



Plumbers Licensing Act 1995

**Plumbers Licensing and Plumbing Standards
Amendment Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Plumbers Licensing and Plumbing Standards Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulation 33 — on 1 May 2016;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:
identification card
legal practitioner

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

disciplinary complaint means a complaint under regulation 28;

identification card means an identification card issued to a licensee or permit holder under regulation 17(2) or 20(6);

legal practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

serious offence means an offence (whether committed in or outside this State) that is —

- (a) an indictable offence against a law of this State, the Commonwealth or another jurisdiction (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against the law of another jurisdiction that would be an indictable offence against a law of this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this State);

5. Regulation 9 amended

In regulation 9(1) delete the Penalty and insert:

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

6. Regulation 10 amended

In regulation 10 delete the Penalty and insert:

Penalty: a fine of \$5 000.

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7. Regulation 13A amended

In regulation 13A(3) delete the Penalty and insert:

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

8. Regulation 15 amended

Delete regulation 15(1), (2) and (3) and insert:

- (1) An application for the issue of a licence or permit must be —
 - (a) made to the Board in the approved form; and
 - (b) accompanied by —
 - (i) the application fee and licence fee or permit fee; and
 - (ii) a photograph of the applicant that complies with regulation 21A.
- (2) The Board may, in writing, request an applicant for a licence or permit to provide the Board with such further information relevant to the application as the Board requires.
- (3) The Board may specify in the request a reasonable time within which the applicant must comply with the request.
- (3A) The Board may refuse to accept an application if the applicant does not comply with a request under subregulation (3) within the time specified in the request or, if no time is specified, within a reasonable period.

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9. Regulation 16 amended

In regulation 16 delete the Penalty and insert:

Penalty: a fine of \$2 000.

10. Regulation 17 amended

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

(2) On the issue of a licence or permit, the Board must issue an identification card to the licensee or permit holder.

(2) Delete regulation 17(3)(b) and (c) and insert:

(b) the photograph is unclear or not provided in a format approved by the Board.

11. Regulation 19 amended

In regulation 19(3) delete the Penalty and insert:

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

12. Regulation 20 replaced

Delete regulation 20 and insert:

19A. Application for renewal of licence or permit

(1) An application for the renewal of a licence or permit must be —

(a) made to the Board in the approved form; and

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-
- (b) accompanied by —
 - (i) the renewal fee for the licence or permit;
and
 - (ii) a photograph of the licensee or permit holder that complies with regulation 21A, unless a photograph has been provided to the Board in the period of 5 years ending on the day the application is made.
 - (2) An application for the renewal of a licence or permit must be made within the period beginning 12 weeks before the licence or permit is due to expire and ending on the day that is 28 days after the licence or permit would otherwise have expired (the ***renewal period***).
 - (3) The Board may refuse to accept an application for the renewal of a licence or permit if —
 - (a) the Board is not satisfied of the proof required by regulation 21A(3) in relation to a photograph provided by the applicant; or
 - (b) the photograph is unclear or not provided in a format approved by the Board.
 - (4) The Board may, in writing, request an applicant for renewal of a licence or permit to provide the Board with such further information relevant to the application as the Board requires.
 - (5) The Board may specify in the request a reasonable time within which the person must comply with the request.
 - (6) The Board may refuse to accept an application if the applicant does not comply with a request under subregulation (4) within the time specified in the request or, if no time is specified, within a reasonable period.

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

20. Renewing licence and permit

- (1) Subject to subregulations (2), (3) and (4), the Board must renew a licence or permit on an application made under regulation 19A if the Board —
- (a) has accepted the application; and
 - (b) is satisfied that the licensee or permit holder is a fit and proper person to hold the licence or permit.
- (2) The Board must not renew a provisional tradesperson's licence or a provisional tradesperson's licence (drainage plumbing) if the licence has been renewed on a previous occasion.
- (3) The Board may refuse to renew a provisional tradesperson's licence if it considers that, during the licence period for the licence, the applicant made insufficient progress towards attaining the qualification referred to in Schedule 3 clause 3(b)(i) or (ii).
- (4) The Board may refuse to renew a provisional tradesperson's licence (drainage plumbing) if it considers that, during the licence period for the licence, the applicant made insufficient progress towards attaining the qualification referred to in Schedule 3 clause 4(b)(i) or (ii).
- (5) In subregulations (3) and (4) a reference to the renewal of a provisional tradesperson's licence or provisional tradesperson's licence (drainage plumbing) includes a reference to the issue of that licence following the expiry of a previously-held licence of the same type.

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- (6) On renewal of a licence or permit, the Board must issue an identification card to the licensee or permit holder.

13. Regulation 20A amended

- (1) Delete regulation 20A(2) and insert:

- (2) The Board may re-issue a licence or permit to a person who has applied for the renewal of a licence or permit if the application for renewal is made after the renewal period for the licence or permit referred to in regulation 19A(2).

- (2) In regulation 20A(6) after “plumbing contractor’s licence,” insert:

a tradesperson’s licence,

14. Regulation 21 replaced

Delete regulation 21 and insert:

21. Duration of licence or permit

- (1) A licence or permit expires on the day that is —
- (a) in the case of a provisional tradesperson’s licence or a provisional tradesperson’s licence (drainage plumbing) — the day of the 1st anniversary of the day on which the licence is issued; and
 - (b) otherwise — the day of the 3rd anniversary of the day on which the licence or permit is issued.

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- (2) A licence or permit that is renewed under these regulations expires on the day that is —
- (a) in the case of a provisional tradesperson's licence or a provisional tradesperson's licence (drainage plumbing) — the day of the 1st anniversary of the day on which the licence is renewed; and
 - (b) otherwise — the day of the 3rd anniversary of the day on which the licence or permit is renewed.
- (3) If an application for the renewal of a licence or permit is made in accordance with regulation 19A but the licence or permit is not renewed before the expiry of the licence or permit —
- (a) the licence or permit is to be taken to have effect on and from the day immediately following its expiry until any of the following occur —
 - (i) the Board refuses to accept the application;
 - (ii) the applicant withdraws the application;
 - (iii) the Board renews or refuses to renew the licence or permit;
 - (iv) the licence or permit is suspended or cancelled;and
 - (b) the licence or permit, if renewed, is to be taken to have been renewed on the day immediately following its expiry.

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- (4) No later than 7 days after the expiry of a licence or permit, the licensee or permit holder must —
- (a) give to the Board the licence or permit and the identification card given to the licensee or permit holder; and
 - (b) where practicable, remove or obliterate all references to his or her licence or permit in advertisements and business documents (as defined in regulations 25 and 25A respectively).

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

- (5) For the purposes of subregulation (4), the expiry day of a licence or permit is the later of the following days —
- (a) the day on which the licence or permit expires; or
 - (b) if subregulation (3) applies, the day the licence or permit ceases to have effect under subregulation (3)(a).

15. Regulation 21A amended

- (1) In regulation 21A(1) delete “passport size”.
- (2) In regulation 21A(3) after “provided” insert:

in a format approved by the Board and

16. Regulation 23 amended

In regulation 23 delete the Penalty and insert:

Penalty: a fine of \$5 000.

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17. Regulation 24 amended

In regulation 24 delete the Penalty and insert:

Penalty: a fine of \$2 000.

18. Regulation 24A amended

In regulation 24A delete the Penalty and insert:

Penalty: a fine of \$3 000.

19. Regulation 25 amended

In regulation 25(1) delete the Penalty and insert:

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

20. Regulation 25B amended

(1) After each of regulation 25B(1) to (4) insert:

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

(2) In regulation 25B(5) delete the Penalty and insert:

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

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21. Regulation 26C inserted

At the beginning of Part 4 insert:

26C. Application of Part

This Part applies, with any necessary modifications, to a former licensee or permit holder in relation to conduct occurring while the person was a licensee or permit holder in the same way as it applies to a licensee or permit holder.

22. Regulation 27 amended

In regulation 27:

(a) delete paragraph (a) and insert:

(a) the licensee or permit holder has obtained a licence or permit because of incorrect or misleading information;

(b) after paragraph (c) insert:

(ca) the licensee or permit holder has been convicted of a serious offence;

(c) delete paragraph (e) and insert:

(e) the licensee or permit holder has contravened or failed to comply with these regulations;

(d) in paragraph (f) delete “is guilty of” and insert:

has engaged in

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- (e) delete paragraph (g) and insert:
 - (fa) the licensee or permit holder has engaged in conduct that is harsh, unconscionable, oppressive, misleading or deceptive in relation to the carrying out of plumbing work;
 - (fb) the licensee or permit holder has been negligent or incompetent in relation to the carrying out of plumbing work;
 - (g) the licensee or permit holder has failed to comply with a building remedy order or a HBWC remedy order made by the Building Commissioner under the *Building Services (Complaint Resolution and Administration) Act 2011*;

- (f) in paragraph (k) delete “contractor.” and insert:

contractor;

- (g) after paragraph (k) insert:
 - (l) the licensee or permit holder has failed to comply with —
 - (i) an undertaking given by the licensee or permit holder under regulation 31(2)(b);
or
 - (ii) an order made by the State Administrative Tribunal under regulation 34(1)(c).

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23. Regulations 28 and 29 replaced

Delete regulations 28 and 29 and insert:

28. Making a complaint about disciplinary matter

- (1) A person may make a complaint to the Board that a disciplinary matter exists or has occurred in respect of a licensee or permit holder.
- (2) A complaint under this regulation must be made in an approved form.

29. Further information and verification

The Board may, in writing, request a person making a disciplinary complaint to do either or both of the following —

- (a) give the Board further details about the complaint;
- (b) verify any details about the complaint by statutory declaration.

30. Board to decide what action to take in respect of complaint

The Board may, on consideration of a disciplinary complaint, decide —

- (a) not to take any action; or
- (b) to refer the complaint to the Building Commissioner for investigation; or
- (c) to take action under regulation 31; or
- (d) to make an allegation about the complaint to the State Administrative Tribunal.

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31. Board may deal with certain complaints

- (1) This regulation applies if —
 - (a) the Board is satisfied that a disciplinary matter exists in relation to a licensee or permit holder; and
 - (b) the Board is of the opinion that a proceeding before the State Administrative Tribunal is not warranted by the nature of the matter.
- (2) If this regulation applies, the Board may do one or more of the following —
 - (a) caution or reprimand the licensee or permit holder;
 - (b) require the licensee or permit holder to give an undertaking to the Board for such period as is specified —
 - (i) in relation to the person's future conduct as a licensee or permit holder; or
 - (ii) to comply with such conditions as are specified in relation to the carrying out of plumbing work by the licensee or permit holder;
 - (c) order the licensee or permit holder to pay a penalty of a specified amount not exceeding \$3 000.
- (3) If action is taken under subregulation (2) in relation to a disciplinary matter, no further action is to be taken under this Part with respect to the matter.
- (4) The Board must give the complainant, if any, and the respondent notice of a decision made under subregulation (2).

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- (5) The Board must include with the notice of a decision given to the respondent short particulars of the reasons for the decision and the right to apply for a review of the decision under regulation 100.

24. Regulation 34 amended

- (1) In regulation 34(1):
- (a) delete “regulation 29,” and insert:

regulation 30(d),
 - (b) in paragraph (b) before “reprimand” insert:

caution or
 - (c) in paragraph (e) after “penalty” insert:

of a specified amount
- (2) Delete regulation 34(4) and insert:
- (4) If a licence or permit is cancelled or suspended, the licensee or permit holder must return their licence or permit and identification card to the Board no later than 14 days after the day they are notified of the cancellation or suspension.
Penalty for this subregulation: a fine of \$2 000.

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25. Regulation 41 amended

- (1) In regulation 41(1) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

- (2) Delete regulation 41(3) and insert:

- (3) Subregulation (1) does not apply to a licensed plumbing contractor or permit holder if the plumbing work is emergency plumbing work.

- (3A) A licensed plumbing contractor or permit holder who carries out major plumbing work that is emergency plumbing work must give to the Board a notice of intention in respect of the work at the same time as the certificate of compliance for the work is given to the Board.

Penalty for this subregulation: a fine of \$3 000.

26. Regulation 42 amended

- (1) In regulation 42(1) delete the Penalty and insert:

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

- (2) In regulation 42(6) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

27. Regulation 43 amended

- In regulation 43(1) and (2) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

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28. Regulation 44 amended

In regulation 44(1) delete the Penalty and insert:

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

29. Regulation 45A amended

In regulation 45A(1) delete the Penalty and insert:

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

30. Regulation 45B amended

(1) In regulation 45B(1) delete the Penalty and insert:

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

(2) In regulation 45B(5) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

31. Regulation 45C amended

In regulation 45C(1) and (2) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

32. Regulation 46 amended

In regulation 46 delete the Penalty and insert:

Penalty: a fine of \$5 000.

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33. Regulation 49 amended

(1) In regulation 49(2) in the Table:

- (a) in the item relating to Clause 4.6.2 delete ““product.””
and insert:

“surround).”

- (b) in the item relating to Clause 4.6.2 delete “product; and”
and insert:

surround); and

- (c) in the item relating to Table 4.3 delete “Table 4.3” and
insert:

Table 4.6.6.6

(2) In regulation 49(3):

- (a) delete “Table 5.1” and insert:

Table 5.9.1(A)

- (b) delete ““*”” and insert:

“See Note 1 of Clause 5.8”

34. Regulation 51 amended

In regulation 51(1) delete the Penalty and insert:

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

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In regulation 52(1) delete the Penalty and insert:

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

36. Regulation 70 amended

(1) In regulation 70(1) delete the Penalty and insert:

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

(2) In regulation 70(3):

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

inspection if so requested by a plumbing compliance officer; and

(b) delete the Penalty and insert:

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

37. Regulation 72 amended

(1) In regulation 72(1) delete the Penalty and insert:

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

(2) In regulation 72(2) delete the Penalty and insert:

Penalty for this subregulation: a fine of \$3 000.

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- (3) In regulation 72(4) delete the Penalty and insert:

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

38. Regulation 74 replaced

Delete regulation 74 and insert:

74. Terms used

In this Division —

authorised person means —

- (a) a plumbing compliance officer; or
- (b) a person designated under regulation 80 by the Board to be an authorised person for the purposes of the regulation in which the term is used;

prescribed offence means an offence against a regulation listed in the Table to regulation 75(3).

39. Regulation 75 amended

In regulation 75(3) delete the Table and insert:

Table

Offence against regulation	Modified penalty \$
9(1), 42(1), 45A(1), 45B(1)	1 000
24A, 41(3A)	300

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Offence against regulation	Modified penalty \$
25, 44(1), 104(3), 105	200
41(1), 43(1) or (2), 45B(5), 45C(1) or (2)	600
70(1), 70(3)	500

40. Regulation 76 replaced

Delete regulation 76 and insert:

76. Extending time to pay modified penalty

- (1) An authorised person may, in a particular case, extend the period within which the modified penalty specified in an infringement notice may be paid and the extension may be allowed whether or not that period has elapsed.
- (2) An authorised person may not extend the period within which a modified penalty specified in an infringement notice may be paid if the authorised person gave the infringement notice.

41. Regulation 77 amended

After regulation 77(2) insert:

- (3) An authorised person may not withdraw an infringement notice if the authorised person gave the infringement notice.

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42. Regulation 80 replaced

Delete regulation 80 and insert:

80. Designation of employee of department as authorised person

- (1) The Board may, in writing, designate an employee of the department to be an authorised person for the purposes of regulation 75, 76 or 77.
- (2) The Board is to issue to each person who is designated under subregulation (1) a certificate of that person's authorisation.
- (3) An authorised person must, at the request of a person to whom an infringement notice has been given, produce the certificate given to the person under subregulation (2).

43. Regulation 90 amended

- (1) At the end of regulation 90(1) insert:

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

- (2) At the end of regulation 90(2) insert:

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

- (3) At the end of regulation 90(3) insert:

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

- (4) Delete regulation 90(5).

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44. Regulation 100 amended

Delete regulation 100(1) and insert:

- (1) This regulation applies to a decision of the Board —
 - (a) to refuse to issue a licence or permit; or
 - (b) to refuse to renew a licence or permit; or
 - (c) to impose a condition on a licence or permit; or
 - (d) to change, remove or add a condition to a licence or permit; or
 - (e) to take action under regulation 31(2); or
 - (f) to refuse to make a declaration under regulation 54; or
 - (g) to impose a condition on a declaration made under regulation 54.

45. Regulation 104 amended

- (1) In regulation 104(2) delete the Penalty.
- (2) After regulation 104(2) insert:
 - (3) A licensee or permit holder must comply with a notice given to the licensee or permit holder under subregulation (2).
Penalty for this subregulation: a fine of \$2 000.

46. Regulation 105 amended

In regulation 105 delete the Penalty and insert:

Penalty: a fine of \$1 000.

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47. Part 9 deleted

Delete Part 9.

48. Schedule 1 amended

In Schedule 1 clause 1 in the Table delete “(regulation 20)” (each occurrence) and insert:

(regulation 19A)

49. Schedule 3 amended

Delete Schedule 3 clause 7(2)(b)(i) and insert:

- (i) an electrical worker’s licence issued and endorsed as an electrician’s licence under the *Electricity (Licensing) Regulations 1991* regulation 24; or

N. HAGLEY, Clerk of the Executive Council.
