



Western Australia

Plumbers Licensing Act 1995

Compare between:

[18 Nov 2013, 03-c0-03] and [24 Jan 2014, 04-a0-03]

Western Australia

Plumbers Licensing Act 1995

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. ~~62~~[Sch. 2 cl. 89](#); No. 25 of 2012 s. 192.]

Part 1 — Preliminary

1. Short title

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

[Section 1 amended ~~by~~ No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 90;
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 Act¹.

3. Terms used

In this Act, unless the contrary intention appears —

Board means the Plumbers Licensing Board established by section 59;

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

plumber means a person who carries out plumbing work as defined in section 59I.

[Section 3 amended ~~by~~ No. 39 of 1999 s. 5; No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 91; No. 25 of 2005 s. 64; No. 25 of 2012 s. 194.]

[Part 2: s. 4 deleted ~~by~~ No. 25 of 2012 s. 195;
s. 5-9 deleted ~~by~~ No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 92.]

[Part 3: s. 10-42, 44-46M deleted ~~by~~ No. 25 of 2012 s. 195;
s. 43 deleted ~~by~~ No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 103.]

[Part 4 (s. 47-55) deleted ~~by~~ No. 25 of 2012 s. 195.]

[Part 5 (s. 56-58) deleted ~~by~~ No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 107.]

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.

[Section 59B inserted ~~by~~: No. 39 of 1999 s. 7; amended ~~by~~: No. 67 of 2003 ~~s. 62~~ [Sch. 2 cl. 108.](#)]

Plumbers Licensing Act 1995

Part 5A Licensing of plumbers and related matters

Division 1 Plumbers Licensing Board

s. 59C

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

- (1) The Board may, by instrument, delegate the performance of any 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) a member of the Board; or
 - (b) any committee established under the regulations; or
 - (c) with the approval of the Minister, any other person.
- (3) A function performed by a delegate is to be taken to be 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.
- (2) The Minister must not under subsection (1) direct the Board with respect to the performance of its licensing or disciplinary functions, whether under this Act or any other written law, in respect of —
 - (a) a particular person; or
 - (b) a particular application, complaint or proceeding.

- (3) The Minister must, within 14 days after a direction is given 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
 - (b) the Minister is of the opinion that that House will not sit 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.
- (7) The text of a direction given under subsection (1) is to be 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; (1); No. 8 of 2009 s. 133(4) and (5).]

59F. Minister to have access to information

- (1) The Minister is entitled —
- (a) to have information in the possession of the Board; and
 - (b) if the information is in or on a document, to have, and make and retain copies of, that document.

Plumbers Licensing Act 1995

Part 5A Licensing of plumbers and related matters

Division 1 Plumbers Licensing Board

s. 59F

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

unless that person has consented to the disclosure.

- (5) In this section —

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).

[Section 59F inserted ~~by~~ 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 —
 - (i) investigations and inquiries undertaken by, or at the direction of, the Board into licensing under this Act; and

Plumbers Licensing Act 1995

Part 5A Licensing of plumbers and related matters

Division 2 Regulations

s. 59I

(ii) matters that have been brought before the State Administrative Tribunal under this Act;

and

(b) the number and nature of matters referred to in paragraph (a) that are outstanding; and

(c) any trends or special problems that may have emerged; and

(d) forecasts of the workload of the Board in the year after the year to which the report relates; and

(e) any proposals for improving the operation of the Board.

[Section 59H inserted ~~by~~ No. 39 of 1999 s. 7; amended ~~by~~ No. 55 of 2004 s. 1303; No. 77 of 2006 ~~s. 17~~; Sch. 1 cl. 178(2); No. 16 of 2011 s. 130(2).]

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

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

(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 —

- (a) create offences and provide, in respect of an offence so created, for the imposition of a fine not exceeding \$5 000; and
- (b) establish a scheme for the giving of infringement notices 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 —
 - (a) any rules, regulations, codes, or other subsidiary legislation made, determined or issued under any other Act or under any Commonwealth Act; or
 - (b) any of the standards, rules, codes or specifications of Standards Australia or a similar specified body.
- (2) If any subsidiary legislation, standard, rule, code or specification is adopted under subsection (1), it is adopted as in 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

[60. Deleted ~~by~~: No. 67 of 2003 ~~s. 62~~ Sch. 2 cl. 109.]

60A. Protection from liability

- (1) An action in tort does not lie against a person for anything that 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).
- (3) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.
- (4) In this section, a reference to the doing of anything includes a 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~~ Sch. 2 cl. 110.]

60B. Disclosure etc., certain information restricted

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

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

Penalty: \$5 000.

- (3) Subsection (2) does not apply to the disclosure of any summary 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 Sch. 2 cl. 111.]

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 every 5th anniversary of the commencement of the *Water Services Legislation Amendment and Repeal Act 2012* section 191.

s. 62

(2) In the course of that review the Minister is to consider and have regard to —

[(a), (b) deleted]

(ba) the effectiveness of the operations of the Board; and

(bb) the need for the continuation of the functions of the Board; and

(c) any other matters that appear to the Minister to be 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. ~~62~~ [Sch. 2 cl. 112](#); No. 25 of 2012 s. 196.]

[Schedules 1 and 2 deleted ~~by~~ No. 25 of 2012 s. 197.]

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 —
 - (a) the persons who may hold a licence; and
 - (b) classes of licence and the plumbing work that may be carried out under the authority of a licence of a particular class; and
 - (c) the qualifications, level of experience or competency requirements necessary for the grant of a licence of a particular class; and
 - (d) the matters of which the Board must be satisfied before granting a licence of a particular class; and
 - (e) the issue, duration, renewal, suspension or cancellation of licences; and
 - (f) the imposition of conditions or restrictions on licences; and
 - (g) the keeping of a register of specified information in respect of licences and matters relating to the amendment and accuracy of the register; and
 - (h) the manner of making a complaint against or concerning a person who is or was the holder of a licence, and who may make such a complaint; and

Plumbers Licensing Act 1995

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

- (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

- ¹ This [reprint](#) is a compilation [as at 24 January 2014](#) of the *Plumbers Licensing Act 1995* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Water Services Coordination Act 1995</i> ^{3,2}	72 of 1995	27 Dec 1995	1 Jan 1996 (see s. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Taxes and Charges (Land Subdivision) Legislation Amendment Act 1996</i> Pt. 5 ^{4,3}	12 of 1996	28 Jun 1996	28 Jun 1996 (see s. 2)
<i>Water Legislation Amendment Act 1997</i> Pt. 6	32 of 1997	3 Oct 1997	15 Apr 1998 (see s. 2 and <i>Gazette</i> 15 Apr 1998 p. 2041)
<i>Water Services Coordination Amendment Act 1997</i>	33 of 1997	3 Oct 1997	3 Oct 1997 (see s. 2)
<i>Water Services Coordination Amendment Act 1999</i> s. 3 to 10	39 of 1999	9 Nov 1999	s. 1 and 2: 9 Nov 1999; Act other than s. 1 and 2: 19 Jun 2000 (see s. 2 and <i>Gazette</i> 16 Jun 2000 p. 2939)
<i>Gas Corporation (Business Disposal) Act 1999</i> 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 <i>Water Services Coordination Act 1995</i> as at 28 Jul 2000 (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act 2001</i> s. 220	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<i>Economic Regulation Authority Act 2003</i> s. 62 ⁵ Sch. 2 Div. 18 ⁴	67 of 2003	5 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 128	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

Plumbers Licensing Act 1995

Short title	Number and year	Assent	Commencement
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Pt. 2</i> -Div. 133 ^{5,6-7}	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Financial Administration Legislation Amendment Act 2005 s. 46</i>	5 of 2005	27 Jun 2005	1 Jan 2006 (see s. 2 and <i>Gazette</i> 23 Dec 2005 p. 6243)
<i>Water Legislation Amendment (Competition Policy) Act 2005 s. 7(4), 28(2), 60(2) and Pt. 8</i>	25 of 2005	12 Dec 2005	3 Jun 2006 (see s. 2 and <i>Gazette</i> 2 Jun 2006 p. 1985)
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15</i>	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)
Reprint 2: The Water Services Licensing Act 1995 as at 4 Aug 2006 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006 Sch. 1 cl. 178</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Duties Legislation Amendment Act 2008 Sch. 1-cl. 40</i>	12 of 2008	14 Apr 2008	1 Jul 2008 (see s. 2(d))
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 133</i>	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010 s. 4</i>	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Building Services (Complaint Resolution and Administration) Act 2011 s. 130</i>	16 of 2011	25 May 2011	29 Aug 2011 (see s. 2(b) and <i>Gazette</i> 26 Aug 2011 p. 3475)
<i>Personal Property Securities (Consequential Repeals and Amendments) Act 2011 Pt. 13 Div. 4</i>	42 of 2011	4 Oct 2011	30 Jan 2012 (see s. 2(c) and Cwlth Legislative Instrument No. F2011L02397 cl. 5 registered 21 Nov 2011)

Short title	Number and year	Assent	Commencement
Reprint 3: The <i>Water Services Licensing Act 1995</i> as at 6 Jul 2012 (includes amendments listed above)			
<i>Water Services Legislation Amendment and Repeal Act 2012</i> Pt. 8	25 of 2012	3 Sep 2012	18 Nov 2013 (see s. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5028)
² Under the <i>Land Administration Act 1997</i> s. 281(3), references to the <i>Land Act 1933</i> may be construed as references to the <i>Land Administration Act 1997</i>.			
³ Reprint 4: The <i>Plumbers Licensing Act 1995</i> as at 24 Jan 2014 (includes amendments listed above)			

² Short title was initially the *Water Services Coordination Act 1995* and was subsequently changed to the *Water Services Licensing Act 1995*, and now known as the *Plumbers Licensing Act 1995* (see note under s. 1).

⁴³ The *Taxes and Charges (Land Subdivision) Legislation Amendment Act 1996* Pt. 6 is a review provision that is of no further effect.

⁵⁴ The *Economic Regulation Authority Act 2003* s. 63(1), which gives effect to Sch. 3, reads as follows:

63. Transitional and saving provisions

- (1) 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.

6. Continuing effect of things done

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

- (1) The moneys standing to the credit of the account referred to in 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.
- (2) 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.

11. References to former official in agreements and instruments

Any agreement or instrument subsisting immediately before the commencement day —

- (a) 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 or 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.

⁶⁵ 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.

⁷⁶ 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~~~~deleted~~ by the *Economic Regulation Authority Act 2003* ~~s. 62~~[Sch. 2 cl. 107](#).