



Queensland

Plumbing and Drainage and Other Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 87

made under the

Plumbing and Drainage Act 2002

Queensland Building Services Authority Act 1991

General outline

Short title

*Plumbing and Drainage and Other Legislation Amendment Regulation
(No. 1) 2013.*

Authorising law

Section 145 of the *Plumbing and Drainage Act 2002*

Section 116 of the *Queensland Building Services Authority Act 1991*

Policy objectives and the reasons for them

The *Plumbing and Drainage Act 2002* (PDA) allows the Plumbing Industry Council (PIC) to issue three classes of occupational licence: a plumbers licence, a drainers licence and a restricted licence. The holder of a restricted licence may only perform work stated in the licence for plumbing, drainage or other work regulated under the PDA.

An individual applying for a licence must demonstrate to the PIC that they have the qualifications and practical experience prescribed for the licence by the *Plumbing and Drainage Regulation 2003* (PDR).

The policy objectives of the *Plumbing and Drainage and Other Legislation Amendment Regulation (No.1) 2013* (the Regulation) are to help address particular plumbing and drainage skill shortages and to create new employment opportunities for individuals who are qualified to carry out work affected by the skill shortages, by:

- introducing a new type of restricted plumbing licence that will allow graduates of the nationally accredited Certificate III in Plumbing (Mechanical Services) apprenticeship course (mechanical services apprenticeship) to undertake a limited scope of plumbing work; and
- expanding the scope of work that may be permitted by the restricted licence known as a Drainer—on site sewerage facility licence, to allow individuals with appropriate qualifications and experience to install particular types of on-site sewerage treatment plants and establish on-site sewerage application areas for those plants; and
- introducing two new classes of contractor’s licence that will allow the holder of a Drainer—on-site sewerage facility licence to contract directly with the public for carrying out any sewerage or drainage work for which they are qualified, so the holder is not restricted to working for the public under the contractor’s licence of a fully qualified drainer.

It is considered appropriate for the holder of an occupational Drainer—on-site sewerage facility licence to be allowed to contract directly with the public so they are not restricted to working for the public under the contractor’s licence of a fully qualified drainer. This is because in order to be eligible for the occupational licence, an applicant is required to have at least 6 months experience in the work authorised by that licence.

By contrast, it would not be appropriate to allow the holder of the new type of occupational plumbing licence to work independently and directly with the public under their own contractor’s licence. This is because an applicant for the occupational licence is not required to have any practical experience. Therefore, a new class of contractor’s licence has not been created for holders of the new type of occupational plumbing licence.

Achievement of policy objectives

The Regulation achieves the policy objectives by including the following:

- amendments of the *Plumbing and Drainage Regulation 2003* (PDR):
 - to provide for a new restricted licence to be known as a Water plumber — water and sanitary licence that graduates of the mechanical services apprenticeship may apply for; and
 - to expand the scope of work that the holder of a Drainer—on-site sewerage facility licence may be permitted to perform, so it includes installing particular types of on-site sewerage treatment plants and establishing on-site sewerage application areas for those plants; and
 - to provide for new definitions and transitional provisions required for the amendments of the PDR mentioned above; and
- amendments of the *Queensland Building Services Authority Regulation 2003* (QBSAR), to provide for the new contractor's licence that holders of a Drainer—on-site sewerage facility licence will be eligible to apply for; and
- a consequential amendment of the *Standard Plumbing and Drainage Regulation 2003* (SPDR) to refer to the expanded Drainer—on-site sewerage facility licence.

The Water plumber—water and sanitary licence and the new version of the Drainer—on-site sewerage facility licence will be issued by the PIC under the PDA, and the new contractor's licence will be issued by the Queensland Building Services Authority (QBSA) under the *Queensland Building Services Authority Act 1991* (QBSAA).

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the PDA and the QBSAA.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Regulation will benefit the plumbing and drainage industry and consumers by helping to meet a skills shortage for particular plumbing and drainage services. By allowing suitably qualified individuals to undertake this specific work without obtaining a full plumbing or drainage qualification the regulation will provide additional employment opportunities and allow consumers to select plumbing and drainage services that best suit their particular needs.

Initial setup costs associated with the new licences are to be met by the PIC and the QBSA. The direct cost to applicants is in line with existing licences of the same type.

Consistency with Fundamental Legislative Principles

The Regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The Regulation is consistent with those principles.

Consultation

The PIC and the Plumbing Industry Consultative Group (PICG), were consulted about the introduction of the new Water plumber—water and sanitary licence, the changes in relation to the Drainer—on-site sewerage facility licence and the introduction of the new contractor’s licence for holders of Drainer—on-site sewerage facility licences.

The PIC includes representatives from the Master Plumbers' Association of Queensland, Plumbers Union Queensland, registered training organisations and a consumer advocate. The PIC considered the proposed licence changes at meetings held in November 2012 and February 2013. The proposals were supported by the PIC.

The PICG, consisting of plumbing industry, training and state and local government representatives, also supports the proposed changes.

The QBSA supports the proposed amendments of the QBSAR.

The Regulatory Review Branch of Queensland Treasury and Trade advised that the proposal to amend the PDR was considered unlikely to produce significant adverse impacts and therefore, a Regulatory Impact Statement was not required. This advice was given before the Queensland

Competition Authority (QCA) assumed responsibility for the review of proposed regulatory changes, on 3 March 2013.

The QCA advised that the proposal to amend the QBSAR was unlikely to produce significant adverse impacts and therefore, a Regulatory Impact Statement was not required.

Notes on Provisions

Part 1 Preliminary

Short title

Clause 1 sets out the short title of the Regulation.

Part 2 Amendment of Plumbing and Drainage Regulation 2003

Regulation amended

Clause 2 provides that the Regulation amends the *Plumbing and Drainage Regulation 2003*.

Replacement of pt 4, hdg (Transitional provision for Plumbing and Drainage Legislation Amendment Regulation (No. 2) 2009)

Clause 3 replaces the heading of part 4 with a new heading that accommodates transitional provisions for the new version of the Drainer—on-site sewerage facility licence, and inserts in the part a new division heading.

Insertion of new pt 4, div 2

Clause 4 inserts a new division in part 4 that is dedicated to transitional provisions for the Drainer—on-site sewerage facility licence. Transitional

provisions are required as a result of the amendments included in clause 3. They are intended to facilitate transition from one version of the licence to another.

New section 13 inserts in the new division definitions required to interpret the division.

New section 14 is intended to ensure that if a person holds a current Drainer on-site sewerage facility licence of the kind mentioned in schedule 2, item 7 (an old licence) before the commencement of the Regulation, after the commencement the licence may be treated as if it were a current licence mentioned in schedule 2, item 8 (a new licence). However, the scope of the new licence would be restricted to maintaining on-site sewerage facilities, just as the old one was.

New section 15 is intended to ensure that if a person applies for a Drainer on-site sewerage facility licence before the commencement of the Regulation and the application is not decided before the commencement, the application will be treated as though it was for a new licence. The provision will allow the PIC to issue a new licence to the applicant that will allow the licensee to maintain on-site sewerage facilities but not to undertake On-site sewerage treatment plant (OSTP) installation work as described in clause 6.

New section 16 provides, in effect, that a reference in a document in existence before the commencement of the Regulation to a Drainer on-site sewerage facility licence may be treated as a reference to a licence of the same name mentioned in schedule 2, item 8. For example, a reference in a list of qualifications for a Drainer on-site sewerage facility licence published on the department's website before the commencement of the Regulation could be treated as a reference to a new version of the licence. The new version of the licence would only authorise the type of work authorised by the earlier version of the licence.

Amendment of sch 2 (Qualifications, practical experience and scope of work for restricted licences)

As mentioned above, the PDA allows the PIC to issue three classes of occupational licence: a plumbers licence, a drainers licence and a restricted licence. The holder of a restricted licence may only perform limited types of plumbing or drainage work regulated under the PDA.

To be eligible for a licence, an applicant must demonstrate to the PIC that they have the qualifications and practical experience (if required) prescribed for the licence by the PDR, schedule 2.

Clause 5 omits schedule 2, item 7 (Drainer—on-site sewerage facility licence) and replaces it with two new items to provide for a new restricted licence, entitled a Water plumber—water and sanitary licence, and changes to the details for the existing Drainer—on-site sewerage facility licence.

The PIC has approved the mechanical services apprenticeship as the qualification required for the Water plumber—water and sanitary licence. The mechanical services apprenticeship shares core competencies in water plumbing and sanitary plumbing with the traditional plumbing apprenticeship. However, those who have completed the mechanical services apprenticeship in the past have not been eligible to apply for a restricted plumbing licence, despite this significant skills overlap.

As a result of the PIC's decision to approve the mechanical services apprenticeship as the qualification required for the licence, those who have recently graduated from the course and future graduates will be eligible to apply for a licence that will allow them to undertake water plumbing work and sanitary plumbing work.

The clause also introduces a new item (item 8) for schedule 2, to introduce a new version of the Drainer—on-site sewerage facility licence.

The name of the new version of the licence (new licence) is the same as the name of the previous version of the licence, and the scope of work permitted by the new licence includes maintaining on-site sewerage facilities, just as the previous version did. However, the scope of work that may be permitted by the new licence has been expanded to include OSTP installation work, as defined in the dictionary for the PDR.

If a person has completed the PIC approved course for maintaining on-site sewerage facilities and has gained at least 6 months experience in that work, the applicant will be eligible to apply for a new licence that allows them to maintain on-site sewerage facilities.

However, an applicant wishing to obtain a new licence that allows them to maintain on-site sewerage facilities and also to undertake OSTP installation work will be required to demonstrate to the PIC that they have:

- successfully completed the PIC approved course for OSTP installation work as well as the PIC approved course for maintaining on-site sewerage facilities; and

- been engaged in maintaining on-site sewerage facilities and undertaking OSTP installation work for at least 6 months.

A definition of *OSTP installation work* is inserted in the dictionary for the PDR by clause 6. The definition captures:

- installing on-site sewage treatment plants, other than a septic tank, a chemical, composting or incinerating toilet or a holding tank; and
- establishing on-site sewerage application areas.

An on-site sewerage plant forms part of an on-site sewerage facility. The holder of a new licence that allows the holder to undertake OSTP installation work will be allowed to maintain any kind of on-site sewerage facility. However, the holder will only be allowed to install a limited range of on-site sewage treatment plants. The range of plants is limited to those that are relatively simple to install and pose little risk to human health if installed incorrectly. The holder will not be permitted to install a septic tank, a chemical, composting or incinerating toilet or a holding tank because the installation of such equipment is can be complicated, and if done incorrectly, could pose a serious risk to human health.

The Regulation will help to address the shortage of drainers willing to install on-site treatment plants, which particularly affects rural and remote areas.

Amendment of sch 5 (Dictionary)

Clause 6 inserts in the dictionary for the PDR definitions required to interpret schedule 2, new item 7 (Water plumber—water and sanitary licence).

The definitions of *water plumbing* and *sanitary plumbing* are defined by reference to the definitions of those terms set out in the SPDR. Those definitions are required to interpret the definitions of *water plumbing work* and *sanitary plumbing work*, which in turn are required to interpret the scope of work that may be permitted by a Water plumber—water and sanitary licence.

The clause also inserts in the dictionary definitions required to interpret schedule 2, new item 8 (Drainer—on-site sewerage facility licence).

The definition of *OSTP installation work* and the definitions of terms used in that definition are required for interpreting the scope of work that may be

permitted by the licence. The term *on-site sewerage application area* is defined by reference to the definition of the term set out in the SPDR, schedule 6.

Part 3 **Amendment of Queensland Building Services Authority Regulation 2003**

Regulation amended

Clause 7 provides that the Regulation amends the *Queensland Building Services Authority Regulation 2003*.

Amendment of sch 2 (Classes of licences and licence requirements)

Under the QBSAA, a contractor's licence may be issued authorising the licensee to carry out all classes of building work or to carry out building work of 1 or more classes specified in the licence. The term *building work* is defined in that Act to include the provision of water supply, sewerage or drainage in connection with a building.

Clause 8 inserts in the QBSAR, schedule 2, a new part 19A, which provides for two new classes of contractor's licence, created for holders of Drainer—on-site sewerage facility licences.

Possession of one of the new classes of contractor's licence will allow the holder of the licence to contract directly with the public in relation to any drainage work they are permitted to perform under their Drainer—on-site sewerage facility licence issued by the PIC (occupational licence).

One of the new classes of contractor's licence has been created for the holder of an occupational licence that permits the holder to maintain on-site sewerage facilities. The other class has been created for the holder of an occupational licence that permits the holder to maintain on-site sewerage facilities and also to undertake OSTP installation work.

If the holder of an occupational licence does not obtain a contractor's licence, they will be restricted to working for the public under the contractor's licence of a fully qualified drainer.

The scope of work permitted by a new contractor's licence will be the same as the scope of work permitted by the applicant's occupational licence, to the extent that the work falls within the definition of *building work* contained in the QBSAA. In other words, the scope of work authorised by the contractor's licence will be the scope of work permitted by the occupational licence to the extent that that work is for the provision of water supply, sewerage or drainage in connection with a building.

In order to be eligible for a contractor's licence that falls within one of the new classes of licence, an applicant will be required to:

- hold a Drainer—on-site sewerage facility licence; and
- have an approved managerial qualification, as defined in the dictionary for the QBSAR; and
- satisfy the relevant financial requirements in the Queensland Building Services Board's policies.

The clause inserts in the new part a definition of *drainer—on-site sewerage facility licence* for the purposes of interpreting the part.

Amendment of sch 3 (Dictionary)

Clause 9 inserts in the dictionary for the QBSAR a definition of *drainer—on-site sewerage facility licence* for the purposes of interpreting schedule 2, new part 19A.

Part 4 Amendment of Standard Plumbing and Drainage Regulation 2003

Regulation amended

Clause 10 provides that the Regulation amends the *Standard Plumbing and Drainage Regulation 2003*.

Amendment of s 53 (Qualifications and experience)

Clause 11 includes a consequential amendment that is required as a result of the amendments included in clause 5.

ENDNOTES

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

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