



Queensland

Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 167

made under the

Building Act 1975

Plumbing and Drainage Act 2002

Sustainable Planning Act 2009

General outline

Short title

*Plumbing and Drainage and Other Legislation Amendment Regulation
(No. 1) 2012.*

Authorising law

Sections 13 and 261 of the *Building Act 1975*

Sections 87, 87A, 90 and 145 of the *Plumbing and Drainage Act 2002*

Sections 13, 251, 254, 508 and 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The policy objectives of the Regulation are to complement amendments of the *Plumbing and Drainage Act 2002* aimed at:

- easing the administrative, regulatory and compliance burden placed on plumbers, plumbing businesses and the plumbing industry generally
- removing the need for plumbing approvals for a new category of work known as ‘notifiable work’ to promote industry efficiency and lower compliance costs for businesses and consumers
- improving compliance rates, safety standards and public confidence in the industry and its regulators
- easing the administrative burden on local governments while providing a source of funding for their audit programs.

Currently, approvals for routine plumbing work, such as a minor renovation to an existing home, can attract local government fees ranging from \$300 to \$1600, and four separate inspections of the work may be required.

Amendments to the *Plumbing and Drainage Act 2002*, due to take effect 1 November 2012, will cut red tape associated with routine plumbing work such as renovations or the installation of new bathrooms and kitchens in existing homes. This will be achieved through the creation of a new category of work called ‘notifiable work’.

Plumbers will be able to undertake notifiable work without first having to obtain a compliance permit or having to request inspections of completed work. A licensee will simply give the Plumbing Industry Council (PIC) written notice of the work within 10 business days of its completion. A fee will be payable by the person lodging the notice unless the notice is lodged for work carried out by or for a public sector entity in which case no fee will be payable. A fee of \$25 will be payable for lodgement using an electronic system approved by the chief executive, and a fee of \$35 will be payable for lodgement of a notice by any other means.

To maintain public health and safety standards and improve compliance with the *Standard Plumbing and Drainage Regulation 2003* (SPDR), local governments will receive funding to assess a percentage (approximately 5%) of notifiable work undertaken in their area. The fees for the lodgement of notices of notifiable work have been calculated to cover the cost of the assessments, PIC activities and the electronic register.

Approximately 75 percent of all plumbing and drainage work in Queensland will be covered by these changes, resulting in cost savings for industry and consumers. In addition, it is proposed that a number of categories of work that currently require a compliance permit or a

notification to be lodged with local governments will become ‘minor work’ which will not require a permit or notification. The expanded category of minor work will include replacing toilet cisterns, installing pumps and water filters, sealing off a water service and most repairs and maintenance work.

The proposed amendments define the extent of notifiable and minor work categories, prescribe fees for lodging notices of notifiable work and provide for the assessment of notifiable work. In addition, the amendments provide for appeals to a building and development committee in relation to notifiable work assessed to be defective. The amendments align the terminology in the subordinate legislation with the terminology in the amendments of the *Plumbing and Drainage Act 2002* scheduled to commence on 1 November 2012.

The amendments also provide for a concurrence agency role for local governments in relation to additions to homes that have an on-site wastewater management system.

The amendments adopt new versions of parts of the Queensland Development Code (QDC), primarily to allow a dual check valve with atmospheric port to be used as an alternative to installing a backflow prevention device for underground water tanks. The QDC’s application to ‘other renovations’ has also been deleted as this definition applied to situations where plumbing approvals were required and under the notifiable work reforms plumbing approvals will not be required for home renovations.

Achievement of policy objectives

The amendments to the *Plumbing and Drainage Act 2002* expand the scope of notifiable work. Relevant authorities must still be notified, however, the time period for notification will be reduced to within 10 business days. The PIC will expand its regulatory role and keep a central database of all notifications. To ensure high-quality work outcomes local governments will receive funding to undertake audits of notifiable work undertaken in their areas.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Plumbing and Drainage Act 2002*, to regulate plumbing, drainage and on-site sewerage facilities and the licensing of plumbers and drainers.

Consequential changes to the *Sustainable Planning Regulation 2009* and *Building Regulation 2006*, are consistent with the objectives of the *Sustainable Planning Act 2009* and the *Building Act 1975* respectively.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will significantly benefit the plumbing industry by reducing the administrative, regulatory and compliance burden placed on plumbers and plumbing businesses.

Improved compliance rates, safety standards and public confidence in the industry will be achieved through the local government assessment of notifiable work. The regulation will decrease the administrative burden on local governments while providing a source of funding for their assessments. In addition, the PIC electronic state-wide register will be maintained at no cost to local government.

The cost of lodging forms has been kept as low as possible with lodgement using an electronic system approved by the chief executive costing \$25 and lodgement by any other means costing \$35. Fees will be used to fund local government and PIC audit programs and to maintain the electronic register. A higher manual lodgement fee is required to pay for printing, distribution and manual handling of paper forms and entering the details into the electronic register.

Consistency with Fundamental Legislative Principles

The regulation has been drafted with regard to fundamental legislative principles (FLP) as defined in section 4 of the *Legislative Standards Act 1992*. The regulation is generally consistent with fundamental legislative principles.

Consultation

Consultation on the amendments in the regulation have been undertaken with a range of plumbing industry stakeholders through the PIC and the Plumbing Industry Consultative Group. Key stakeholders consulted include the Master Plumbers' Association of Queensland (MPAQ), the Queensland Plumbing Union, Local Government Association of Queensland, the Institute of Plumbing Inspectors Queensland, individual local governments, and other Queensland Government departments.

Consultation on the notifiable work draft schedules closed on 22 June 2012. Members of the plumbing industry including licensees, stakeholders, local governments and the general public were invited to provide responses by email, post and through the Queensland Government Get Involved website. Information about the proposed schedules has been provided through local government bulletins, PIC and MPAQ e-letters, the PIC Connect newsletter, flyers provided to plumbing retail outlets, updates to the department's website and presentations at industry events.

Feedback on the proposed schedules was received from a range of local governments, stakeholder groups and plumbing companies. The results of the consultation were mainly positive, indicating that the industry is generally in favour of the proposal to expand the types of work that can be carried out without requirements for permits and inspections. Once the schedules were revised to take into account feedback from the initial round of consultation, a roundtable discussion with key stakeholders was held to further refine the schedules.

Notes on Provisions

Part 1 Preliminary

Short Title

Clause 1 sets out the short title of the Regulation.

Commencement

Clause 2 establishes that the regulation will commence contemporaneously with the *Sustainable Planning and Other Legislation Amendment Act 2012* (SPOLA), part 6.

Part 2 Amendment of the Building Regulation 2006

Regulation Amended

Clause 3 provides that this part amends the *Building Regulation 2006*.

Replacement of s51BE (Approval of amendment of QDC by replacing parts MP 4.1, MP 4.2 and MP 4.3)

Clause 4 replaces section 51BE with a new version of the section, to amend the QDC by replacing mandatory part 4.1 with a new version of the part. The new version has been amended to remove references to ‘minor notifiable work’. The QDC has also been amended to remove references to ‘other renovations’. These references have been made redundant by the notifiable work reforms that have removed the need to obtain a plumbing permit for a house renovation.

Clause 4 also inserts section 51BEA and section 51BEB to amend the QDC by replacing mandatory parts 4.2 and 4.3. The replacement QDC parts will reduce the costs associated with maintaining rainwater tanks by allowing dual check valves to be used instead of backflow prevention devices.

Part 3 Amendment of the Plumbing and Drainage Regulation 2003

Regulation Amended

Clause 5 provides that this part amends the *Plumbing and Drainage Regulation 2003*.

Amendment of s4 (Licence required for performing regulated and minor work)

Clause 6 amends section 4 to replace references to ‘regulated and minor work’ with references to ‘plumbing work or drainage work, other than unregulated work’.

This clause also amends the section so it provides that a person must be licensed to perform any plumbing work or drainage work that is not prescribed as unregulated work.

Omission of s 11 (Fee to accompany notice to local government of particular minor work)

Clause 7 removes section 11 (Fee to accompany notice to local government of particular minor work). Section 11 is no longer required, as work to replace a water heater with a solar or heat pump hot water system will become notifiable work and be caught by the fees provided for in schedule 4, item 4.

Amendment of sch 4 (Fees)

Clause 8 inserts the schedule of fees for the notifiable work scheme.

Part 4 Amendment of the Standard Plumbing and Drainage Regulation 2003

Regulation Amended

Clause 9 provides that this part amends the *Standard Plumbing and Drainage Regulation 2003*.

Amendment of s 6B (Criteria for deciding application for compliance permit for greywater use facility in a sewered area)

Clause 10 amends section 6B, to change the existing reference to ‘regulated work’ to ‘compliance assessable’ work. The purpose of this provision is align the terminology in the regulation with the terminology in the amendments of the *Plumbing and Drainage Act 2002* scheduled to commence on 1 November 2012.

Insertion of new s 6C Notifiable work—Act, sch, definition notifiable work

Clause 11 inserts a new section 6C that prescribes what is notifiable work for the purposes of the Act, Schedule, definition of notifiable work. In doing so it determines which plumbing work affected by the notifiable work provisions.

Subsection 6C(2) provides that emergency work is notifiable work. Emergency work is defined as ‘plumbing or drainage work that must, because of a failure in plumbing or drainage, be performed to stop a continuing risk to health and safety or damage to property’. This can include work that would otherwise fall outside of the definition of notifiable work. For example, it could involve work for a combined sanitary drain. All work directly associated with an emergency event will

be considered to be notifiable work and can be included in a single notifiable work notice.

Subsection 6C(3) identifies the range of work that will, subject to the rest of the section, be notifiable work and as a result subject to the notifiable work provisions.

Subsection 6C(3)(a) excludes minor work listed in schedule 3 and the work listed in schedule 2, part 2 from the definition of notifiable work. Minor work is work that a licensee can do without applying for a compliance permit or lodging a notifiable work notice with the PIC. The work listed in schedule 2, part 2 poses additional risk to the operation of drainage infrastructure, such as work directly affecting a trade waste, or it raises particular health and safety concerns, such as where there is a dual reticulated water supply. For these reasons this work must be assessed by a local government under the Act, Part 4 – Compliance assessment.

Subsection 6C(3)(b) clarifies that work carried out as part of a single transaction is notifiable work and can be included in a single notifiable work notice. Without this provision it would be unclear whether a licensee was required to lodge a separate notice for each item of work identified in schedule 2, part 1 if the work was completed on different days. This would be contrary to the underlying intention of the notifiable work provisions which is to remove unnecessary red tape from the plumbing industry. The provision clarifies that where the work is undertaken for a single building, and the work forms part of a single transaction, only one notice needs to be given to the PIC. The intention is to allow a combination of items of notifiable work to be included in a single notifiable work notice provided they form part of a single transaction such as an engagement to add an en-suite bathroom and a kitchen to an existing home.

The term ‘single transaction’ is not defined, and as such is to be given its ordinary meaning. In determining whether a combination of work forms part of a single transaction the following factors are considered to be relevant:

- whether the work was included in a single work order or quotation;
- whether the work was carried out continuously in a short period of time or at different times over a lengthy period of time;
- when the work was completed and ready to be used by the occupant of the premises;
- when the licensee issued an invoice for the work.

Subsection 6C(3)(b) introduces the term ‘relevant licensee’ to address cases where notifiable work for a single building is undertaken by more than one licensee. The provision clarifies that each licensee will be responsible to ensure that a notice is lodged for the work they have done. However, the provision also contemplates that the requirement can be satisfied by one licensee lodging a form on behalf of other licensees. In these cases it is expected that forms will be lodged by the responsible person, who supervises the work undertaken by other licensees. It is acceptable for the supervising person who is responsible for carrying out the work, to lodge the form for all of the work done. For example, in a transaction to add a suite of toilets to a one level commercial building the supervising person may lodge the form even though the person may not have installed any of the toilets. Further, this means that each licensee will not have to lodge a separate notice with the PIC. This is consistent with the underlying intention of the notifiable work provisions which is to remove unnecessary red tape from the plumbing industry.

Subsection 6C(3)(b) also introduces the term ‘existing building’ which limits the application of the notifiable work provisions to buildings that have existing drainage and an existing water supply that were approved when the building was originally constructed.

The purpose of this limitation is to ensure that the notifiable work provisions only apply to buildings that have already undergone compliance assessment under the Act, Part 4, by the relevant local government or public sector entity. The provisions do not apply to new buildings that have not undergone compliance assessment.

Plumbing and drainage work for, and in, existing buildings, poses a reduced risk to water supply and drainage infrastructure providers. This is because such work is unlikely to have significant adverse impacts on the hydraulic loading of drainage infrastructure or place unacceptable demands on existing water supply infrastructure. For these reasons it is considered appropriate to allow consumers and licensed plumbers to take advantage of the notifiable work provisions.

Subsection 6C(3)(b) also clarifies that the notifiable work provisions will apply to extensions of class 1 buildings. Extensions for other classes of buildings were not included as it was considered that the scale and more complex hydraulic designs of these buildings meant that additions and alterations could have adverse impacts on the hydraulic loading of drainage infrastructure or place unacceptable demands on existing water supply infrastructure.

Subsection 6C(3)(b) also provides that the notifiable work provisions will apply to structures for an existing class 1 building. For example the new notification system will apply to plumbing work required for a new pool that is associated with or for an existing class 1 building.

The following examples provide guidance on what is meant by the terms ‘existing building’ and ‘extension to an existing (class 1) building’ and ‘structure’ for the purposes of the notifiable work provisions:

- a detached home (a class 1 residential dwelling) with existing drainage and water supply is considered to be an existing building. The drainage may be a sewer connection or a connection to an on-site treatment plant and a water supply may be a reticulated supply or a water tank supply. Any additional fixtures will be connected to and serviced by the existing drainage and water supply. The notifiable work process may be used for plumbing work for these buildings, including any external plumbing and drainage for the building.
- a new detached home (a class 1 residential dwelling) is not an ‘existing building’ as it does not have existing drainage or a water supply. Compliance assessment will be required under the Act, Part 4 for all of the plumbing work for the new building.
- a detached shed (a class 10 building) that has a water supply but no drainage is not considered to be an existing building. The absence of drainage means that the relevant local government has not had the opportunity to consider the impacts of providing drainage to the building. Therefore, it is appropriate to require compliance assessment under the Act, Part 4 for any plumbing work on or for the building.
- a new granny flat built underneath or as an extension to an existing detached residential dwelling is considered to be an extension of an existing class 1 residential dwelling. As the extension will rely on the existing water supply and drainage, any plumbing work for the extension will be subject to the notifiable work provisions.
- a new detached residential building (including a granny flat) that is built on the same lot as, but not connected to, an existing residential building is not considered to be an existing building as separate drainage or water supply will be required for the building. In addition as the new building is not attached to the existing building it can not be considered to be an extension to an existing class 1 residential building. Therefore any plumbing work for the new building will require compliance assessment under the Act, Part 4.

- a new townhouse will not be considered to be an existing building even though it is attached to an existing townhouse. This is because the new town house will not rely on or share either the existing drainage or water supply for the existing town house. In addition the relevant local government will not have had the opportunity to consider the impacts of a separate dwelling on existing drainage and water supply infrastructure. It is therefore appropriate to require compliance assessment under the Act, Part 4 for any plumbing work on or for the building.
- a new pool built for an existing class 1 building is considered to be a structure and for this reason any plumbing work necessary to install the pool will be able to take advantage of the notifiable work provisions.
- a relocated house is moved to a new location. The question of whether the relocated house is an existing building will depend on whether the new location has existing plumbing and drainage. If the new location does not have existing plumbing or drainage a compliance permit will be required. Alternatively, where the relocated house is replacing a dwelling of the same class under the BCA that had plumbing and drainage, it will be treated as an existing building if it is connected to the existing water supply and drainage. This is because the relocated house will be unlikely to have a detrimental impact on existing drainage and water supply infrastructure. As a result the plumbing work for the relocated house will be subject to the notifiable work provisions.

Subsection 6C(4) provides that work that meets the definition of notifiable work in subsection 6C(3) is not notifiable work if it is undertaken with compliance assessable work and is assessed under part 4, divisions 1 to 4 of the Act.

The purpose of this provision is to ensure that licensees are not required to lodge a notifiable work notice in addition to obtaining a compliance permit for the work undertaken at the same time. For example a licensee is engaged to work on a combined sanitary drain and to install a water heater. Work on the combined sanitary drain requires a compliance permit. If this section was not included the licensee would also be required to lodge a notifiable work notice for the water heater. This would impose an unnecessary burden on licensees and would be contrary to intent of the notifiable work provisions.

Amendment of s 7 (Minor work—Act, sch, definition minor work)

Clause 12 amends section 7 to reflect the renumbering of the schedule for minor work and removes the provision that prescribes what is notifiable minor work.

Amendment of s 8 (Unregulated work—Act, sch, definition unregulated work)

Clause 13 amends section 8 to reflect the renumbering of the schedule for unregulated work.

Amendment of s 11 (Limited application of AS/NZS 3500.1:2003)

Clause 14 amends section 11(1) to replace the references to ‘regulated work’ with references to ‘compliance assessable work’ and amends section 11(1)(b) to include a reference to notifiable work. This provision is necessary to ensure that the AS/NZS 3500.1:2003 applies to notifiable work.

Amendment of s 13 (Application of pt 3)

Clause 15 amends section 13 to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’ and ensures that Part 3 applies to the assessment by a local government of notifiable work.

Amendment of s 14 (General requirements for plans the subject of a compliance request)

Clause 16 amends section 14(3)(a) to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 14A (Additional requirements for plans for regulated work)

Clause 17 amends section 14A to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 14B (Additional requirements for plans for greywater use facilities in a sewered area)

Clause 18 amends section 14B(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 14C (Additional requirements for plans for greywater use facilities not in a sewered area)

Clause 19 amends section 14C to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 14D (Additional requirements for plans for on-site sewerage facilities)

Clause 20 amends the examples following section 14D(2)(e) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 15 (Certificates for plan given by competent person)

Clause 21 amends section 15(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 17 (Definitions for div 3)

Clause 22 moves the definition for responsible person to the dictionary and replaces a reference to ‘regulated work’ with a reference to ‘compliance assessable’ work in the definition of 48 hours.

Amendment of s 18 (Request for compliance assessment of regulated work or on-site sewerage work)

Clause 23 amends section 18, and the heading, to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 19 (Stages for assessment of regulated work)

Clause 24 amends section 19(1) and the heading, to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 20 (Assessment of stages of work by local government)

Clause 25 amends section 20(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 21 (Covering plumbing and drainage or on-site sewerage facility)

Clause 26 amends section 21(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 22 (Testing and commissioning plumbing and drainage)

Clause 27 amends section 22 to replace the references to ‘regulated work’ with references to ‘compliance assessable work’. The clause also amends section 22(2) and (3) to replace the reference to ‘schedule 4’ with a reference ‘schedule 5’ to reflect the renumbering of the schedules for the regulation.

Amendment of s 23 (General requirements for plans for assessed work)

Clause 28 amends section 23(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 23A (Additional requirements for plans for assessed regulated work)

Clause 29 amends section 23A, and the heading, to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 23B (Additional requirements for plans for assessed greywater use facilities in a sewered area)

Clause 30 amends section 23B(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 23C (Additional requirements for plans for assessed greywater use facilities not in a sewered area)

Clause 31 amends section 23C(1) to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of pt 3, div 4, hdg (Assessing regulated work or on-site sewerage work in remote areas)

Clause 32 amends the heading for Part 3, division 4 to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 24 (Application of div 4)

Clause 33 amends section 24 to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Amendment of s 25 (Meaning of *remote area*)

Clause 34 amends section 25 to replace the reference to the ‘Water Act 2000’ with a reference to the ‘Water Supply Act’ which in turn is defined by the *Plumbing and Drainage Act 2002*.

Amendment of s 26 (Request for compliance assessment of regulated work or on-site sewerage work)

Clause 35 amends section 26, and the heading, to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 27 (Testing and commissioning plumbing and drainage)

Clause 36 amends section 27 to replace the references to ‘regulated work’ with references to ‘compliance assessable work’.

Amendment of s 28 (Plan of completed work)

Clause 37 amends section 28 to replace the reference to ‘regulated work’ with a reference to ‘compliance assessable work’.

Insertion of new part 3, div 5

Clause 38 inserts a division that provides for the assessment of notifiable work.

Division 5 Assessing notifiable work

Request for assessment of notifiable work

Section 29A provides that a responsible person for notifiable work may request a local government assessment of the work to check compliance with the regulation. This assessment is separate from an assessment that a local government makes under section 87(4) of the Act. The purpose of this provision is to allow licensees to request an assessment of notifiable work, before lodging a notifiable work notice. It is anticipated that this will occur in situations where a licensee wants to confirm that plumbing work complies with all relevant requirements of the regulation such as for underground drainage in a class 1 building extension or for an inspection of ‘rough in’ work before the work is covered.

Subsection 29A(2) clarifies that this is a voluntary process and that no powers of entry to the premises are provided under the section. Access to the premises and the time of the inspection must be agreed to by all relevant persons.

Subsection 29A(3) imposes a duty on the local government to conduct the inspection within 1 hour after the agreed time. This triggers the relevant provisions of the *Local Government Act 2009* and the *City of Brisbane Act 2010* to allow local governments to charge a fee to undertake an inspection. Under the relevant provisions the fee must be based on the cost of performing the assessment.

Rectification notices for assessments under s29A or the Act, s87(4)

Section 29B allows local governments to issue rectification notices for notifiable work that does not meet the requirements of the regulation.

Subsection 29B(1) provides that a rectification notice can only be issued if the local government has undertaken an assessment under section 87(4) of the Act or following an assessment requested under section 29A.

Subsection 29B(2) provides that where the local government reasonably believes that the assessed work does not comply with the regulation it may issue a rectification notice to the responsible person. The purpose of the notice is to identify the action the local government believes needs to be taken to make the work comply with the regulation.

Subsection 29B(3) provides that local government has 12 months after the PIC receives notice of the notifiable work under section 87 of the Act to issue a rectification notice. It is expected that requests under section 29A will be made before notification of the work is given to the PIC. In these cases the 12 month limit on issuing a rectification notice will not affect the work inspected under section 29A until the PIC has received notification about the work. For example a local government inspector inspects work on 1 January 2012 and the licensee lodges a notifiable work notice with the PIC on 1 February 2012. The local government has until 31 January 2013 to issue a defect notice for the work inspected under section 29A.

Non-compliant work identified after the 12 month period has expired can be referred to the PIC for disciplinary action against the licensee who did the work. In addition where the work poses a risk to health and safety the owner of the property or the licensee can be issued with an enforcement notice to rectify the non-compliant work under section 115 of the Act.

Subsection 29B(4) provides that the rectification notice must state:

- the action considered necessary to make the work comply;
- the period allowed to complete the work – the rectification period;
- whether a further assessment is required. In these cases the responsible person must request an assessment under section 29A. Local governments can charge a cost recovery fee for a reassessment;
- any reasonable conditions. This could include ensuring that the work is not covered so that it is able to be inspected;
- that unless the responsible person has a reasonable excuse it is an offence to fail to comply with the notice.

Subsection 29B(5) provides that failure to comply with a rectification period is an offence with a maximum penalty of 20 penalty units. The subsection provides a defence of reasonable excuse. It is intended that the

reasonable excuse provision provides for circumstances where a licensee may be unable to comply with the notice because for example they are working in a distant location or have travelled overseas or interstate. Also, the excuse provisions may be applicable in circumstances where the licensee is unable to rectify work within a short timeframe due to illness. In considering an excuse, regard should be had to the gravity of the non-compliance, the timeframe given to comply, the difficulty of completing the rectification work and anything that reasonably prevents the licensee from bringing the work into compliance.

Subsection 29B(6) provides that if a local government gives a responsible person a rectification notice they must also give them an information notice about the decision. The purpose of the information notice is to ensure that a responsible person who receives a rectification notice is fully aware of the consequences of receiving the notice and of their rights and responsibilities. To this end the information notice must state:

- the decision and the reasons for the decision;
- that the responsible person can appeal the rectification notice and advise how an appeal can be made.

Subsection 29B(7) clarifies that a decision to give a rectification notice is a decision under part 4 of the Act. As a result a rectification notice can be appealed to the building and development dispute resolution committee within 20 business days after the notice is given.

Subsection 29B(8) provides that the rectification period must not be less than 5 business days unless the responsible person agrees to undertake the work sooner. This provides flexibility for the responsible person to fix the work, and have it reinspected if necessary, in a period shorter than the 5 days if it is convenient to do so.

Amendment of s 32 (Unsuitable apparatus, fittings, materials and pipes)

Clause 39 corrects a typographical error in section 32 by renumbering the second occurring section 32(b)(i) as section 32(b)(ii).

Amendment of s 33 (Disconnection of supply pipes and sanitary drains)

Clause 40 removes a reference to ‘editor’ in the note to section 33.

Amendment of s 53 (Qualifications and experience)

Clause 41 removes reference to ‘editor’ in the notes to section 53.

Replacement of pt 8, hdg (Transitional provisions for Plumbing and Drainage Legislation Amendment Regulation (No. 1) 2005)

Clause 42 introduces a new division structure for the Part 8 transitional provisions. Previous transitional provisions for the *Plumbing and Drainage Legislation Amendment Regulation (No. 1) 2005* are now located in Division 1 of Part 8.

Clause 43 replaces the reference to ‘section’ in the opening words for section 56 with a reference to ‘division’.

Clause 44 introduces a new division to include the transitional provisions for the regulation.

Section 60 provides for situations where an application for a compliance permit for regulated work is made prior to commencement. Some work that was previously regulated work, (now called compliance assessable work), will become notifiable work, or minor work on commencement. This provision clarifies that the work remains assessable as compliance assessable work after commencement. As a result it will not be necessary to lodge a notifiable work notice for work that would otherwise be notifiable work upon commencement.

Insertion of new sch 1A

Clause 45 inserts a new schedule describing the types of plumbing and drainage work a plumber can undertake without the requirement to first obtain a compliance permit. The licensee will be required to give the PIC written notice of this ‘notifiable work’ within 10 business days of its completion.

Items 2 to 16 of the notifiable work schedule use the words ‘work necessary for’ to extend the description of plumbing work. The purpose of these words is to clarify that any plumbing work that is necessary to allow the notifiable work to be done will also be notifiable work. This could involve doing work that would otherwise be compliance assessable work. For example a licensee is engaged to relocate a toilet in shopping centre. To relocate the toilet the licensee must temporarily remove pipes that are connected to a trade waste. As a result of the inclusion of the words, ‘work necessary for’, the licensee can temporarily remove the trade waste pipes to undertake the notifiable work. This outcome is consistent with the purpose of the notifiable work provisions, which is to reduce unnecessary red tape for the plumbing industry.

However, if it is necessary to change the location of the trade waste pipes, this could adversely affect the performance of the trade waste and have a significant impact on public health and safety. Such work will not be solely necessary for the relocation of the toilet, and as such a compliance permit and an inspection will be required.

The notifiable work schedule items 2 - 16 make a clear distinction between class 1 and class 10 buildings and all other buildings in relation to underground drainage work. Given the potential adverse impacts of large buildings on drainage infrastructure, sanitary drainage work for all buildings, with the exception of class 1 and class 10 buildings, has been excluded from the definition of notifiable work. As a result this work will require a compliance permit. In recognition of the reduced potential impact on drainage infrastructure from class 1 and class 10 buildings this work will be able to take advantage of the notifiable work provisions.

Part 1 Notifiable work

Item 1

This item provides that emergency work is notifiable work. Emergency work is plumbing or drainage work that must, because of a failure in plumbing or drainage, be performed to stop a continuing risk to health and safety or damage to property.

Item 2

This item provides that work for extending, altering, replacing or removing existing water supply piping for all classes of building is notifiable work, unless the work involves extending or removing a fire service. It is intended that there be no limit on the amount of new piping that can be installed and overseen by a licensee for an existing building. For example, this item would allow the extension of the water supply to allow new taps to be installed or faulty water supply pipes to be replaced.

Item 3

This item provides that work for extending or removing a fire service, if the work is associated with a building development approval, is notifiable work. For example, if a building approval to alter an existing building requires the installation of an additional fire hose reel, the plumbing work is associated with a building development approval is notifiable work. However, if the building is being extended a compliance permit will be required for plumbing work to extend or remove a fire service.

Item 4

This item provides that work for extending, altering, replacing or removing existing sanitary drainage for a class 1 or 10 building, other than a combined sanitary drain, is notifiable work. For example, this item would allow the removal, relocation and replacement of sanitary drainage for fixtures installed in renovations to kitchens, bathrooms and laundries.

Work for combined sanitary drains is excluded from this item as it can affect multiple properties and any changes to an individual property may impact on the performance of drainage for other properties.

Item 5

This item provides that work for extending, altering, replacing or removing existing sanitary plumbing for a Class 2- 9 building, is notifiable work. This item, for example would enable the extension of the sanitary plumbing pipes to allow a hand basin to be relocated. Sanitary plumbing does not include underground drainage. Underground drainage work for Class 2-9 buildings remains compliance assessable.

Item 6

This item provides that work for installing, replacing or removing a temperature control device, is notifiable work.

Item 7

This item provides that work for installing, replacing or removing a water heater, is notifiable work.

Item 8

This item provides that work for installing, replacing or removing a testable backflow prevention device, is notifiable work.

Item 9

This item provides that work for installing, replacing or removing a dual check valve with an atmospheric port, is notifiable work.

Item 10

This item provides that work for replacing a greywater treatment plant for a class 1 building is notifiable work. A replacement plant should be of a similar type and capacity to the plant it is replacing.

Item 11

This item provides that work for installing a fixture, such as a sink or a basin, in a Class 1 building (a dwelling), is notifiable work. There is no limit on the number of fixtures that may be installed.

Item 12

This item provides that work for relocating a fixture, such as a sink or a basin, in a Class 1 building (a dwelling), is notifiable work. There is no limit on the number of fixtures that may be relocated.

Item 13

This item provides that plumbing work for installing or relocating a fixture, such as a sink or basin, in a Class 2 -9 building of up to 2 storeys (a residential or commercial building), is notifiable work. There is no limit on the number of fixtures that may be installed or relocated. Work for a Class 2 -9 building of 3 or more storeys is compliance assessable. For example work on the second level of a 5 storey Class 2 -9 building will be compliance assessable.

This item is limited to work for Class 2-9 buildings of up to two storeys because adding or relocating fixtures in taller buildings is likely to impact on the hydraulic design and performance of the building's plumbing system. Accordingly such work remains compliance assessable.

An extension to a Class 2-9 building requires a compliance permit. A compliance permit is also required for underground drainage for a Class 2-9 building.

This item makes the installation of a suite of new toilets or a new bathroom in a Class 2-9 building up to two storeys, notifiable work. Although this work does not require compliance assessment, licensees should consider whether some level of hydraulic assessment is needed to ensure that the work complies with the relevant design standards. Licensees may request a local government inspection of notifiable work to ensure that it complies with the regulation.

Item 14

This item provides that work for installing or relocating a fixture in a Class 10 building (e.g. a garage, shed or carport), is notifiable work. For example a licensee installing a toilet for a shed with existing plumbing and drainage will be able to take advantage of the new notifiable work provisions.

Item 15

This item provides that work for sealing a sanitary drain to allow the removal of a fixture such as a urinal or basin, is notifiable work. The item is restricted to work upstream from the service provider's connection point to ensure that the work is confined to private drainage.

Item 16

This item provides that work for sealing an existing water service for a Class 2 to 9 building, is notifiable work. This item is restricted to work downstream from the water meter to ensure that water service provider infrastructure is not affected. Notification ensures that local government is made aware that the fire services for the building may have been affected.

Part 2 Plumbing and drainage work that is not notifiable work

Item 1

This item provides that plumbing and drainage work for installing a new fixture in a building that has a dual reticulated water supply provided by a water service provider, is not notifiable work. These installations need to remain compliance assessable because they pose a significant risk to health and safety. The exclusion does not apply to buildings that are supplied by a rain water tank in addition to a reticulated water supply.

Item 2

This item provides that plumbing and drainage work for, or connected to, trade waste is not notifiable work. Trade waste systems are specialised and may involve scientific and technical justification for the original approval. Any work on a trade waste could adversely affect its performance and may not be consistent with the original approval. Trade waste systems pose significant health and safety risks and could have significant environmental impacts. The work therefore remains compliance assessable.

Item 3

This item provides that plumbing and drainage work for installing a fixture for a building connected to a combined sanitary drain is not notifiable work. Combined sanitary drainage can affect multiple properties and any changes to an individual property may impact on adjoining properties.

Item 4

This item provides that plumbing and drainage work that relies on an alternative solution is not notifiable work. Alternative solutions vary from accepted plumbing practice and may pose significant risks to health and safety and must remain compliance assessable.

Amendment of sch 2 (Minor work)

Clause 46 inserts a new schedule (numbered schedule 3) to replace existing schedule 2 which deals with minor work. Minor work is not compliance assessable or notifiable work. The amendment expands the existing category of minor work to include some work that was previously

compliance assessable or was notifiable minor work. Minor work now includes replacing a toilet cistern and installing a pump or a water filter. Although no compliance permit or notification is required, this work must comply with the relevant codes and standards.

Item 1

This item provides that work for replacing, maintaining, repairing or removing a fitting or fixture is minor work. The item amends the previous item by including the removal of a fitting or fixture.

Item 2

This item provides that work for repairing a broken or damaged pipe is minor work.

Item 3

This item provides that work for installing, replacing, maintaining, repairing or removing an apparatus is minor work. The item sets out a number of exclusions. All of the exclusions are notifiable work except replacing a domestic water filter cartridge, which is unregulated work. This expands the previous item by including 'installing'.

Item 4

This item provides that work for sealing an existing water service for a Class 1 or 10 building downstream from the water meter is minor work.

Item 5

This item provides that work for maintaining, repairing or replacing a fire hydrant or fire hose reel is minor work.

Item 6

This item provides that work for unblocking a pipe that is sanitary plumbing or sanitary drainage is minor work.

Item 7

This item provides that work for repairing or maintaining an on-site sewerage facility is minor work. It does not include work that modifies the design or capacity of the facility or breaches the conditions of the compliance approval.

Item 8

This item provides that work for repairing or maintaining a greywater use facility is minor work. It does not include work that modifies the design or capacity of the facility or breaches the conditions of the compliance approval.

Item 9

This item provides that work for installing or replacing an automatic switching device for a rainwater tank installation is minor work.

Amendment of sch 3 (Unregulated work)

An unlicensed person is able to do unregulated work.

Clause 47 amends schedule 3 'For sanitary plumbing and sanitary drainage work' to include a reference to a greywater use facility. The amendment provides that maintaining an above or below ground irrigation system for the disposal of effluent from a greywater use facility is unregulated work.

Clause 47 also amends schedule 3 'For water plumbing' to include a reference to replacing a domestic water filter cartridge. As a result, this work is now unregulated work.

Renumbering of schs 1A to 4

Clause 48 renumbers the existing and proposed schedules to remove inconsistencies and confusion with previous requirements. Schedules 1A to 4 now become schedules 2 to 5.

Amendment of sch 6 (Dictionary)

Clause 49 amends some of the definitions as a consequence of the introduction of the new 'notifiable work' provisions.

building

The definition of 'building' as defined in the *Building Act 1975* has been incorporated into the regulation.

dual check valve with atmospheric port

The definition adopts the meaning provided in the glossary.

dual reticulated water supply

A building has a dual reticulated supply when the water supply consists of both a network utility operator's supply and recycled water.

network utility operator's supply

The definition adopts the meaning provided in the glossary.

pipng

The definition adopts the meaning provided in the glossary.

QDC

Means the parts or aspects of the parts of the Queensland Development Code (QDC) as published by the Department and stated in schedule 1 of the *Building Act 1975*.

rectification notice

Means the notice which is given by local government when they reasonably believe the notifiable work does not comply with the regulation and outline the action required to make the work comply.

recycled water

The definition adopts the meaning provided in the glossary.

responsible person

The definition has been moved from section 17 to the dictionary and has been extended so that it applies for the notifiable work provisions.

temperature control valve

means a tempering valve or thermostatic mixing valve.

tempering valve

The definition adopts the meaning provided in the glossary.

thermostatic mixing valve

The definition adopts the meaning provided in the glossary.

water supply

The definition adopts the meaning provided in the glossary.

**Part 5 Amendment of the Sustainable Planning
Regulation 2009**

Regulation Amended

Clause 50 provides that this part amends the *Sustainable Planning Regulation 2009*.

Amendment of schedule 7 (Referral agencies and their jurisdictions)

Clause 51 provides a concurrence agency jurisdiction to local government for building work for class 1 buildings that have on-site wastewater

management systems installed and the work involves adding one or more bedrooms.

This is required to ensure that the adequacy of the wastewater management systems are checked for the new potential hydraulic loading of the building. Adding one or more bedrooms to a Class 1 building located in a non-sewered area can alter the way in which the plumbing standards apply. This is because additional bedrooms will allow additional people to live in the house, increasing the amount of sewage generated and impacting on the adequacy of the treatment system and the land application area. A management system that is designed to service four occupants may not be suitable for six occupants. For this reason proposed extensions that involve additional bedrooms will be checked for any impacts on the wastewater management system and its land application area.

Local government will have concurrence agency status so that they can impose appropriate conditions on the building approval.

Amendment of sch 26 (Dictionary)

Clause 52 provides a definition for the Queensland Plumbing and Wastewater Code (QPW), which is mentioned in the changes to schedule 7.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Housing and Public Works.