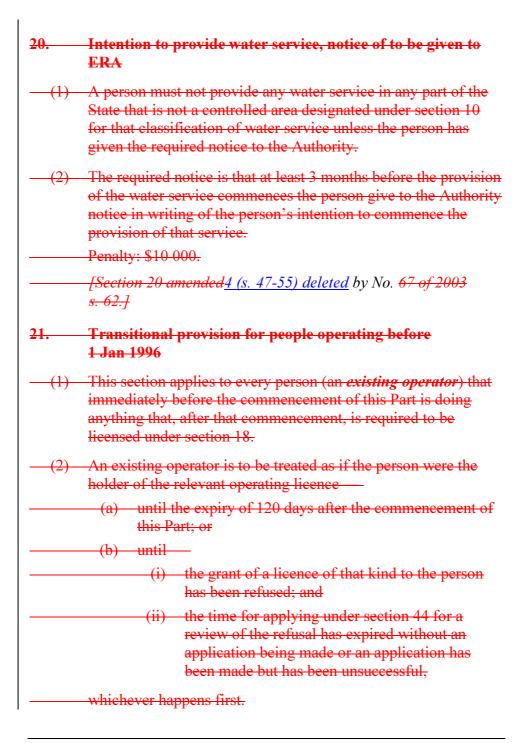


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Division 3 Licensing requirements

s. 20



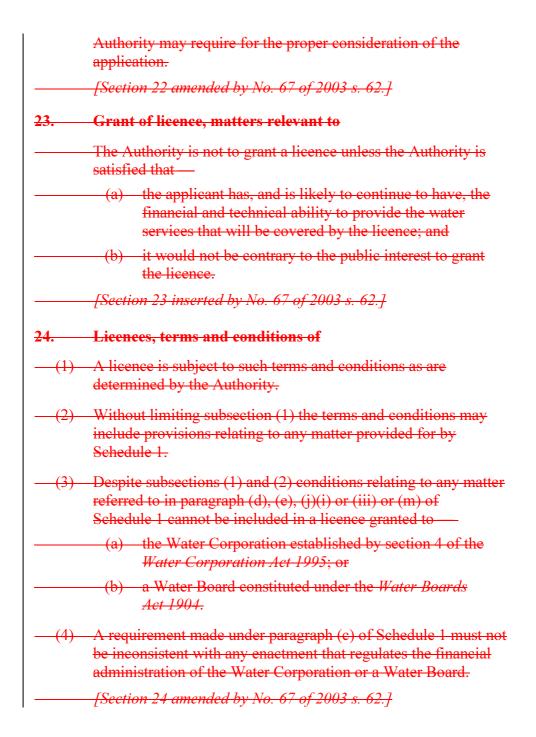
page 10 Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03] Extract from www.slp.wa.gov.au, see that website for further information

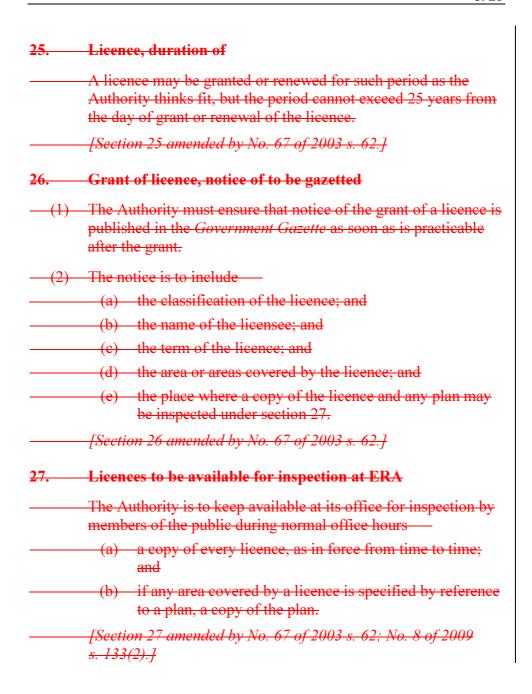
(3)	For the purposes of subsection (2)(b)(ii) an application is unsuccessful if it—
	(a) results in the refusal referred to in paragraph (b)(i) of that subsection being confirmed; or
	(b) is withdrawn, discontinued or dismissed.
	[Section 21 amended by No. 55 of 2004 s. 1298.]
	Division 4 — Licence application, grant etc.
22.	Licence, application for
(1)	An application for a licence is to be
	(a) made in a form approved by the Authority; and
	(b) accompanied by the prescribed fee.
(2)	Without limiting subsection (1)(a), an applicant for a licence is to inform the Authority of
	(a) the nature of the business activities undertaken or to be undertaken by the applicant; and
	(b) where, if a licence is granted, the applicant will have power to determine prices or charges, the methods or principles that the applicant proposes to apply in doing so; and
	(c) the methods or principles that the applicant proposes to apply in the provision of water services; and
	(d) the nature of the construction, operation or maintenance of water services works undertaken or to be undertaken to provide water services; and
	(e) the terms and conditions of any proposed standard customer contract between the applicant and any purchaser of water services from the applicant.
(3)	The applicant must also provide such other information (including information as to surveys carried out) as the

Division 4

Licence application, grant etc.

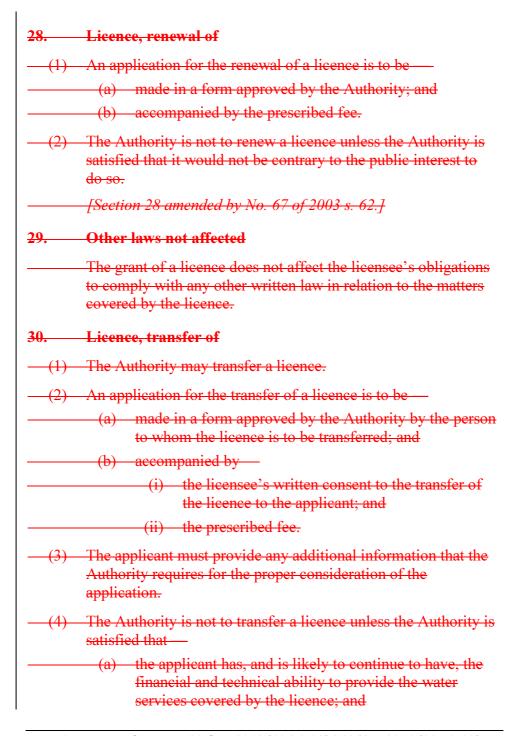
s. 23





Division 4 Licence application, grant etc.

s. 28



- (b) it would not be contrary to the public interest to transfer the licence.
- The transfer of a licence may be subject to any terms and conditions that the Authority considers appropriate.
- (6) The transfer of a licence does not affect the term of the licence.
- (7) The Authority is to ensure that notice of the transfer of a licence is published in the Gazette as soon as is practicable after the transfer.
- (8) The notice is to include
- (a) the classification of the licence; and
- (b) the name of the transferee; and
- (c) the term of the licence; and
 - (d) the area or areas covered by the licence; and
- (e) the place where a copy of the licence and any plan may be inspected under section 27.
- [Section 30 inserted by No. 67 of 2003 s. 62.]

Licence, amendment of

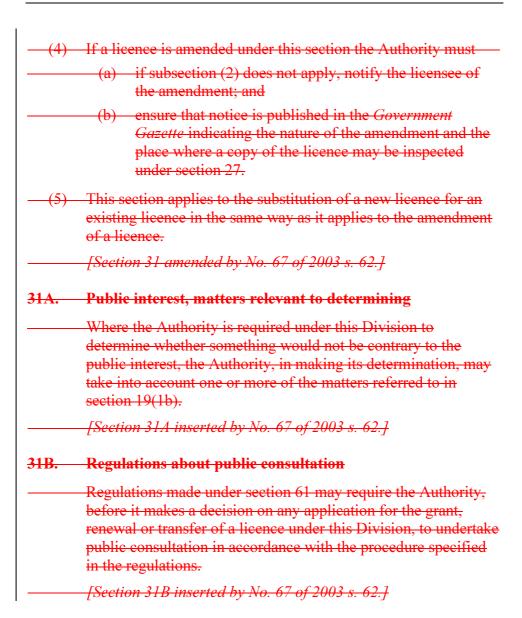
- (1) The Authority may determine that a licence is to be amended.
- The Authority is not to make a determination under subsection (1) unless the Authority is satisfied that it would not be contrary to the public interest to do so.
- (2) If the licence specifies a procedure to be followed in making such a determination, the determination may only be made in accordance with that procedure.
- An amendment cannot take effect until it is notified to the licensee under subsection (4) or under the procedure referred to in subsection (2).

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Licensing of water services providers

Division 5 Duty to provide services

s. 31A



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Division 5 Duty to provide services

32.	Licensee to provide services specified in licence
(1)	It is a condition of every licence that, subject to this Division, the licensee is to
	(a) provide the water services; and
	(b) undertake, maintain and operate any water services works,
	specified in the licence.
(2)	Subsection (1) does not affect the protection given to the Water Corporation by section 27(5) of the <i>Water Corporation Act 1995</i> .
(3)	The Governor may by order published in the <i>Government Gazette</i> provide for exemptions from subsection (1).
(4)	Section 43(4) and (7) to (9) of the <i>Interpretation Act 1984</i> applies to an order under subsection (3) as though the order were subsidiary legislation.
33.	Standards of performance etc. for licensees, regulations may prescribe
(1)	Subject to section 34, regulations made under section 61 may
	(a) prescribe standards of performance that are to be achieved in individual cases in the provision of water services; and
	(b) provide that if a licensee fails to meet such a standard, the licensee is to pay a prescribed amount to any person affected by the failure who comes within a prescribed description.
(2)	The regulations may
	(a) include a requirement for a licensee, in prescribed circumstances, to inform a person of his or her rights under the regulations; and

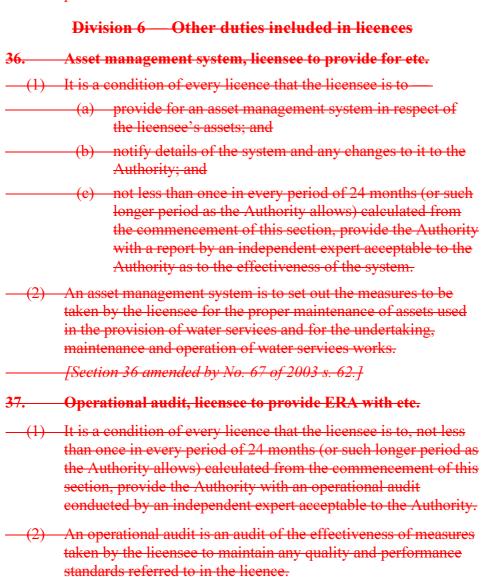
Division 5 Duty to provide services

s. 34

1	
	(b) provide for any dispute under the regulations to be referred to the Authority for determination; and
	(c) make provision for the procedure to be followed in connection with any such reference and for the enforcement of the Authority's determination; and
	(d) provide for exemptions from the requirements of the regulations.
(3)	Regulations referred to in subsection (1) are to have effect despite section 27(5) of the <i>Water Corporation Act 1995</i> .
	[Section 33 amended by No. 67 of 2003 s. 62.]
34.	Prerequisite to making regulations referred to in s. 33
	Regulations of the kind described in section 33(1) are not to be made or amended unless the Minister has furnished to the Governor a certificate that
	(a) a copy of, and a statement of reasons for, the proposed regulations or amendment have been served on each existing licensee that will be affected if the proposal is carried into effect; and
	(b) a reasonable opportunity has been given to each such licensee to make submissions on the proposal; and
	(c) the Minister has considered any submissions so made.
35.	Interrupting etc. water service, licensee's powers as to etc.
(1)	This section has effect despite any provision in this Division or in regulations referred to in section 33.
(2)	A licensee may interrupt, suspend or restrict the provision of a water service if in the licensee's opinion it is necessary to do so because of an accident, emergency, potential danger or other unavoidable cause.
(3)	A licensee is not liable for any loss or damage that arises from any such interruption, suspension or restriction except to the

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extent that an agreement to which the licensee is a party provides otherwise.



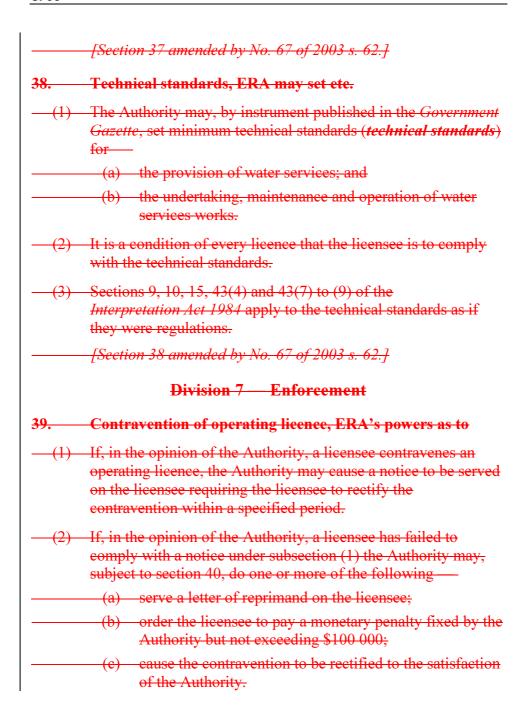
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(3) The Authority is to present to the Minister a report on each

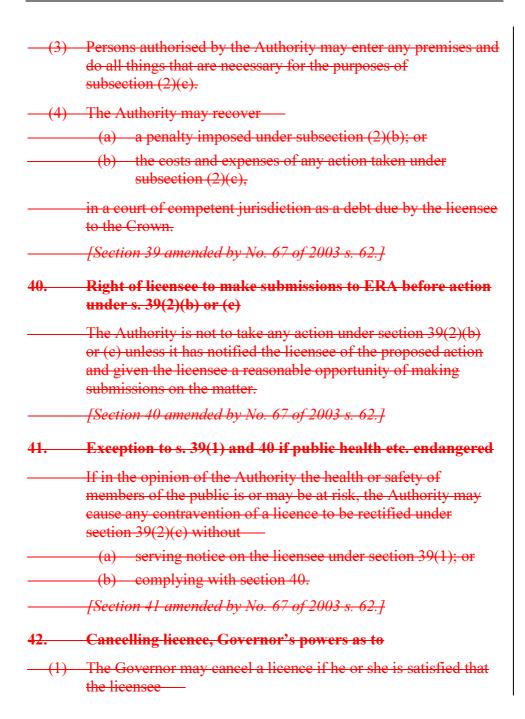
operational audit within one month after its receipt of the audit.

Division 7 Enforcement

s. 38



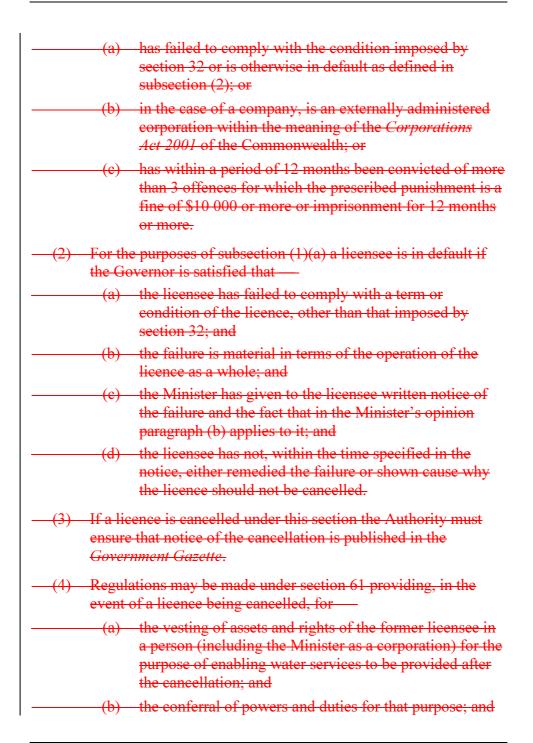
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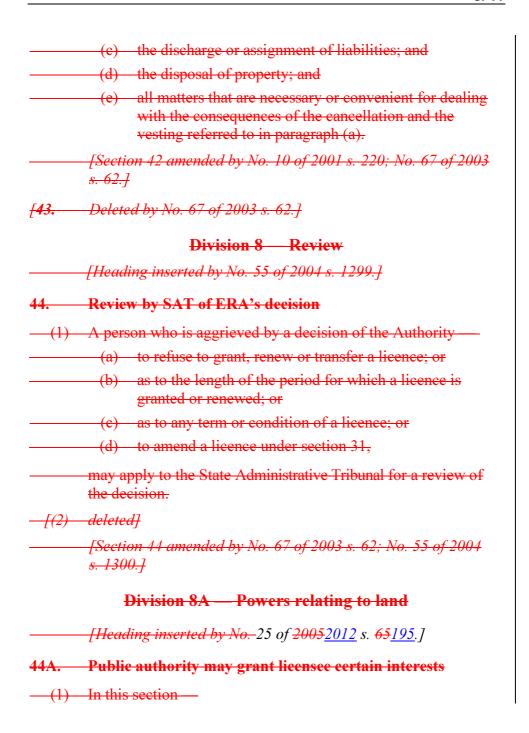


Division 7 Enforcement

s. 42

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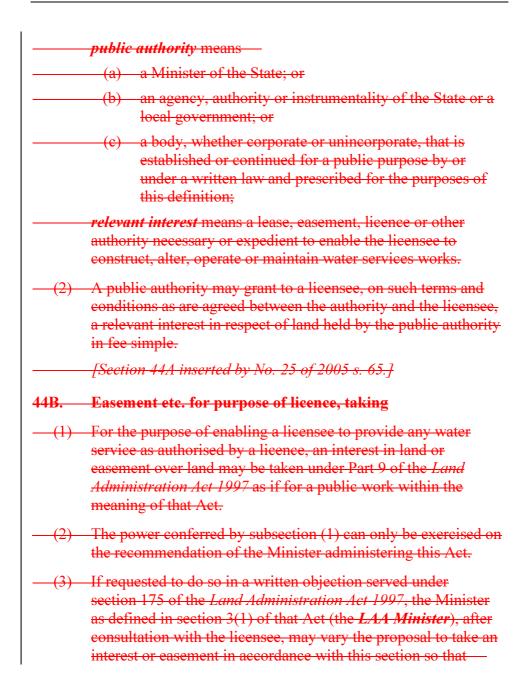


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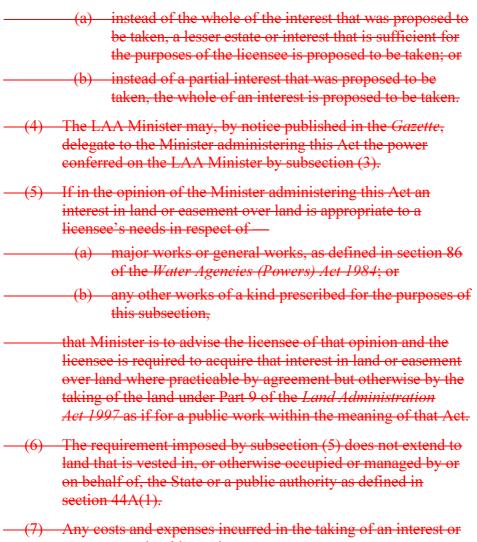
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Division 8A Powers relating to land

s. 44B



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easement under this section

- (a) are to be paid by the licensee; and
- (b) may be recovered in a court of competent jurisdiction as a debt due from the licensee to the State.
- For the purposes of this section a reference in Part 9 of the *Land* Administration Act 1997 to an interest in land includes an easement over land.

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Licensing of water services providers

Division 8A

Powers relating to land

s. 44C



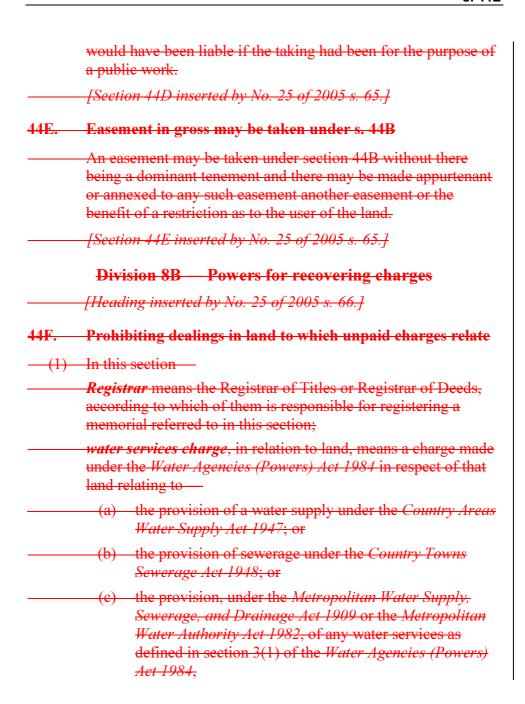
44C. Easement etc. taken under s. 44B, vesting of

- (1) Despite anything in Part 9 of the Land Administration Act 1997, on the taking of an interest in land or easement over land under section 44B, the interest or easement vests in the licensee for the purpose of enabling the licensee to provide any water service as authorised by a licence except to the extent that, under section 178(7) of that Act, the taking order continues any specified estate, interest, right or privilege of any person to the use, occupation or enjoyment of the land, or any specified part of the land.
- (2) Part 9 of the Land Administration Act 1997 applies, with all necessary changes, in relation to the recording or registering of an interest or easement taken under section 44B.
- (3) Where, whether by agreement or compulsory acquisition, any interest in land or easement is vested in a licensee and the land is subsequently affected by a taking order under Part 9 of the Land Administration Act 1997 then despite section 179 of that Act
- (a) the licensee's interest or easement continues unless the licensee otherwise agrees; and
- (b) the licensee is a person having an interest in the land for the purposes of section 202 of that Act.
 - [Section 44C inserted by No. 25 of 2005 s. 65.]

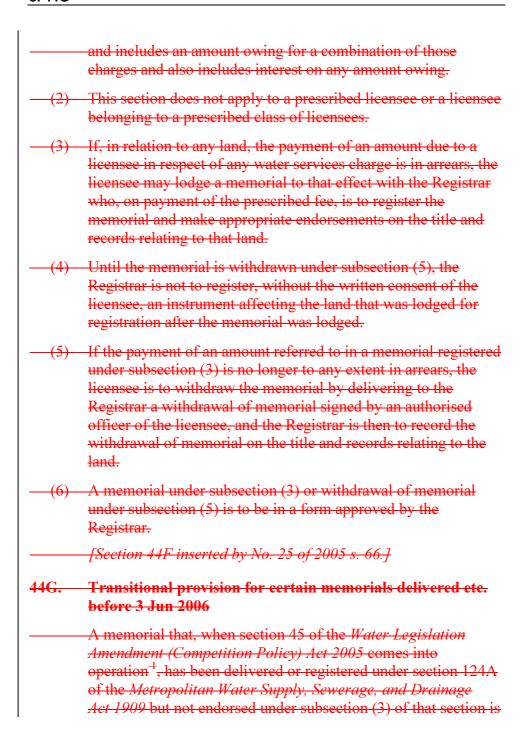
44D. Compensation etc., proceedings and liability for

- (1) Proceedings in respect of compensation, or otherwise for the purpose of complying with Parts 9 and 10 of the *Land Administration Act 1997*, may be taken against the licensee.
- (2) The licensee is liable in respect of the taking of an interest in land or easement over land under section 44B to the same extent as the Minister administering the *Land Administration Act 1997*

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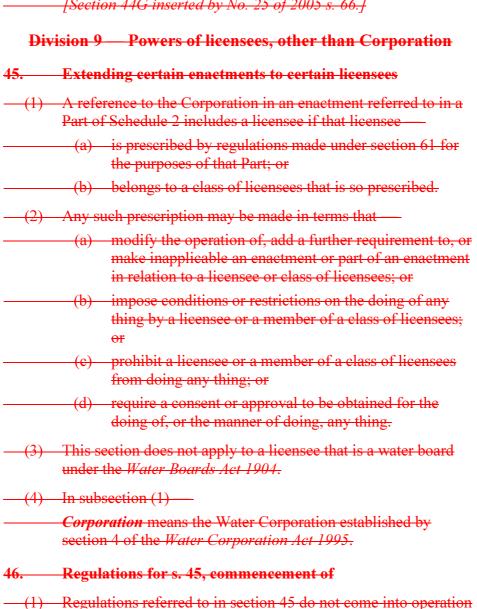
s. 44G



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to be regarded as having been lodged or registered, as the case requires, under this section.

[Section 44G inserted by No. 25 of 2005 s. 66.]



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until they have been

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Division 10 Transfer of certain assets on land not held by the statutory asset owner s. 46A published in the Government Gazette; and laid before each House of Parliament and either 15 sitting days of each House have passed after the regulations were so laid and notice of a motion to disallow the regulations has not been given; or if notice of a motion to disallow the regulations has been given, the motion has lapsed or has been withdrawn or defeated. The Minister is to cause notice to be published in the Government Gazette showing the day on which any such regulations came into operation. Division 10 — Transfer of certain assets on land not held by the statutory asset owner [Heading inserted by No. 33 of 1997 s. 3.] Terms used 46A. In this Division, unless the contrary intention appears affected land means the land upon, in, over, or under which an asset has been placed; asset means any works, or any other thing used or intended to be used for the provision of irrigation or drainage services, (a) is the property of a statutory asset owner; and (b) is upon, in, over, or under land that is not the property of the statutory asset owner;

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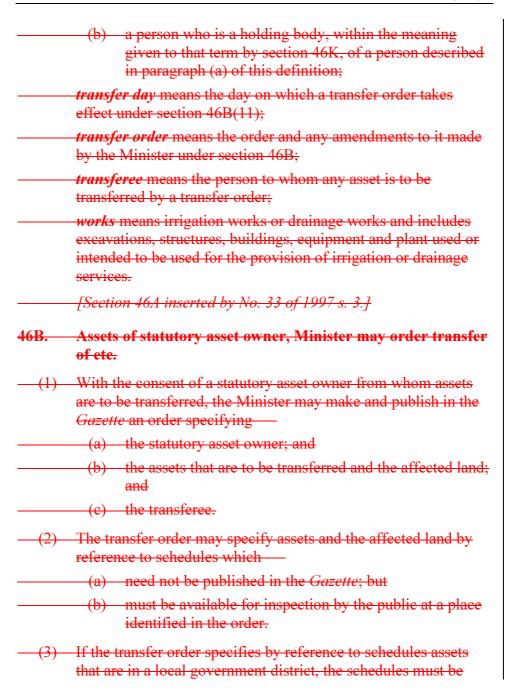
any other water services; or

statutory asset owner means

a person who is or was the holder of an operating licence authorising the licensee to provide irrigation or drainage services, whether or not also authorising the provision of Licensing of water services providers Transfer of certain assets on land not held by the statutory

Division 10

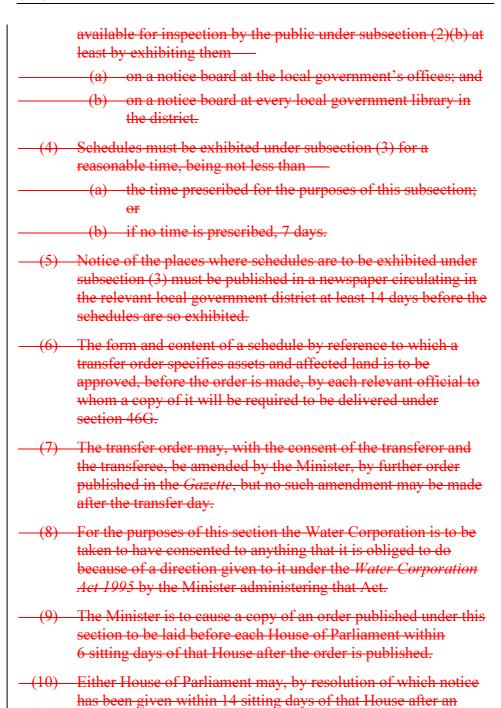
s. 46B



Transfer of certain assets on land not held by the statutory **Division 10**

asset owner

s. 46B

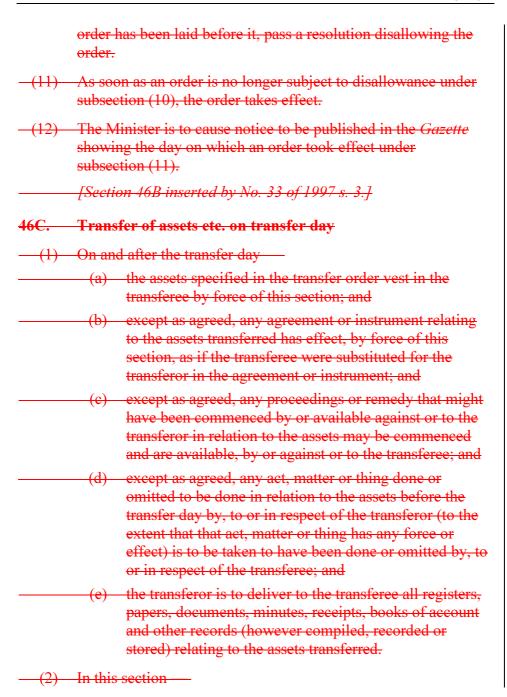


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Licensing of water services providers Transfer of certain assets on land not held by the statutory asset owner

Division 10

s. 46C



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Licensing of water services providers **Division 10** Transfer of certain assets on land not held by the statutory asset owner s. 46D

except as agreed means except as agreed between the transferor and transferee:

transferor includes a person to whom, or through whom, the transferor is the legal successor.

[Section 46C inserted by No. 33 of 1997 s. 3.]

Transferor to complete necessary transactions

- Where any asset of the transferor cannot be properly vested in the transferee by the operation of this Division (whether because it is governed otherwise than by the law of the State, or for any other reason) -
- the transferor is to be taken to continue to hold that asset until the same is effectively vested in the transferee in accordance with the transfer order; and
 - (b) the transferor is to take all practicable steps for the purpose of securing that such asset is effectively vested in the transferee in accordance with the transfer order.
- The fact that subsection (1)(a) applies to an asset does not affect the duty of the transferee to take that asset into account in providing for the asset management system required by section 36.

[Section 46D inserted by No. 33 of 1997 s. 3.]

Exemption from duty under Duties Act 2008

- [(1) deleted]
- Duty is not chargeable under the *Duties Act 2008* in relation
 - (a) anything that occurs by the operation of this Division; or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.

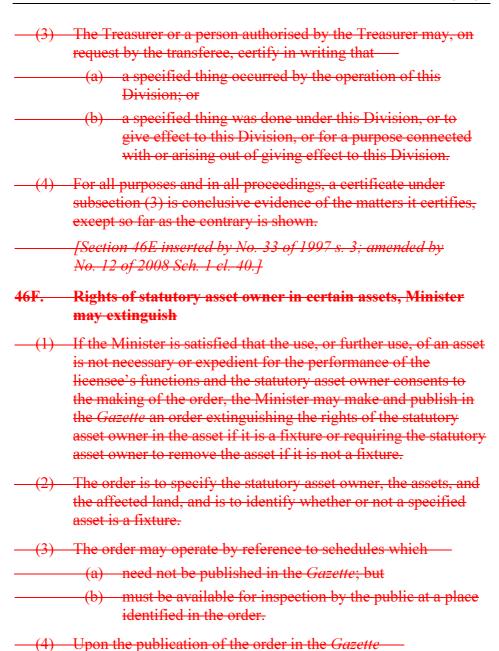
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Licensing of water services providers Transfer of certain assets on land not held by the statutory asset owner

Division 10

s. 46F



Plumbers Licensing Act 1995

Licensing of water services providers

Division 10 Transfer of certain assets on land not held by the statutory asset owner

s. 46G

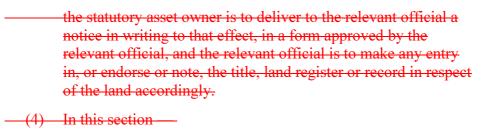
any right existing before the publication of the order in a specified asset that is a fixture is extinguished and it merges with the land that was the affected land; and the statutory asset owner is required, as soon as is practicable, to remove from the affected land a specified asset that is not a fixture. The extinguishment under this section of a right does not give rise to any right to compensation. An asset that would be a fixture if it were the property of the owner of the affected land is a fixture. [Section 46F inserted by No. 33 of 1997 s. 3.] Land titles etc., notice on of transfer of assets on etc. The Minister is to (a) cause a copy of each transfer order, and any schedule to which it refers, to be delivered to each relevant official; and give notice in writing of the transfer order to the owner of any affected land. The relevant official is to keep the order and any schedule delivered under subsection (1) and make them available for public inspection; and (b) make any entry in, or endorse or note, the relevant title, land register or record, so as to ensure that a person searching the title to that land receives notice that the assets on the land that were transferred vest in the statutory asset owner. If an asset specified in a transfer order ceases to be upon, in, over, or under the affected land; or merges, under section 46F, with the affected land,

Licensing of water services providers

Transfer of certain assets on land not held by the statutory
asset owner

Division 10

s. 46H



- relevant official means
 - (a) the Registrar of Titles; or
 - (b) the Registrar of Deeds; or
 - (c) the Minister administering the Land Act 1933²,

according to which of them has responsibility for the register relating to the affected land.

[Section 46G inserted by No. 33 of 1997 s. 3.]

46H. Transfer orders, correcting

- (1) The Minister may by order published in the *Gazette* make any provision that is necessary to rectify any omission from, or to correct any error in, a transfer order.
- (2) An order under this section may be made so as to have effect from the same time as the transfer order.
- (3) To the extent that a provision of an order under this section has effect on a day that is earlier than the day of its publication in the *Gazette*, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State, the Water Corporation, the Authority or any authority of the State), the rights of that person existing before the day of its publication; or
- (b) to impose liabilities on any person (other than the State, the Water Corporation, the Authority or any authority of the State), in respect of anything done or omitted to be done before the day of publication.

Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03]

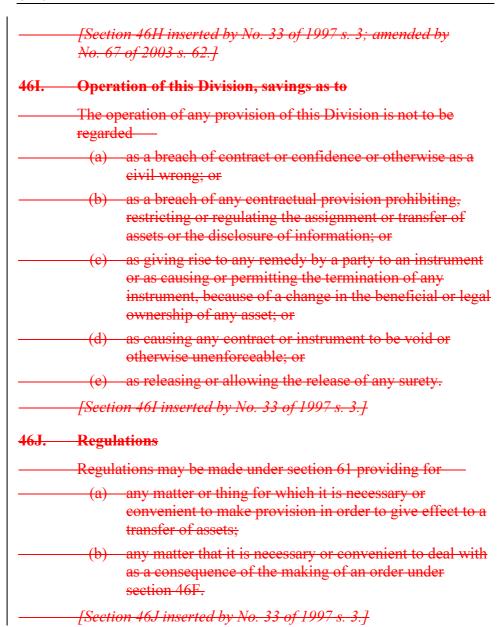
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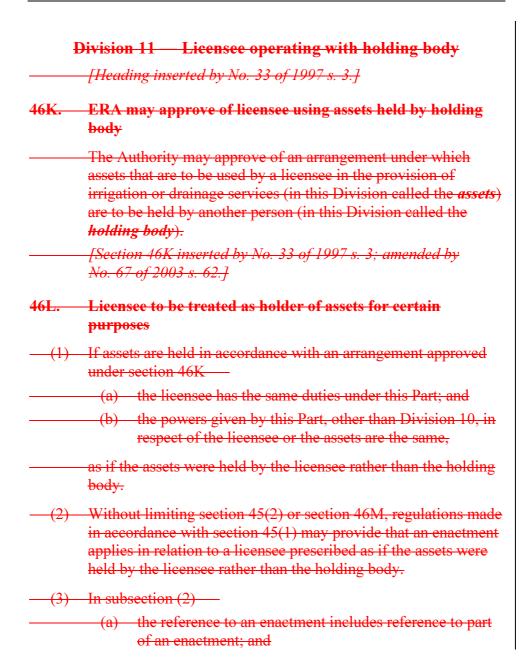
Licensing of water services providers

Division 10 Transfer of certain assets on land not held by the statutory

asset owner

s. 46I





Plumbers Licensing Act 1995

Licensing of water services providers **Division 11** Licensee operating with holding body

s. 46M

if the regulations prescribe a class of licensees, the reference to a licensee prescribed includes a reference to a licensee of a class prescribed.

[Section 46L inserted by No. 33 of 1997 s. 3.]

Application of s. 45 to holding body

- Section 45 applies in relation to the holding body as if the holding body were the licensee.
- For the purposes of subsection (1), section 83(2)(a) of the Water Agencies (Powers) Act 1984 (which is listed in Schedule 2, Part 1, of this Act) is to be read and construed as though it did not include a reference to the Land Administration Act 1997 Part 9 Division 4.

[Section 46M inserted by No. 33 of 1997 s. 3; amended by No. 8 of 2009 s. 133(3).7

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Part 4 Inspectors

Inspectors, designation of (1) The Authority may designate persons to be inspectors for the purposes of this Act, and amend or revoke a designation. An instrument of designation of an inspector is to specify (a) the classification of that inspector by reference to the kind of water services to which his or her powers relate; and (b) the powers of inspection that the inspector may exercise; and (c) any limitations or restrictions that apply to that exercise. A person is not to be designated as an inspector unless he or she has the qualifications or experience, or both, prescribed for the classification that applies to him or her. (4) A member of the Authority has the powers of an inspector by virtue of his or her office. [Section 47 amended by No. 67 of 2003 s. 62.] Certificates for inspectors etc. The Authority is to issue to an inspector a certificate specifying the matters referred to in section 47(2) that apply to that inspector. An inspector must produce the certificate whenever requested to do so by any person apparently having charge of any land, premises, or thing in respect of which the inspector has exercised or is about to exercise any power.

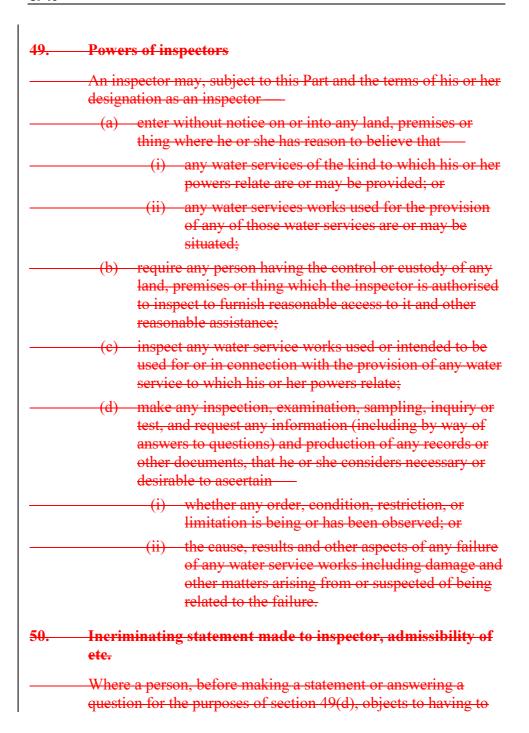
[Section 48 amended by No. 67 of 2003 s. 62.]

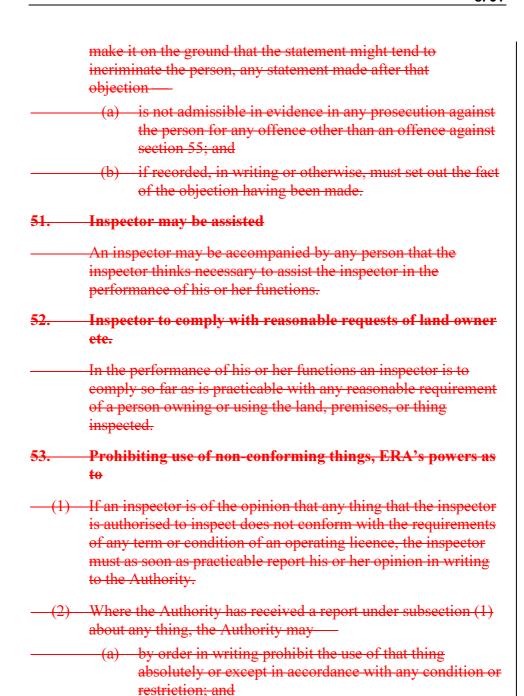
that certificate relates.

page 41

Production of the certificate is evidence in any court of the designation, classification and powers of the inspector to whom

s. 49





Extract from www.slp.wa.gov.au, see that website for further information

s. 54

	(b) disconnect the supply of water services to or from that thing, or to or from the premises on which it is situated, until the Authority is satisfied that the thing conforms with the requirements referred to in subsection (1). [Section 53 amended by No. 67 of 2003 s. 62.]
54.	Review by SAT of s. 53 decision
(1)	Any person aggrieved by any order made by the Authority under section 53 may apply to the State Administrative Tribunal for a review of the order.
-[(2)	deleted]
	[Section 54 amended by No. 67 of 2003 s. 62; No. 55 of 2004 s. 1301.]
55.	- Offences
(1)	A person must not without reasonable excuse
	(a) obstruct an inspector, or a person to whom section 51 applies, in the performance of his or her functions; or
	(b) fail to comply with a requirement under section 49(b).
(2)	A person must not without reasonable excuse, and subject to section 50, fail to comply with a request under section 49(d).
(3)	A person must not give false or misleading information in response to a request under section 49(d).
(4)	A person must not contravene or fail to comply with an order under section 53.
	Penalty applicable to this section—
	(a) for an individual: \$5 000;
	(b) for a body corporate: \$20,000

[Part 5 (s. 56-58) deleted by No. 67 of 2003 s. 62.]

page 44 Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03]

Extract from www.slp.wa.gov.au, see that website for further information

Part 5A — Licensing of plumbers and related matters

[Heading inserted by No. 39 of 1999 s. 7.]

Division 1 — Plumbers Licensing Board

[Heading inserted by No. 39 of 1999 s. 7.]

59. Board established

A board called the Plumbers Licensing Board is established.

[Section 59 inserted by No. 39 of 1999 s. 7.]

59A. Membership

The Board consists of not more than 9 members appointed by the Minister in accordance with the regulations.

[Section 59A inserted by No. 39 of 1999 s. 7.]

59B. Functions

- (1) The functions of the Board are
 - (a) to monitor matters relating to the qualification and training of plumbers, and to provide advice on those matters to the Minister and, with the approval of the Minister, to any other person or body concerned with those matters; and
 - (b) to advise the Minister on matters relating to the licensing and regulation of plumbers; and
 - (c) to administer any licensing scheme provided for by the regulations; and
 - (d) to perform licensing, disciplinary and other functions given to it by the regulations.
- (2) It is also a function of the Board to do things that it is authorised to do by any other written law.

Plumbers Licensing Act 1995

Part 5A Licensing of plumbers and related matters

Division 1 Plumbers Licensing Board

s. 59C

[Section 59B inserted by No. 39 of 1999 s. 7; amended by No. 67 of 2003 s. 62.7

59C. **Powers**

The Board has all the powers it needs to perform its functions under this Act or any other written law.

[Section 59C inserted by No. 39 of 1999 s. 7.]

59D. **Delegation by Board**

- The Board may, by instrument, delegate the performance of any (1) of its functions, except this power of delegation and any disciplinary power conferred by the regulations or another written law.
- (2) A delegation under subsection (1) may be made to
 - a member of the Board; or
 - (b) any committee established under the regulations; or
 - with the approval of the Minister, any other person.
- A function performed by a delegate is to be taken to be (3) performed by the Board.
- (4) A delegate performing a function under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

[Section 59D inserted by No. 39 of 1999 s. 7.]

59E. Minister may give Board directions

- (1) Subject to subsection (2), the Minister may give directions in writing to the Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction.
- The Minister must not under subsection (1) direct the Board (2) with respect to the performance of its licensing or disciplinary

Division 1

functions, whether under this Act or any other written law, in respect of —

- (a) a particular person; or
- a particular application, complaint or proceeding.
- The Minister must, within 14 days after a direction is given (3) under subsection (1), cause a copy of it to be laid before each House of Parliament or dealt with in accordance with subsection (4).
- (4) If—
 - (a) at the commencement of the period referred to in subsection (3) a House of Parliament is not sitting; and
 - the Minister is of the opinion that that House will not sit (b) during that period,

the Minister is to transmit a copy of the direction to the Clerk of that House.

- (5) A copy of a direction transmitted to the Clerk of a House is taken to have been laid before that House.
- (6) The laying of a copy of a direction that is taken to have occurred under subsection (5) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.
- The text of a direction given under subsection (1) is to be (7) included in the annual report submitted by the accountable authority of the department under Part 5 of the Financial Management Act 2006.

[Section 59E inserted by No. 39 of 1999 s. 7; amended by No. 5 of 2005 s. 46; No. 77 of 2006 Sch. 1 cl. 178; No. 8 of 2009 s. 133(4) and (5).]

59F. Minister to have access to information

The Minister is entitled — (1)

Plumbers Licensing Board

s. 59F

- to have information in the possession of the Board; and
- if the information is in or on a document, to have, and (b) make and retain copies of, that document.
- (2) For the purposes of subsection (1) the Minister may
 - request the Board to furnish information to the Minister;
 - (b) request the Board to give the Minister access to information; and
 - for the purposes of paragraph (b) make use of the staff of the Board to obtain the information and furnish it to the Minister.
- The Board is to (3)
 - comply with a request under subsection (2); and
 - (b) make its staff and facilities available to the Minister for the purposes of subsection (2)(c).
- The Minister is not entitled to have information under this (4) section in a form that —
 - (a) discloses the identity of a person involved in a complaint; or
 - might enable the identity of any such person to be (b) ascertained,

unless that person has consented to the disclosure.

In this section — (5)

> document includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

information means information specified, or of a description specified, by the Minister that relates to the functions of the Board;

staff means any person whose services are the subject of an arrangement under section 59G(1).

page 48 Extract from www.slp.wa.gov.au, see that website for further information [Section 59F inserted by No. 39 of 1999 s. 7.]

59G. Use by Board of government staff etc.

- (1) The Board may by arrangement with the relevant employer make use, either full-time or part-time, of the services of any officer or employee
 - (a) in the Public Service; or
 - (b) in a State agency or instrumentality.
- (2) The Board may by arrangement with
 - (a) a department of the Public Service; or
 - (b) a State agency or instrumentality,

make use of any facilities of the department, agency or instrumentality.

(3) An arrangement under subsection (1) or (2) is to be on the terms agreed to by the parties.

[Section 59G inserted by No. 39 of 1999 s. 7.]

59H. Financial Management Act 2006, application of

- (1) Any acts or things done by the Board under this Act or any other written law are to be regarded
 - (a) as services under the control of the department of the Public Service principally assisting the Minister in the administration of this Part for the purposes of section 52 of the *Financial Management Act 2006*; and
 - (b) part of the operations of that department for the purposes of Part 5 of that Act.
- (2) The department's annual report is to include details of
 - (a) the number, nature, and outcome, of —

Part 5A Licensing of plumbers and related matters

Division 2 Regulations

s. 591

- investigations and inquiries undertaken by, or at the direction of, the Board into licensing under this Act; and
- matters that have been brought before the State (ii) Administrative Tribunal under this Act:

and

- the number and nature of matters referred to in (b) paragraph (a) that are outstanding; and
- any trends or special problems that may have emerged; (c) and
- forecasts of the workload of the Board in the year after (d) the year to which the report relates; and
- any proposals for improving the operation of the Board. (e)

[Section 59H inserted by No. 39 of 1999 s. 7; amended by No. 55 of 2004 s. 1303; No. 77 of 2006 s. 17; No. 16 of 2011 s. 130(2).7

Division 2 — Regulations

[Heading inserted by No. 39 of 1999 s. 7.]

59I. Terms used

In this Division and in Schedule 3 —

plumbing work means work of a kind specified to be water supply plumbing, sanitary plumbing or drainage plumbing; *specified* means specified in the regulations.

[Section 59I inserted by No. 39 of 1999 s. 7.]

59J. Regulations; Building Services Account to be credited with certain fees

Regulations may be made under section 61 for all or any of the (1) purposes, or about all or any of the matters, set out in Schedule 3.

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- (2) The Building Services Account is to be credited with fees paid or recovered under regulations referred to in subsection (1).
- (3) In subsection (2) —

Building Services Account means the account referred to in the Building Services (Complaint Resolution and Administration) Act 2011 section 92(1).

[Section 59J inserted by No. 39 of 1999 s. 7; amended by No. 16 of 2011 s. 130(3) and (4).]

59K. Offences, regulations may create etc.

Regulations referred to in section 59J may —

- create offences and provide, in respect of an offence so created, for the imposition of a fine not exceeding \$5 000; and
- establish a scheme for the giving of infringement notices (b) in respect of specified offences against the regulations, prescribe modified penalties for such offences and provide for the appointment of persons to give infringement notices and administer that scheme.

[Section 59K inserted by No. 39 of 1999 s. 7.]

59L. Other laws, codes etc., regulations may adopt

- (1) Regulations referred to in section 59J may adopt, either wholly or in part or with modifications
 - any rules, regulations, codes, or other subsidiary legislation made, determined or issued under any other Act or under any Commonwealth Act; or
 - any of the standards, rules, codes or specifications of (b) Standards Australia or a similar specified body.
- If any subsidiary legislation, standard, rule, code or (2) specification is adopted under subsection (1), it is adopted as in

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force from time to time unless the regulations specify that a particular text is adopted.

[Section 59L inserted by No. 39 of 1999 s. 7; amended by No. 74 of 2003 s. 128.]

Part 6 — General

Deleted by No. 67 of 2003 s. 62.] *[60.*

60A. **Protection from liability**

- An action in tort does not lie against a person for anything that (1) the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (1a) Subsection (1) does not apply to a person referred to in section 56(1) of the Economic Regulation Authority Act 2003.
- (2) The Board and the Crown are also relieved of any liability that either of them might otherwise have had for another person having done anything as described in subsection (1).
- The protection given by this section applies even though the (3) thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- In this section, a reference to the doing of anything includes a (4) reference to an omission to do anything.

[Section 60A inserted by No. 39 of 1999 s. 8; amended by No. 67 of 2003 s. 62.7

60B. Disclosure etc., certain information restricted

- (1) This section applies to a person
 - who has been the Coordinator of Water Services under this Act; or
 - who is or has been a member of the Board; or
 - (c) who is or has been a person performing functions under this Act.
- A person to whom this section applies must not, directly or (2) indirectly, record, disclose or make use of any information obtained in the course of duty except —

s. 60C

- (a) for the purpose of performing functions under this Act;
- (b) as required or allowed by this Act or under another written law; or
- with the written consent of the person to whom the information relates; or
- (d) in other prescribed circumstances.

Penalty: \$5 000.

Subsection (2) does not apply to the disclosure of any summary (3) or statistical information that could not reasonably be expected to enable particulars relating to any person or business to be ascertained.

[Section 60B inserted by No. 39 of 1999 s. 8; amended by No. 67 of 2003 s. 62.1

60C. Operating licence is not personal property for *Personal* Property Securities Act 2009 (Cwlth)

If an operating licence granted under section 18 is transferable by the licensee, in accordance with the *Personal Property* Securities Act 2009 (Commonwealth) section 10 the definition of *licence* paragraph (d), the licence is declared not to be personal property for the purposes of that Act.

[Section 60C inserted by No. 42 of 2011 s. 122.]

61. Regulations

The Governor may make any regulations prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

62. Review of Act

(1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the

- expiry of 5 years from its commencementevery 5th anniversary of the commencement of the Water Services Legislation Amendment and Repeal Act 2012 section 191.
- In the course of that review the Minister is to consider and have (2) regard to —
 - [(a), (b)]deleted]
 - the effectiveness of the operations of the Board; and
 - (bb) the need for the continuation of the functions of the Board: and
 - any other matters that appear to the Minister to be (c) relevant to the operation and effectiveness of this Act.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, is to cause it to be laid before each House of Parliament.

[Section 62 amended by No. 39 of 1999 s. 9; No. 67 of 2003 s. 6262; No. 25 of 2012 s. 196.]

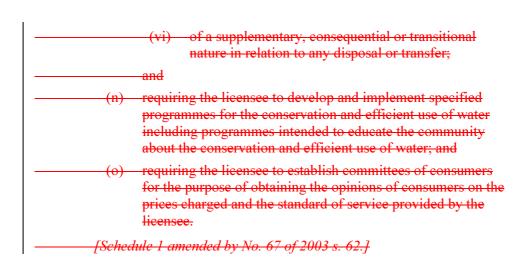
Schedule	Schedules 1—	Licence terms and conditions
		[s. 24]
[Head	ing amended 2 delete	<u>ed</u> by No. -19 of 2010 s. 4.]
An ope	erating licence may	include provisions —
(a)	1 0	nsee to enter into agreements on specified of a specified type; and
(b)	1 0	nsee to observe specified industry codes eations or exemptions as may be determined and
(c)		nsee to maintain specified accounting open accounts according to specified
(d)		ensee from engaging in or undertaking sactivities or any other business; and
(e)		ds or principles to be applied by the licensee es or charges for inclusion in authorising
(f)		ds or principles to be applied in the received authorised by the licence; and
(g)	specifying proceds	ures for amendment, revocation or cence; and
(h)	manner and form of information on any licence, the operat	determined by the Authority, in the determined by the Authority, specified by matter relevant to the operation of the tion of the licensing scheme provided for informance of the Authority's functions under
(i)	requiring or regule maintenance of wa	ating the construction, operation or ater services works; and
(j)	relating to the peri	formance of functions by the licensee
	(i) the range licensee; a	of functions that may be performed by the and

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	(ii) quality and performance standards to be met by the licensee, except to the extent that regulations of the kind described in section 33 apply; and
	(iii) community service obligations, that is obligations that are not commercially justified, to be discharged by the licensee;
	and
(k)	-specifying -
	(i) the terms and conditions of any customer contract which an owner or occupier of land is required to enter into with the licensee in the absence of any express agreement between the customer and the licensee to the contrary; and
	(ii) any limitation on the capacity of the parties by express agreement to exclude, modify or restrict the terms and conditions of the customer contract;
	-and
(l)	relating to obligations of the licensee with respect to public authorities and other licensees; and
(m)	relating to the disposal or transfer of property, rights or liabilities of a specified kind either during the currency of the licence or on or after its expiration by effluxion of time including provisions—
	(i) prohibiting any disposal or transfer of property except with the approval of a specified person;
	(ii) prohibiting the giving of any encumbrance over specified property except with the approval of the Authority;
	(iii) requiring the transfer of property, rights or liabilities of a specified kind to a specified person on or within a specified time after the expiration of the licence;
	(iv) with respect to the consideration to be provided in respect of any disposal or transfer;
	(v) with respect to the arbitration of disputes that arise in connection with any disposal or transfer;

Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03]



Schedule 2 — Enactments that may apply to licensees, other than the Corporation

[s. 45]

[Heading amended by No. 19 of 2010 s. 4.]

Part 1 — Provisions for which any licensee may be prescribed

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Water Agencies (Powers) Act 1984
s. 3(1) (definition of
                         s. 42
                                             s. 72
                                                             s. 93
                                             s. 73
                                                             s. 94
      works)
                         s. 62
                                             s. 75
                                                             s. 95
s. 3(3)
                         s. 63
                                             s. 77
s. 34
                         s. 64
                                                             s. 96
s. 36
                         s. 66
                                             s. 78
                                                             s. 97
s. 37
                         s. 67
                                             s. 79
                                                             s. 98
s. 41
                         s. 67A
                                             s. 81
                                                             s. 99
s. 41B
                         s. 67B
                                             s. 83
                                                             s. 100
s. 41E
                         s. 68
                                             s. 84
                                                             s. 101
s. 41F
                         s. 69
                                             s. 86
                                                             s. 102
s. 41G
                         s. 69A
                                             s. 87
s. 41GA
                         s. 69B
                                             s. 88
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s. 70 (except

(3)(b))

s. 71(1) and (3)

subsection

s. 41H

s. 41J

s. 41K

s. 41M

Planning and Development Act 2005 s. 157(1)(a)(ii) s. 167(2)(b)(ii)

[Part 1 amended by No. 12 of 1996 s. 16; No. 38 of 2005 s. of 20052012 s. 60(2) and 67(1).]197.]

Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03]

s. 89

s. 90

s. 91

s. 92

s. 62

-Provisions for which a licensee (water supply services) may Part 2 be prescribed Country Areas Water Supply Act 1947 s. 37 s. 45 s. 78 s. 38 s. 46 s. 81 s. 14 s. 28 s. 39A s. 58 s. 108 s. 29 s. 40 s. 59 s. 111 s. 30 s. 42 s. 60 s. 112 s. 43 s. 113 s. 31 s. 62A s. 32 s. 43A s. 73 s. 115 s. 33 s. 43B s. 76 s. 35 s. 44 s. 77 Metropolitan Water Authority Act 1982 s. 4 (definition of works) s. 43 Metropolitan Water Supply, Sewerage, and Drainage Act 1909 s. 45 s. 14 s. 56 s. 148 s. 49 s. 56A s. 150 s. 36 s. 50 s. 57 s. 152 s. 37 s. 50A s. 57EA s. 153 s. 38 s. 39 s. 51 s. 103 s. 154 s. 52 s. 40 s. 105B s. 156 s. 41 s. 53 s. 109 s. 157 s. 42 s. 110 s. 159

Energy Operators (Powers) Act 1979 s. 42(2)(a)

s. 146

s. 161

Home Building Contracts Act 1991

s. 54

s. 55

[Part 2 amended by No. 32 of 1997 s. 19(a); No. 58 of 1999 s. 87; No. 25 of 2005 s. 7(4) and 67(2) and (3).1

Compare 03 Sep 2012 [03-b0-02] / 18 Nov 2013 [03-c0-03]

s. 43

Part 3 — Provisions for which a licensee (sewerage services) may be prescribed

Country Towns Sewerage Act 1948 s. 43 s. 11 s. 33 s. 80 s. 23 s. 34 s. 44 s. 102 s. 23A s. 35 s. 45 s. 105 s. 24 s. 108 s. 36 s. 46 s. 25 s. 37 s. 61 s. 110 s. 28 s. 39 s. 111 s. 62 s. 29 s. 40 s. 63 s. 113 s. 30 s. 41 s. 119 s. 65A s. 31 s. 41A s. 75 s. 79 s. 32 s. 42

Metropolitan Water Authority Act 1982

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

s. 31	s. 63	s. 70	s. 152
s. 32	s. 64	s. 103	s. 153
s. 33	s. 65	s. 109	s. 154
s. 58	s. 66	s. 110	s. 156
s. 59	s. 67	s. 146	s. 157
s. 61	s. 68	s. 148	s. 159
s. 61A	s. 69	s. 150	s. 161

Health Act 1911 s. 63A

Home Building Contracts Act 1991

[Part 3 amended by No. 25 of 2005 s. 28(2) and 67(4).]

s. 62

Provisions for which a licensee (drainage services) may be prescribed

prescribeu					
	Land Drainage Act 1925				
s. 60	s. 100	s. 155	s. 171		
s. 64	s. 152	s. 161			
s. 70	s. 153	s. 162			
s. 71	s. 154	s. 167			
	<u>Metropolitan</u>	Water Authority Act	1982		
s. 4 (definition	s. 100	s. 103	s. 108		
of works)	s. 101	s. 105			
s. 43	s. 102	s. 107			
<i>Metropoli</i>	itan Water Supp	ly, Sewerage, and D	rainage Act 1909		
s. 103	s. 148	s. 153	s. 161		
s. 109	s. 150	s. 156			
s. 110	s. 151	s. 157			
s. 146	s. 152	s. 159			

Health Act 1911 s. 63A

[Part 4 amended by No. 25 of 2005 s. 67(5).]

Part 5 — Provisions for which a licensee (irrigation services) may be prescribed

Rights in Water and Irrigation Act 1914

	_	_	
s. 33	s. 39C	s. 42	s. 66
s. 35	s. 39E	s. 42A	s. 69
s. 36	s. 39F	s. 43	s. 70
s. 37	s. 39G	s. 44	s. 71
s. 38	s. 39I	s. 45	s. 75
s. 39A	s. 41	s. 63	s. 79A

[Part 5 amended by No. 32 of 1997 s. 19(b); No. 25 of 2005 s. 67(6).]

Schedule 3 — Purposes for which, or matters about which, regulations may be made

[s. 59J]

- 1. The membership of the Board and the manner in which the membership is to be determined.
- 2. The appointment of a chairperson and deputy chairperson of the Board.
- 3. The term of office of members of the Board and the circumstances in which a member of the Board may be removed from office.
- 4. The appointment of alternate members of the Board.
- 5. The constitution and proceedings of the Board.
- 6. The remuneration of members of the Board and members of any committee established by the Board.
- 7. To permit the Board to establish committees for supervisory, regulatory, or other purposes and to provide for the constitution, practice and procedure of any such committee.
- 8. The licensing of plumbers, including, without limitation
 - the persons who may hold a licence; and (a)
 - (b) classes of licence and the plumbing work that may be carried out under the authority of a licence of a particular class; and
 - the qualifications, level of experience or competency requirements (c) necessary for the grant of a licence of a particular class; and
 - the matters of which the Board must be satisfied before granting a (d) licence of a particular class; and
 - the issue, duration, renewal, suspension or cancellation of licences; (e)
 - (f) the imposition of conditions or restrictions on licences; and
 - the keeping of a register of specified information in respect of (g) licences and matters relating to the amendment and accuracy of the register; and
 - the manner of making a complaint against or concerning a person (h) who is or was the holder of a licence, and who may make such a complaint; and

- (i) disciplinary matters and the regulation of the practice and procedure to be followed in the investigation of disciplinary matters; and
- (j) the conferral on the State Administrative Tribunal of jurisdiction to deal with disciplinary matters and the orders that may be made following the hearing and determination of disciplinary matters, which may include orders imposing disciplinary penalties; and
- (k) the conferral on the State Administrative Tribunal of jurisdiction to deal with applications for the review of decisions of the Board or any committee established by the Board; and
- [(l) deleted]
- (m) the publication in specified circumstances of information relating to the cancellation or suspension of a licence, and the manner of such publication; and
- (n) the manner in which holders of licences may advertise, display or otherwise publicise the fact that they carry out plumbing work; and
- (o) matters of a savings or transitional nature.
- 9. The prohibition of persons other than holders of licences from carrying out plumbing work.
- 10. The regulation and control of plumbing work.
- 11. Standards to be observed in, or in connection with, the carrying out of plumbing work.
- 12. The appointment or authorisation of persons to inspect plumbing work and investigate complaints in respect of plumbing work, and their powers, including powers of entry, for the purposes of such inspection or investigation.
- 13. Fees to be paid for or in connection with matters provided for in the regulations, other than for bringing matters before the State Administrative Tribunal, and the persons liable to pay those fees.

[Schedule 3 inserted by No. 39 of 1999 s. 10; amended by No. 55 of 2004 s. 1304.]

Notes

This is a compilation of the Water Services Plumbers Licensing Act 1995 and includes the amendments made by the other written laws referred to in the following table ^{la}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
Water Services Coordination Act 1995 ³	72 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
Taxes and Charges (Land Subdivision) Legislation Amendment Act 1996 Pt. 5 ⁴	12 of 1996	28 Jun 1996	28 Jun 1996 (see s. 2)
Water Legislation Amendment Act 1997 Pt. 6	32 of 1997	3 Oct 1997	15 Apr 1998 (see s. 2 and <i>Gazette</i> 15 Apr 1998 p. 2041)
Water Services Coordination Amendment Act 1997	33 of 1997	3 Oct 1997	3 Oct 1997 (see s. 2)
Water Services Coordination Amendment Act 1999 s. 3 to 10	39 of 1999	9 Nov 1999	19 Jun 2000 (see s. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
Gas Corporation (Business Disposal) Act 1999 s. 87	58 of 1999	24 Dec 1999	1 Jul 2000 (see s. 2(2) and <i>Gazette</i> 4 Jul 2000 p. 3545)

Reprint of the Water Services Coordination Act 1995 as at 28 Jul 2000 (includes amendments listed above)

Corporations (Consequential Amendments) Act 2001 s. 220	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and Gazette 29 Jun 2001 p. 3257 and Cwlth Gazette 13 Jul 2001 No. S285)
Economic Regulation Authority Act 2003 s. 62 ⁵	67 of 2003	5 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
Statutes (Repeals and Minor Amendments) Act 2003 s. 128	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

Short title	Number and year	Assent	Commencement
State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2 Div. 133 ^{6,7}	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Financial Administration Legislation Amendment Act 2005 s. 46	5 of 2005	27 Jun 2005	1 Jan 2006 (see s. 2 and <i>Gazette</i> 23 Dec 2005 p. 6243)
Water Legislation Amendment (Competition Policy) Act 2005 s. 7(4), 28(2), 60(2) and Pt. 8	25 of 2005	12 Dec 2005	3 Jun 2006 (see s. 2 and <i>Gazette</i> 2 Jun 2006 p. 1985)
Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)
Reprint 2: The <i>Water Servi</i> amendments listed above)	ces Licensing	<i>Act 1995</i> as at	4 Aug 2006 (includes
Financial Legislation Amendment and Repeal Act 2006 Sch. 1 cl. 178	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
Duties Legislation Amendment Act 2008 Sch. 1 cl. 40	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 133	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
Standardisation of Formatting Act 2010 s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
Building Services (Complaint Resolution and Administration) Act 2011 s. 130	16 of 2011	25 May 2011	29 Aug 2011 (see s. 2(b) and <i>Gazette</i> 26 Aug 2011 p. 3475)
Personal Property Securities (Consequential Repeals and Amendments)	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5

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registered 21 Nov 2011)

Act 2011 Pt. 13 Div. 4

Short title	Number and year	Assent	Commencement

Reprint 3: The Water Services Licensing Act 1995 as at 6 Jul 2012 (includes amendments listed above)

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

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
Water Services Legislation Amendment and Repeal Act 2012 Pt. §8	25 of 2012	3 Sep 2012	To be proclaimed 18 Nov 2013 (see s2(b)) and <i>Gazette</i> 14 Nov 2013 p. 5028)

- Under the Land Administration Act 1997 s. 281(3), references to the Land Act 1933 may be construed as references to the Land Administration Act 1997.
- Now known as the Short title was initially the Water Services Coordination Act 1995 and was subsequently changed to the Water Services Licensing Act 1995; short title changed 1995, and now known as the Plumbers Licensing Act 1995 (see-note under s. 1).
- The Taxes and Charges (Land Subdivision) Legislation Amendment Act 1996 Pt. 6 is a review provision that is of no further effect.
- The Economic Regulation Authority Act 2003 s. 63(1), which gives effect to Sch. 3, reads as follows:

63. Transitional and saving provisions

Schedule 3 has effect to make transitional and saving provisions in respect of the amendments made in Schedule 2 Divisions 8, 12 and 18.

Schedule 3 reads as follows:

Schedule 3 — Transitional and saving provisions for amendments in Schedule 2 Divisions 8, 12 and 18

[s. 63(1)]

1. Definitions

In this Schedule —

commencement day means the day on which this Schedule comes into operation;

former official means —

- (a) the Coordinator of Water Services referred to in section 4 of the *Water Services Coordination Act 1995* as in effect immediately before the commencement day;
- (b) the Gas Pipelines Access Regulator; or
- (c) the Rail Access Regulator;

Gas Pipelines Access Regulator means the Western Australian Independent Gas Pipelines Access Regulator referred to in section 27 of the Gas Pipelines Access (Western Australia) Act 1998 as in effect immediately before the commencement day;

Rail Access Regulator means the Western Australian Independent Rail Access Regulator referred to in section 13 of the Railways (Access) Act 1998 as in effect immediately before the commencement day.

2. Interpretation Act 1984 to apply

This Schedule does not limit the operation of the *Interpretation Act 1984*.

3. Decisions of Gas Pipelines Access Regulator

Without limiting the operation of clause 6, a decision made by the Gas Pipelines Access Regulator as the local Regulator for the purposes of the Gas Pipelines Access (Western Australia) Law that was in effect immediately before the commencement day continues, on and after that day, as if made by the Authority as the local Regulator for the purposes of that Law.

4. Decisions of Rail Access Regulator

Without limiting the operation of clause 6, a decision made by the Rail Access Regulator as the Regulator for the purposes of the Code (as defined in the *Railways (Access) Act 1998*) that was in effect immediately before the commencement day continues, on and after that day, as if made by the Authority as the Regulator for the purposes of that Code.

5. Licences under Part 3 of the Water Services Coordination Act 1995

Without limiting the operation of clause 6, an operating licence that was in effect under Part 3 of the *Water Services Coordination*

Act 1995 immediately before the commencement day continues, on and after that day, as an operating licence in effect under that Part as amended by Schedule 2 Division 18.

Continuing effect of things done 6.

On and after the commencement day any act, matter or thing done or omitted to be done before that day by, to, or in respect of, a former official (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to, or in respect of, the Authority.

7. Completion of things begun

On and after the commencement day anything lawfully commenced by a former official may, so far as it is not contrary to this Act or any other written law that gives functions to the Authority, be carried on and completed by the Authority.

8. Proceedings etc.

Any proceedings or remedy that immediately before the commencement day might have been brought or continued by or available against or to a former official, may, on and after that day, be brought or continued and are available, by or against or to the Authority.

9. Records

On and after the commencement day the Authority is to take delivery of all papers, documents, minutes, books of account and other records (however compiled, recorded or stored) relating to the operations of each former official.

10. **Bank accounts**

- The moneys standing to the credit of the account referred to in (1) section 45 of the Gas Pipelines Access (Western Australia) Act 1998 immediately before the commencement day are to be transferred to the account referred to in section 21 as soon as is practicable after that day.
- The moneys standing to the credit of the account referred to in section 23D of the Railways (Access) Act 1998 immediately before the commencement day are to be transferred to the account referred to in section 21 as soon as is practicable after that day.

References to former official in agreements and instruments 11.

Any agreement or instrument subsisting immediately before the commencement day -

to which a former official is a party; or

(b) which contains a reference to a former official,

has effect after the commencement day as if —

- (c) the Authority were substituted for the former official as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the former official were (unless the context otherwise requires) amended to be or include a reference to the Authority.

12. References to former official in written law

A reference to a former official in an enactment in force immediately before the commencement day may, where the context so requires, be read as if it had been amended to be a reference to the Authority.

13. Immunity to continue

Despite the amendments made in Schedule 2 Divisions 8, 12 and 18, where a former official had the benefit of any immunity in respect of an act, matter or thing done or omitted before the commencement day, that immunity continues in that respect for the benefit of the Authority.

14. Saving

The operation of any provision of this Schedule is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities of the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

The State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 5, the State Administrative Tribunal Act 2004 s. 167 and 169, and the State Administrative Tribunal Regulations 2004 r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

- The amendment to s. 57 in the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 s. 1302 is not included because the section it seeks to amend was repealed by the Economic Regulation Authority Act 2003 s. 62.
- On the date as at which this compilation was prepared, the Water Services Legislation Amendment and Repeal Act 2012 Pt. 8 had not come into operation. It reads as follows:

Part 8 Water Services Licensing Act 1995 amended 191. Act amended This Part amends the Water Services Licensing Act 1995. Long title amended In the long title delete "to establish a scheme for the licensing of water services, to confer functions on the Economic Regulation Authority in respect of that scheme and other matters,". 193. Section 1 amended In section 1 delete "Water Services" and insert: 194. Section 3 amended (1) In section 3 delete the definitions of: **Authority** controlled area inspector irrigation licence licensee operating licence Registrar of Deeds watercourse water services

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water services works

