

Proclamation—Plumbing and Drainage Act 2018

Explanatory notes for Subordinate Legislation 2019 No. 212

made under the

Plumbing and Drainage Act 2018

General Outline

Short title

Proclamation commencing certain sections of the *Plumbing and Drainage Act 2018*.

Authorising law

Section 2 of the *Plumbing and Drainage Act 2018*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence Part 9, Division 3 (sections 182 – 196) of the *Plumbing and Drainage Act 2018* (the PD Act) on 1 January 2020.

On 11 September 2018, the Act commenced and among other things, amended the *Queensland Building and Construction Commission Act 1991* (QBCC Act) to create a new mechanical services licensing framework. Part 9, Division 3 (sections 182-1996) contain the amendments to introduce the mechanical services licensing provisions.

Section 2 of the Act provides that section 15DA of the *Acts Interpretation Act 1954* does not apply to Part 9, Division 3, which are to commence upon proclamation.

Mechanical services work involves the mechanical heating and cooling of buildings; and work on medical gas systems. These systems contribute to the overall health and safety of our community and can have fatal consequences if incorrectly installed or maintained.

The QBCC Act establishes the mechanical services licence and the QBCC Regulation will prescribe the technical details of the licence, such as licence classes, scopes of work, and experience, managerial and technical qualification requirements.

Achievement of policy objectives

Commencing Part 9, Division 3 of the PD Act on 1 January 2020 will ensure the regulation of mechanical services work in high-risk buildings in Queensland.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the PD Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making the Proclamation.

Benefits and costs of implementation

Regulating mechanical services work through the Queensland Building and Construction Commission (QBCC) provides a consistent regulatory framework across the building and construction industry, maintains professional standards within industry and delivers consumer protection.

The costs to implement the mechanical services licensing framework are consistent with other licences regulated by the QBCC.

Implementation of the licensing framework is not expected to incur additional costs for government departments.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The following peak bodies were consulted and assisted in refining the policy presented in the Consultation Regulatory Impact Statement (RIS), including the licensing framework, transitional arrangements and commencement date. Outcomes of the consultation are reflected in the related *Queensland Building and Construction Commission (Mechanical Services Licences) and Other Legislation Amendment Regulation 2019*:

- Air Conditioning and Mechanical Contractors Association of Queensland
- Australian Manufacturing Workers Union
- Australian Refrigeration Association
- Australian Refrigeration Council
- Australian Refrigeration Mechanics Association
- Construction Skills Queensland
- Master Builders Queensland
- Master Electricians Australia
- Master Plumbers Association of Queensland
- Plumbing Union Queensland
- Queensland Building and Construction Commission

- Service Trades Council
- Services Trades Queensland
- TAFE Queensland.

Feedback on the Consultation RIS and from peak bodies indicated broad support for the mechanical services licensing framework, transitional arrangements and commencement date. The consultation resulted in refinements to some technical aspects, namely:

- clarification to the scope of work for the mechanical services – plumbing licence relating to working with refrigerants;
- the creation of a single occupational licence for refrigeration and air-conditioning work which excludes design elements;
- addition of incidental work to the scopes of work for all licence classes;
- the introduction of experience requirements for contractor and nominee supervisor licence classes;
- inclusion of a definition for ‘refrigerant gas’; and
- creation of transitional provisions for pending licence applications, reviewable decisions not decided, and to permit existing licensees to obtain a mechanical services licence with their existing licence and six months experience in mechanical services work.

The Queensland Productivity Commission was consulted throughout the RIS process for the mechanical services licensing framework.

The Department of Housing and Public Works has self-assessed the Proclamation as falling within regulatory impact assessment exclusion category ‘G’ as it is machinery in nature.