



## Reform of Plumbing Regulation in Western Australia CONSULTATION RESPONSE FORM

<b>Name</b>	
<b>Organisation and job title</b>	
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<b>Contact phone number</b>	

<b>Proposal</b>	<b>Questions for consultation</b>	<b>Your comments</b>
<b>Proposal One:</b> A new funding model for plumbing regulation	1. Do you support the proposal that a levy on water/sewerage service providers be introduced to fund plumbing regulation as an alternative to the current system of charging compliance fees? If yes, please tell us why.	Yes. The plumbing industry needs more funding so that it can ensure that there is sufficient enforcement (inspectors) to police non-compliant plumbing work and have an increased focus on technical regulation which is currently unsatisfactory.

Proposal	Questions for consultation	Your comments
	<p>2. If you answered no, please provide details about why you do not support a levy and whether there is an alternative funding mechanism that you prefer.</p>	
<p><b>Proposal Two:</b> A revised scope for the meaning of “plumbing work” in the <i>Plumbers Licensing Act 1995</i>:</p>	<p>3. Do you support the proposed approach and revised wording for the definition of ‘plumbing work’ in the Plumbing Act? If not, please say why.</p>	<p>It needs to support the definition and scope (PCA Ref A0.2 Scope) as outlined in the Plumbing Code of Australia and should include gas and fire.</p> <p>Although considering the PCA definitions, and for the avoidance of doubt throughout this document:</p> <p><b>Sanitary means:</b></p> <p>Sanitary drain means pipes and equipment to collect and convey sewage from a sanitary plumbing installation to an onsite treatment facility or a sewerage or effluent disposal system;</p> <p>sanitary plumbing work means the installation, alteration, repair, maintenance or disconnection of pipes or equipment to receive and convey sewage to sanitary drains (including associated plumbing ventilation equipment);</p> <p><b>Sewerage means:</b></p> <p>Sewerage includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service;</p>

<p>(a) work prescribed [in the Plumbing Regulations] as the design, construction, testing, installation, alteration, extension, replacement, repair or maintenance of pipes, fixtures, fittings, devices or apparatus used or intended to be used to convey water, wastewater and other wastes; or</p> <p>(b) other prescribed work,</p> <p>but does not include work of a kind prescribed for the purposes of this definition as not being plumbing work.</p>		<p>sewerage infrastructure means—</p> <ul style="list-style-type: none"> <li>(a) any infrastructure that is, or is to be, used for— <ul style="list-style-type: none"> <li>(i) the collection or storage of sewage and includes the connection point; or</li> <li>(ii) the conveyance or reticulation of sewage; or</li> <li>(iii) the treatment of sewage, including any outfall pipe or other work that stores or conveys water leaving infrastructure used for the treatment of sewage; or</li> </ul> </li> <li>(a) any other infrastructure used in connection with sewage and brought within the ambit of this definition by the regulations, but does not include— <ul style="list-style-type: none"> <li>(c) any pipe, fitting or apparatus that is situated upstream of a customer's connection point; or</li> <li>(d) infrastructure situated entirely within one site and not connected to any other infrastructure situated within another site; or</li> <li>(e) any other infrastructure used in connection with sewage that is excluded from the ambit of this definition by the regulations;</li> </ul> </li> </ul> <p>sewerage service means—</p> <ul style="list-style-type: none"> <li>(a) a service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system; or</li> </ul>
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Proposal	Questions for consultation	Your comments
		<p>(b) any other service, or any service of a class, brought within the ambit of this definition by the regulations;</p> <p>site means an area of land constituting a single land holding;</p> <p>stormwater drain means pipes and equipment to collect and convey stormwater to a public stormwater disposal system;</p> <p><b>Water means:</b></p> <p>Water includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities but does not include sewage.</p> <p><b>Water infrastructure means:</b></p> <p>(a) any infrastructure that is, or is to be, used for—</p> <p>(i) the collection or storage of water, including a dam or reservoir, a water production plant or a wetland; or</p> <p>(ii) the treatment of water; or</p> <p>(iii) the conveyance or reticulation of water and includes the connection point; or</p> <p>(b) any other infrastructure used in connection with water and brought within the ambit of this definition by the regulations, but does not include—</p> <p>(c) any pipe, fitting or apparatus that is situated downstream of a customer's connection point; or</p> <p>(d) any pipe, fitting or apparatus that is situated upstream of a customer's connection point to a stormwater drain; or</p>

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		<p>(e) infrastructure situated entirely within one site and not connected to any other infrastructure situated within another site; or</p> <p>(f) any other infrastructure used in connection with water that is excluded from the ambit of this definition by the regulations;</p> <p><b>Water plumbing work means:</b>  Installation, alteration, repair, maintenance or disconnection of pipes or equipment (including water heaters) to be connected directly or indirectly to a water supply system;</p> <p>water service means—</p> <p>(a) a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water; or</p> <p>(b) any other service, or any service of a class, brought within the ambit of this definition by the regulations;</p> <p>water/sewerage infrastructure means water infrastructure or sewerage infrastructure (or both).</p>

Proposal	Questions for consultation	Your comments
<p><b>Proposal three:</b> A new definition of <b>‘water supply plumbing work’</b> that divides such work into <b>‘drinking water supply plumbing’</b> and <b>‘non-drinking water supply plumbing’</b></p>	<p>4. Do you support the following as the definition of ‘drinking water supply plumbing’? If not, please say why.</p> <p>“Work involving the design, construction, installation, replacement, connection, disconnection, repair, alteration or maintenance of any part of a cold water service or a heated water service that is connected to the drinking water supply, from the point of connection to the points of discharge.”</p>	<p>Yes, however, all drinking and non-drinking water supply and any water that comes inside the boundary whether it is non-drinking or drinking should be defined as plumbing work.</p> <p>Water includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities but does not include sewage.</p> <p>The Objective of this is to -</p> <ul style="list-style-type: none"> <li>(a) safeguard people from illness, injury or loss (including loss of amenity) due to the failure of a non-drinking water installation; and</li> <li>(b) ensure that a non-drinking water installation (including an installation provided for use by people with a disability) is suitable; and</li> <li>(c) conserve water and energy; and</li> <li>(d) safeguard the environment; and</li> <li>(e) safeguard public and private infrastructure; and</li> <li>(f) ensure that a non-drinking water installation throughout its serviceable life will continue to satisfy the requirements of Objectives (a) to (e)</li> </ul> <p>FUNCTIONAL STATEMENTS</p> <ul style="list-style-type: none"> <li>1. Sanitary fixtures, sanitary appliances and supply outlets provided with non-drinking water must be adequate.</li> <li>2. Non-drinking water must be supplied through plumbing installations in a way that avoids the likelihood of inadvertent contamination of any drinking water service, minimise any adverse impact on building occupants, the Network Utility Operator’s infrastructure, property and the environment.</li> </ul>

Proposal	Questions for consultation	Your comments
	<p>5. Do you agree that owner-occupied private properties located in remote parts of the State with limited access to a licensed plumber should be exempt from the proposed scope of 'drinking water supply plumbing work'? If no, please say why.</p>	<p>No.  All supply of drinking and non-drinking water and disposal of effluent should be classed as plumbing work.  No matter where the location is within the state, everyone needs to comply with the plumbing regulations.</p>
	<p>6. Are there any other circumstances where an exemption from the proposed scope of 'drinking water supply plumbing work' should apply? If yes, please say what they are and why you think an exemption should apply.</p>	<p>No. Zero tolerance.</p>

Proposal	Questions for consultation	Your comments
	<p>7. Do you support the proposal to regulate non-drinking water supply plumbing work? If yes, do you agree with the following definition of 'non-drinking water supply plumbing work'?</p> <p>“Work involving the design, construction, installation, replacement, connection, disconnection, repair, alteration or maintenance of any part of a non-drinking water service, from the point of connection to the points of discharge.”</p>	<p>Yes.</p> <p>All non-drinking water supply plumbing work should be classed as plumbing work.</p> <p>Refer to Question 3. And 4.</p>
	<p>8. If you answered no to either or both of the questions in 7 above, please tell us why. If possible, please provide alternatives for consideration.</p>	<p>All plumbing work should comply with the regulations as prescribed in the Plumbing Code of Australia and take into account the described definitions in Questions 3 and 4. Work involving the design, construction, installation, replacement, connection, disconnection, repair, alteration or maintenance of any part of a non-drinking water service, must be in accordance with AS/NZ 3500.1.</p>



Proposal	Questions for consultation	Your comments
	<p>9. Would you support an exemption from the proposed scope of 'non-drinking water supply plumbing work' for owner-occupied private properties located in remote parts of the State with limited access to a licensed plumber? If no, please say why.</p>	<p>No.</p> <p>All plumbing work should be regulated in Western Australia and remote locations should not be exempt.</p> <p>Work involving the design, construction, installation, replacement, connection, disconnection, repair, alteration or maintenance of any part of a non-drinking water service, must be in accordance with AS/NZ 3500.1 as prescribed in the PCA.</p>
<p><b>Proposal four:</b> A new definition of 'sanitary plumbing work'</p>	<p>10. Do you support the following as the definition of 'sanitary plumbing work'? If not, please say why.</p> <p>"Work involving the design, construction, installation, replacement, connection, disconnection, ventilation, repair, alteration or maintenance of above ground pipes, fittings and fixtures used or intended to be used to collect and convey wastewater or other waste to a sanitary drainage system or an on-site wastewater management system or an approved disposal system."</p>	<p>Yes.</p> <p>In accordance with AS/NZ 3500.2. and in accordance with the Plumbing Code of Australia.</p> <p>Sanitary drain means pipes and equipment to collect and convey sewage from a sanitary plumbing installation to an on site treatment facility or a sewerage or effluent disposal system; sanitary plumbing work means the installation, alteration, repair, maintenance or disconnection of pipes or equipment to receive and convey sewage to sanitary drains (including associated plumbing ventilation equipment).</p>

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<p><b>Proposal five:</b> A new definition of 'drainage plumbing work'</p>	<p>11. Do you support the following as the definition of 'drainage plumbing work'? If not, please say why.</p> <p>"Work, other than exempt work, involving the design, construction, installation, replacement, connection, disconnection, repair, alteration or maintenance of underground pipes and other fittings used or intended to be used to convey discharge from a sanitary plumbing system to a sewer or an on-site wastewater management system or an approved disposal system."</p>	<p>Yes however, if any drainage carries effluent inside the property boundary it is classified as plumbing work.</p> <p>The term 'exempt work' should not exist. Anything carrying effluent should not be exempt.</p> <p>It should be in accordance with AS/NZ 3500.2. and in accordance with the Plumbing Code of Australia.</p> <p>Sewerage includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service; sewerage infrastructure means—</p> <ul style="list-style-type: none"> <li>(a) any infrastructure that is, or is to be, used for— <ul style="list-style-type: none"> <li>(i) the collection or storage of sewage and includes the connection point; or</li> <li>(ii) the conveyance or reticulation of sewage; or</li> <li>(iii) the treatment of sewage, including any outfall pipe or other work that stores or conveys water leaving infrastructure used for the treatment of sewage; or</li> </ul> </li> <li>(a) any other infrastructure used in connection with sewage and brought within the ambit of this definition by the regulations, but does not include— <ul style="list-style-type: none"> <li>(c) any pipe, fitting or apparatus that is situated upstream of a customer's connection point; or</li> <li>(d) infrastructure situated entirely within one site and not connected to any other infrastructure situated within another site; or</li> <li>(e) any other infrastructure used in connection with sewage that is excluded from the ambit of this definition by the regulations;</li> </ul> </li> </ul>

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		<p>sewerage service means—</p> <p>(a) a service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system; or</p> <p>(b) any other service, or any service of a class, brought within the ambit of this definition by the regulations;</p> <p>site means an area of land constituting a single land holding;</p> <p>stormwater drain means pipes and equipment to collect and convey stormwater to a public stormwater disposal system.</p>
<p><b>Proposal six:</b> Garden reticulation plumbing work</p>	<p>12. For systems using drinking water (i.e. scheme water): do you support the proposal that garden reticulation work downstream of a backflow prevention device be treated as outside the scope of the plumbing laws? If not, please say why.</p>	<p>Yes.</p> <p>However, any work carried out in respect to backflow should be carried out by a backflow certified plumber.</p> <p>The demarcation line is the isolating valve then the backflow device (which is installed by a plumber) then any work downstream from this point is then classed as garden reticulation work.</p>
	<p>13. For systems using non-drinking water: do you support the proposal that garden reticulation work downstream from the point of connection to the non-drinking water supply be treated as outside the scope of the plumbing laws? If not, please say why.</p>	<p>No.</p> <p>If it carries effluent or treated greywater, blackwater or rainwater (recycled water) and is entering a property it must be deemed as plumbing work.</p>

Proposal	Questions for consultation	Your comments
<p><b>Proposal seven:</b> Requirements for testing and maintaining plumbing safety devices</p>	<p>14. Would you support the introduction of a mandatory requirement that property owners/managers of high-risk buildings must test and maintain backflow prevention devices in accordance with AS 2845.3 and manufacturers' specifications? Please provide reasons for your view, together with any supporting evidence.</p>	<p>Yes. This work must be carried out by a certified plumber that holds a backflow license. A register should be required that ensures the devices are tested annually to protect public health. Not only is it a public health risk but it is also an insurance liability risk.</p>
	<p>15. Do you support the proposal to require owners/occupiers of the above types of high-risk facility to put in place a maintenance and testing regime for TMVs, in accordance with manufacturers' specifications and Australian Standard AS 4032.3? Please provide reasons for your answer.</p>	<p>Yes. This work must be carried out by a suitably qualified plumber. It also poses public health risk and insurance liability risk. It has been identified that regions in WA that experience high weather temperatures i.e. the Pilbara region have issues when the high temperatures effect the cold-water supply. The presence of legionella's disease is an ongoing problem because of bacteria growth. This needs to be considered and actioned.</p>
	<p>16. Are there any other plumbing safety devices besides backflow prevention devices and TMVs that you believe should be included in this proposal? If yes, please provide details</p>	<p>The regulations need to be broad enough to cater for new technologies entering the market in relation to safety devices and be bound by the AS3500.4 and the PCA. The other devices that should be included are: a) tempering valves. b) Aerated treatment units that require regular maintenance;</p>

	<p>17. Do you believe that Part B4 of the PCA (fire-fighting water services) should be regulated as a branch of plumbing work in WA? If yes, please provide as much evidence as possible to support your view. This evidence should include specific examples of cases where issues have arisen because this type of work is not currently regulated as plumbing work.</p>	<p>Yes.</p> <p>Unfortunately, WA lags the other States and global benchmarks, with the current regulatory framework allowing those who are not suitably competent to design, install, maintain and test fire protection equipment in commercial, industrial and large-scale residential buildings. This leaves the community, our assets and, importantly, WA's firefighters vulnerable to potentially unsafe or poor-quality fire protection work.</p> <p>AS3500.1 is specific as per the requirements of supply to fire hydrants and hose reels.</p> <p>Requirements for the design, construction, installation, replacement, repair, alteration and maintenance of any part of a fire-fighting water service from the point of connection or other acceptable source(s) of supply to the fire-fighting equipment, including hydrant, hose reel, sprinkler services and wall drencher systems.</p> <p>Explanatory information:</p> <p><b>OBJECTIVE</b></p> <p><b>BO4</b></p> <p>The Objective of this Part is to—</p> <p>(a) safeguard people from illness, injury or loss (including loss of amenity) due to the failure of a fire-fighting water installation; and</p> <p>(b) ensure that a fire-fighting water installation is suitable; and</p> <p>(c) conserve water and energy; and</p>
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Proposal	Questions for consultation	Your comments
		<p>(d) safeguard the environment; and</p> <p>(e) safeguard public and private infrastructure; and</p> <p>(f) ensure that a fire-fighting water installation is designed and is capable of being maintained so that throughout its serviceable life it will continue to satisfy Objectives (a) to (e).</p> <p><b>FUNCTIONAL STATEMENT</b></p> <p>Fire-fighting equipment must be provided with adequate water for its intended purpose</p> <p><b>Examples of issues experienced:</b></p> <p>Quakers Hill Aged Care facility in NSW (14 persons died)</p> <p>Grenfell Tower fires UK (72 persons died)</p>

Proposal	Questions for consultation	Your comments
	<p>18. Would you support an expansion to the scope of drainage plumbing work to include the installation/construction of apparatus for the on-site treatment of sewage, such as septic systems and aerobic treatment units. Please provide reasons for your answer.</p>	<p>Yes.</p> <p>This needs to be regulated and plumbing work, This requirement for the design, construction, installation, replacement, repair, alteration and maintenance of any part of an on-site wastewater management system and onsite liquid trade waste systems.</p> <p><b>OBJECTIVE</b></p> <p>The Objective of this is to—</p> <p>(a) safeguard people from illness, injury or loss (including loss of amenity) due to the failure of an on-site wastewater management system installation; and</p> <p>(b) ensure that an on-site wastewater management system installation (including an installation provided for use by people with a disability) is suitable; and</p> <p>(c) conserve water and energy; and</p> <p>(d) safeguard the environment; and</p> <p>(e) safeguard public and private infrastructure; and</p> <p>(f) ensure that an on-site wastewater management system installation is designed and is capable of being maintained so that throughout its serviceable life it will continue to satisfy Objectives (a) to (e).</p>

Proposal	Questions for consultation	Your comments
		<p><b>FUNCTIONAL STATEMENTS</b></p> <p>1. On-site wastewater management systems must collect, contain, treat and assimilate and process domestic-wastewater, human excreta, or both so that public health and environmental standards required by the authority having jurisdiction are achieved.</p> <p>2. Where liquid trade waste is generated adequate space and facilities must be provided for the and hygienic collection, holding, treatment and/or disposal of the waste.</p> <p>3. On-site liquid trade waste management systems must process liquid waste generated from an industry, business, trade or manufacturing process so that public health and standards required by the authority having jurisdiction and/or particular requirements of the receiving Network Utility Operator, where applicable, are achieved.</p> <p>All installations of drip systems should be installed by a competent person who are recognised and certified with a qualification this must be overseen by a CPL under the current regulations.</p>



Proposal	Questions for consultation	Your comments
<p><b>Proposal eight:</b> Plumbing repairs by private homeowners and occupiers</p>	<p>19. Do you support the proposal to allow private homeowners/occupiers, and non-plumbers engaged by private homeowners/occupiers, to carry out certain basic plumbing tasks in their own homes? Are there risks to consumer safety if this proposal is implemented? If yes, please explain what those risks are.</p>	<p>No.</p> <p>Non- trained persons (public and handypersons) have no background and knowledge.</p> <p>It would be a backflow risk and could potentially contaminate the public water supply, damage the water authority infrastructure.</p> <p>Further risks:</p>

	<p>20. If you support the proposal, do you agree with the following proposed scope of work to be covered by the exemption? If no, please say why and provide evidence to support your view.</p> <ul style="list-style-type: none"> <li>• Repairing or replacing a shower head;</li> <li>• Repairing a tap or tap mixer valve;</li> <li>• Replacing an inlet or outlet washer in a toilet cistern;</li> <li>• Replacing a domestic water filter cartridge; and</li> <li>• Clearing a blocked waste pipe by the use of a plunger, flexible hand rod or hand-held water hose only (that is, by non-mechanical and non-electrical means).</li> </ul>	<p>(a) safeguard people from illness, injury or loss (including loss of amenity)  (b) ensure that a water installation (including an installation provided for use by people with a disability) is suitable; and  (c) conserve water and energy; and  (d) safeguard the environment; and  (e) safeguard public and private infrastructure; and</p> <p>No. Potential backflow risks. E.g. Shower hose extends into waste water there is a potential for back syphoning.</p> <p>No. Repairing a tap or tap mixer valve is technical work and needs to be carried out by a licensed plumber. It has a potential for burst hoses, backflow issues and scalding.</p> <p>No. Unskilled persons should not carry out this work. This work can be very complicated depending on the cistern.</p> <p>No. This should remain as plumbing work.</p> <p>An unqualified person should not carry out this work. It poses an insurance risk and could potentially damage the pipe infrastructure. Also increased use of chemicals to clear blockages will have an adverse effect on treatment plants.</p>
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Proposal	Questions for consultation	Your comments
<p><b>Modular Plumbing Installations</b></p>	<p>Please tell us about:</p> <p>(a) The extent to which pre-fabricated bathroom and kitchen ‘pods’ are being used in the residential construction sector in WA;</p> <p>(b) What issues plumbers are experiencing with this emerging trend; and</p> <p>(c) What solutions stakeholders would like to see implemented by plumbing regulators.</p>	<p>All offsite plumbing work should be regulated just the same as onsite plumbing work. All work needs to be carried out by a licensed plumber otherwise nobody has any idea as to what has been installed and by whom.</p> <p>All works need to comply with AS3500, the Plumbing Code of Australia and the NCC (PCA V3) in its entirety.</p> <p>It is important through this process that DMIRS fully investigates the vast range of issues that are currently being experienced and request industry comment prior to any completion of this review.</p>
<p><b>Proposal nine:</b> Authorisation of designers and verifiers</p>	<p>21. Do you think there should be regulations prescribing who can <b>verify</b> a Performance Solution? If yes, what are the qualifications or other requirements that would make a person suitable for verifying a Performance Solution?</p> <hr/> <p>22. Do you think there should be regulations prescribing who can design a plumbing installation in a complex building?</p>	<p>Designers and authorisers should have a person in their business to sign off, as is required in plumbing works.</p> <p>Expert judgment needs to be adopted as stated in the PCA.</p> <p>‘Expert Judgment means the judgment of a person who has the qualifications and experience to determine whether a Performance Solution or a Deemed-to-Satisfy Solution complies with the Performance Requirements’.</p> <p>Yes. As stated above ‘expert judgment’ as defined in the PCA.</p>

Proposal	Questions for consultation	Your comments
	23. If you answered yes to question 22, should different levels of competency be required, based on the complexity of the project?	No. Expert judgment is required.
	24. Are there any types of projects where a designer should not need to have particular competencies or qualifications?	No. All plumbing work needs expert judgment as outlined in the PCA.
	25. Should a LPC be permitted to design a project at any level of complexity?	No. As above (24)
	26. Of the four options presented below for the regulation of plumbing designers and verifiers, which do you prefer, and why? Option 1 – Self-assessment by the designer or verifier Option 2 – Designer/verifier must be a ‘competent person’ Option 3 – Designer/verifier must be authorised by the regulator Option 4 – Designer/verifier must be licensed	Option 4. Regulator defines a pathway and it will need to be licensed. Persons will need to hold a Certificate above Cert III to be identified by the regulator.
	27. Is there an alternative option you would like considered? If yes, please provide details.	No see above.

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<p><b>Proposal ten:</b></p> <p>Should a category of business licence be introduced?</p>	<p>ACIL Allen recommended extending the licensing scheme to include a class of plumbing licence for companies and partnerships. They saw no reason why a plumbing business could not be operated by a non-plumber (so long as the plumbing work itself is carried out by a licensed plumber) and argued that the current arrangements were a barrier to entry into the plumbing industry. They therefore recommended that a business licence model be implemented.</p> <p>Do you agree with ACIL Allen's recommendation?</p>	<p>At the time that ACIL Allen were conducting their report NOLA was underway addressing national licencing. It is because of this that ACIL Allen deemed that they did not have to include this area as they understood that NOLA would address.</p> <p>No, do not agree with the recommendation as this area has not been properly considered due to the above.</p> <p>This proposal requires further consideration and consultation.</p>
<p><b>Proposal eleven:</b></p> <p>Remove business training as a prerequisite for a Plumbing Contractor's Licence</p>	<p>28. Do you agree that the requirement to undergo business training should be removed as a criterion for obtaining a plumbing contractor's licence? If not, why not?</p>	<p>Do not agree. It is critical that it is included in contractor licence training.</p> <p>Completing the contractors course is a clear pathway to commencing a business. With so much involved, and so much at stake, getting some solid business training is always critical.</p> <p>Understanding business law, company structures, tax and its law and employee responsibilities and general business processes are a must to set an individual up for success.</p> <p>There should be more business training, not less.</p>

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		<p>A plumbing contractor's licence does more than signify technical competence - it gives the holder the legal right to employ other plumbers and run a plumbing business. Therefore, plumbing contractors need training that prepares them for the commercial and legal realities of the business world. Ultimately, it will be their staff and customers who benefit. The State Government should see this as an opportunity to enhance the skills of small business owners who collectively employ thousands of people.</p>
<p><b>Proposal twelve:</b> Liability insurance for LPCs</p>	<p>29. Do you agree that LPCs should not be required to carry public liability insurance and professional indemnity insurance as a condition of their license? If not, please tell us why you think mandatory insurance should be introduced for LPCs.</p>	<p>Yes, public liability.</p> <p>No, for professional indemnity, it is not a requirement for LPC to hold PI. This has been verified by insurance companies.</p> <p>Companies carrying out design work may require PI.</p>
<p><b>Proposal thirteen:</b></p>	<p>30. Do you agree that the scope of work permitted under a RPP should be amended to make it more useable? If no, why not.</p>	<p>No. The use of the RPP should be minimised because its arrangement is too loose. By increasing permits, it breaks down the licensed trade.</p>

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<p>Scope of work under a Restricted Plumbing Permit (RPP)</p>	<p>31. If you answered yes to Question 30, which of the following options would you prefer, and why</p> <p><b>Option one</b> Amend the Regulations to allow a RPP holder in the course of replacing a water heater, to install an approved flexible hose where the plumbing standards allow.</p> <p><b>Option two</b> Amend the plumbing regulations as per option 1 <u>and</u> replace a water heater isolation valve.</p> <p><b>Option three</b> Amend the Plumbing Regulations as per Option 2, <u>and</u> replace a minimal amount of pipework.</p> <p><b>Option four</b> Amend the Plumbing Regulations as per Option 3, <u>and</u> alter a relief valve overflow pipe to meet the required standards.</p> <p><b>Option five</b> Amend the Plumbing Regulations as per Option 4, <u>and</u> replace a tempering valve.</p>	<p>No.</p> <p>No, no pipework or fittings can be replaced. This is plumbing work.</p> <p>No. Cannot replace any pipework or any works prior to the isolating valve.</p> <p>No. As above and a relief valve is plumbing work and requires a formal qualification.</p> <p>No, again this requires a skilled person with appropriate licence.</p> <p>No.</p>

Proposal	Questions for consultation	Your comments
<p><b>Proposal fourteen:</b> Transition from apprentice to tradesperson</p>	<p>It is proposed to amend the Plumbing Regulations to provide that an apprentice who has successfully completed his or her training contract may carry out plumbing work (under direction and control) until either:</p> <ul style="list-style-type: none"> <li>(b) the graduate plumber gains his or her tradesperson's license; or</li> <li>(c) a period of [x] months expires from the time the training contract was successfully completed.</li> </ul> <p>32. Do you agree that two months is an appropriate period of time for paragraph (b)? If no, please say why and, if possible, suggest an alternative timeframe for consideration.</p>	<p>The day after an apprentice completes their apprenticeship, they should be able to attend the licensing body and apply for a tradespersons certificate immediately.</p> <p>Yes. No.</p> <p>The impact analysis in the CRIS states that the proposed change is administrative in nature and seeks to address a technical flaw in the current regulatory arrangements and is not expected to have any adverse impacts. I disagree.</p> <p>Should the CRIS wish to entertain a regulatory fix to allow graduate (unlicensed) apprentices to carry out plumbing work it should also consider the practical implications in respect to industrial relations laws, including wage rates.</p> <p>The issue of graduate (unlicensed) apprentices is not considered by the Plumbing and Fire Sprinklers Modern Award 2010 ('modern award'). There is a gap of approximately \$100.00 per week when comparing the fourth year apprentice rate of pay in the modern award (or the highest rate of pay for a labourer) to the rate of pay prescribed for Registered Plumber.</p>



Proposal	Questions for consultation	Your comments
		<p>Consequently, the delay in the issue of licenses would only serve to financially disadvantage the graduate apprentices.</p> <p>A graduate apprentice is not yet a tradesperson and change would be required to the modern award to deal with the ambiguity created by any amendment to the current Regulations. The modern award prescribes a rate of pay for a tradesperson, however, this rate is purely to calculate other entitlements and prescribes an additional amount for being a registered plumber (approximately \$30.00).</p> <p>An apprenticeship agreement is considered a fixed term contract; should the graduate apprentice remain in employment with his/her employer (before the attainment of their license) this opens up the employer having to acknowledge the service (for certain entitlements) for the entire apprenticeship period before the employer even has the benefit of a registered plumber.</p> <p>There is a very real possibility that a 'regulatory fix' is merely a mechanism to delay the issue of licenses from a government standpoint and could result in employers ending employment (to break the employee's service period) until such time as the graduate (unlicensed) apprentice obtains their plumbing license.</p> <p>Further, there are broader complications for allowing graduate (unlicensed) apprentices to work without a license in that there would be a potential to open up other unlicensed streams in future.</p>

Proposal	Questions for consultation	Your comments
		<p>Not all graduate apprentices are retained by the entity that employs them during their apprenticeship term; which is why it is imperative that graduate apprentices obtain their registration license immediately on finishing their apprenticeship to enable them to obtain future employment. Allowing a delay of up to eight weeks to issue a license would have no practical benefit to the graduate apprentices trying to find work and waiting on a license will likely be an impediment in their obtaining employment.</p> <p>Finally, there are broader complications for allowing graduate (unlicensed) apprentices to work without a license in that there would be a potential to open up other unlicensed streams in future.</p>
<p><b>Proposal fifteen:</b> Advertising plumbing services</p>	<p>33. Do you consider it appropriate for unlicensed persons or companies to be prohibited from advertising plumbing services? Please provide reasons.</p> <p>34. Do you support a requirement that non-plumbing companies must keep records of any plumbing work carried out by the company? Please provide reasons.</p>	<p>Yes. You must be licensed to carry out any plumbing works.</p> <p>Why would a non-plumbing company carry out any plumbing works? They should never carry out any plumbing works.</p>

Proposal	Questions for consultation	Your comments
<p><b>Proposal sixteen:</b> Expanding the list of disciplinary matters</p>	<p>It is proposed to make amendments to the Plumbing Regulations to:</p> <ul style="list-style-type: none"> <li>a) provide greater clarity on the requirement for a LPC to exercise general direction and control; and</li> <li>b) introduce a modified penalty provision for situations where it is found that a LPC has failed to exercise adequate supervision, direction or control in cases where it was appropriate for him or her to do so.</li> </ul> <p>These changes would be accompanied by guidelines setting out the factors that would be taken into account by the regulator when assessing whether supervision, direction or control has been adequately exercised in any particular case.</p>	<p>Yes.</p> <p>A full regulatory impact assessment needs to be completed.</p> <p>Consideration needs to be given to a LPC 'doing the right thing but behind on paperwork' versus an illegal operator who knowingly is doing the wrong thing.</p> <p>Consideration needs to be given to illegal plumbing (a non-trained person carrying out any plumbing work) to be similar to the Building Act 2011 where the first offence is \$50,000 the second \$75,000 and the third \$100,000 (plus 12 months imprisonment).</p> <p>A quote from ACIL Allen from WA Plumbing Inspectors, raises serious concerns as the main focus is on the LPC and not a person/s that carries out the work illegally. "Based on evidence gathered during compliance and enforcement activities, plumbing inspectors have expressed the view that this is a gap that needs closing so that action can be taken against LPCs who do not carry out those functions adequately".</p> <p>More consultation is required so that the area of non-compliant/illegal work can be addressed as this 'gap' is far bigger than an LPC being non-compliant.</p> <p>The proposed guidelines need to clearly identify the term 'arm's length supervision'.</p>

Proposal	Questions for consultation	Your comments
<p><b>Proposal seventeen:</b> Increasing the statutory penalty amount</p>	<p>It is proposed to increase the maximum penalty in the Plumbing Act from \$5,000 to \$50,000.</p>	<p>Only for work that is identified as clearly being illegal (a non-plumber) not for a LPC.</p> <p>A maximum penalty should be set higher than \$50k for a person undertaking illegal plumbing work. See above.</p>
<p><b>Proposal eighteen:</b> Timeframe for taking prosecution action</p>	<p>It is proposed to increase the timeframe within which a prosecution for an offence may be commenced from one year to two years.</p>	<p>The provision in section 21 of the Criminal Procedure Act 2004 of twelve months should be adopted and stay as twelve months as prescribed. Not two years.</p>
<p><b>Proposal nineteen:</b> Compliance notification for 'minor plumbing work'</p>	<p>It is proposed to make amendments to the Plumbing Regulations to no longer require the submission of multi-entry certificates to the Plumbers Licensing Board for 'minor plumbing work'. The requirement for LPCs to keep a record of all minor plumbing work will, however, be retained.</p>	<p>The LPC will keep his/her own records and this maybe audited by DMIRS as per the current audit processes.</p>
<p><b>Proposal twenty</b> Amending the definition of 'minor plumbing work'</p>	<p>35. Do you agree that work to maintain or repair a water heater should be excluded from the scope of the plumbing laws? If no, please tell us why.</p>	<p>No. This is plumbing work and should be undertaken by a PLC or TPL.</p>

Proposal	Questions for consultation	Your comments	
	36. Do you agree that work to connect a garden reticulation system downstream of a backflow prevention device should be excluded from the scope of the plumbing laws? If no, please say why.	Yes.	
	37. Do you agree that the installation or replacement of a <u>testable</u> backflow prevention device should be classed as 'major plumbing work'? If no, please say why.		Yes.
	38. Do you agree that the replacement of a <u>non-testable</u> backflow prevention device should be classed as 'minor plumbing work'? If no, please say why.		Yes.

Proposal	Questions for consultation	Your comments
<p><b>Proposal twenty-one</b> Revising the structure of the plumbing regulator</p>	<p>39. Which of the four options below would you support? Please provide reasons for your view.</p> <p><b>Option one</b> – Maintain the status quo</p> <p><b>Option two</b> – A plumbing technical regulator and a plumbing technical registration board supported by an office of the plumbing technical regulator</p> <p><b>Option three</b> – Plumbers Licensing Board as the licensing administrator; Building Commissioner / Director of Energy Safety as the technical regulator</p> <p><b>Option four</b> – Building Commissioner/Director Energy Safety as the licensing administrator and the technical regulator, supported by an industry advisory group.</p>	<p>Option two.</p> <p>Currently plumbing regulation cuts across water, health, DMIRS, FESA and Energy Safety.</p> <p>All matters pertaining to plumbing should come under one body – a plumbing technical regulator.</p> <p>Currently the PLB is fundamentally the regulator but the majority of its focus is licensing process.</p> <p>The lack of a true technical regulator in Western Australia is at a critical stage. The Western Australia community carry a daily health and safety risk and liability. E.g. PCH an Elizabeth Quay.</p> <p>Illegal and non-compliant plumbing works occur across the whole of Western Australia by non-qualified persons.</p> <p><b>Objects of a plumbing technical regulator should be:</b></p> <p>(a) to provide for and enforce proper standards of reliability and quality in connection with the water industry, including in relation to technical standards for water and sewerage infrastructure and installations and plumbing; and</p> <p>(b) to protect the interests of consumers of water and sewerage services; and</p> <p>(c) to promote measures to ensure that water is managed wisely; and</p>

Proposal	Questions for consultation	Your comments
		<p><b>Functions of the Technical Regulator:</b></p> <p>The Technical Regulator should have the following functions:</p> <ul style="list-style-type: none"> <li>(a) to develop technical standards in connection with the water industry;</li> <li>(b) to monitor and regulate technical standards with respect to— <ul style="list-style-type: none"> <li>(i) water and sewerage installations and associated equipment, products and materials (including on the customer's side of any connection point); and</li> <li>(ii) plumbing;</li> </ul> </li> <li>(c) to provide advice in relation to safety or technical standards— <ul style="list-style-type: none"> <li>(i) in the water industry to the Commission at the Commission's request; and</li> <li>(ii) in the plumbing industry;</li> </ul> </li> <li>(d) any other function assigned to the Technical Regulator under the Act or conferred by regulation under the Act.</li> </ul> <p><b>Sanitary means:</b></p> <p>Sanitary drain means pipes and equipment to collect and convey sewage from a sanitary plumbing installation to an on site treatment facility or a sewerage or effluent disposal system; sanitary plumbing work means the installation, alteration, repair, maintenance or disconnection of pipes or equipment to receive and convey sewage to sanitary drains (including associated plumbing ventilation equipment);</p>

Proposal	Questions for consultation	Your comments
		<p><b>Sewerage means:</b></p> <p>Sewerage includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service; sewerage infrastructure means—</p> <ul style="list-style-type: none"> <li>(a) any infrastructure that is, or is to be, used for— <ul style="list-style-type: none"> <li>(i) the collection or storage of sewage and includes the connection point; or</li> <li>(ii) the conveyance or reticulation of sewage; or</li> <li>(iii) the treatment of sewage, including any outfall pipe or other work that stores or conveys water leaving infrastructure used for the treatment of sewage; or</li> </ul> </li> <li>(e) any other infrastructure used in connection with sewage and brought within the ambit of this definition by the regulations, but does not include— <ul style="list-style-type: none"> <li>(c) any pipe, fitting or apparatus that is situated upstream of a customer's connection point; or</li> <li>(d) infrastructure situated entirely within one site and not connected to any other infrastructure situated within another site; or</li> <li>(e) any other infrastructure used in connection with sewage that is excluded from the ambit of this definition by the regulations;</li> </ul> </li> </ul> <p>sewerage service means—</p> <ul style="list-style-type: none"> <li>(a) a service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system; or</li> </ul>



Proposal	Questions for consultation	Your comments
		<p>(b) any other service, or any service of a class, brought within the ambit of this definition by the regulations;  site means an area of land constituting a single land holding;  stormwater drain means pipes and equipment to collect and convey stormwater to a public stormwater disposal system;</p> <p><b>Water means:</b></p> <p>Water includes rainwater, stormwater, desalinated water, recycled water and water that may include any material or impurities but does not include sewage.</p> <p><b>Water infrastructure means:</b></p> <p>(a) any infrastructure that is, or is to be, used for—  (i) the collection or storage of water, including a dam or reservoir, a water production plant or a wetland; or  (ii) the treatment of water; or  (iii) the conveyance or reticulation of water and includes the connection point; or  (b) any other infrastructure used in connection with water and brought within the ambit of this definition by the regulations, but does not include—  (c) any pipe, fitting or apparatus that is situated downstream of a customer's connection point; or  (d) any pipe, fitting or apparatus that is situated upstream of a customer's connection point to a stormwater drain; or  (e) infrastructure situated entirely within one site and not connected to any other infrastructure situated within another site; or</p>

Proposal	Questions for consultation	Your comments
		<p>(f) any other infrastructure used in connection with water that is excluded from the ambit of this definition by the regulations;</p> <p><b>Water plumbing work means:</b></p> <p>Installation, alteration, repair, maintenance or disconnection of pipes or equipment (including water heaters) to be connected directly or indirectly to a water supply system;</p> <p>water service means—</p> <p>(a) a service constituted by the collection, storage, production, treatment, conveyance, reticulation or supply of water; or</p> <p>(b) any other service, or any service of a class, brought within the ambit of this definition by the regulations;</p> <p>water/sewerage infrastructure means water infrastructure or sewerage infrastructure (or both).</p>

	<p><b>General Comments</b></p>	<p>1.The review should adopt the PCA in its entirety and include all scopes of work:</p> <ul style="list-style-type: none"> <li>• Cold water services (Part B1 of the PCA)</li> <li>• Heated water services (Part B2 of the PCA)</li> <li>• Non-drinking water services (Part B3 of the PCA)</li> <li>• Fire-fighting water services (Part B4 of the PCA)</li> <li>• Sanitary plumbing systems (Part C1 of the PCA)</li> <li>• Sanitary drainage systems (Part C2 of the PCA)</li> <li>• Roof drainage systems (Part D1 of the PCA)</li> <li>• Surface and subsurface drainage systems (Part D2 of the PCA)</li> <li>• Heating, ventilation and air-conditioning systems (Part E of the PCA)</li> <li>• On-site wastewater management systems (Part F1 of the PCA)</li> <li>• On-site liquid trade waste systems (Part F2 of the PCA)</li> </ul> <p>2.The current regulatory body focusses heavily on a LPC who are licensed and generally carry out work in accordance with the regulations. Not enough emphasis is placed on the non-trained persons carrying out plumbing work such as handymen and DIY's. There are very few prosecutions occurring for illegal plumbing works and yet there is much evidence that it is rampant in the community.</p> <p>3.Too much emphasis is placed on the conformance of 'paperwork' for an LPC with little understanding to the fact that many processes are laborious and not catered for in an online environment (especially since technology would be more than capable of seriously reducing compliance notice delivery and major efficiency increases).</p>
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Proposal	Questions for consultation	Your comments
		<p>4.The funding model adopted needs to ensure that there are enough funds to enable enforcement across the whole of Western Australia not simply for an LPC (for non-submittal of a Compliance Notice) but for the scourge of illegal plumbing work that exists. This is critical to protect the communities' public health and safety and to avoid risk and liability. The scope needs to be broad and encompass all areas as listed above.</p> <p>3. Education and training concerns have been ignored in this consultation. It is a critical part of the industry and it is not acceptable that this area has not been addressed.</p> <p>4. There are a number of gaps that have not been considered in this consultation process. The ACIL Allen report stated 51 recommendations however approximately only 50% of these issues/proposals have been adopted in the consultation, why? All of the issues stated in the ACIL Allen report need to be addressed and should have been during this consultation. There have been a number of findings in relation to all of these matters since the release of the ACIL Allen report which include the Shergold Weir report (initiated by the Building Ministers Forum nationally) and the review of Business/Trade Licenses that all need further consideration and consultation.</p>