

TASMANIA

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**OCCUPATIONAL LICENSING (PLUMBING  
WORK) REGULATIONS 2021**

**STATUTORY RULES 2021, No.**

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Draft

## OCCUPATIONAL LICENSING (PLUMBING WORK) REGULATIONS 2021

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Occupational Licensing Act 2005*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Workplace Safety and Consumer Affairs

### PART 1 – PRELIMINARY

#### 1. Short title

These regulations may be cited as the *Occupational Licensing (Plumbing Work) Regulations 2021*.

#### 2. Commencement

These regulations take effect on 15 December 2021.

#### 3. Interpretation

(1) In these regulations –

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***Act*** means the *Occupational Licensing Act 2005*;

***associated plumbing work*** means any of the following in respect of plumbing work:

- (a) designing, placing, constructing, altering or maintaining a plumbing installation;
- (b) inspecting, reporting or advising on plumbing work;
- (c) applying for or receiving any certificate, notice, order, decision or determination under the Act;
- (d) applying for or receiving any permit, certificate, notice, order, decision, determination, authorisation or accreditation under the *Building Act 2016*;
- (e) taking any action under the Act or the *Building Act 2016*;

***plumber practitioner*** means a person who –

- (a) is a practitioner that is licensed to undertake a scope of one or more classes of plumbing work; and
- (b) complies with the relevant provisions of the plumbing work determination in relation to –
  - (i) a plumber practitioner; and

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- (ii) the class or classes of plumbing work;

***plumber practitioner (certifier)*** means a person who –

- (a) is a practitioner that is licensed to undertake a scope of one or more classes of plumbing work as a certifier; and
- (b) complies with the relevant provisions of the plumbing work determination in relation to –
  - (i) a plumber practitioner (certifier); and
  - (ii) the class or classes of plumbing work;

***plumber practitioner (certifier) licence*** means a licence issued, under section 37(1)(a) of the Act, in respect of plumbing work to be undertaken by a plumber practitioner (certifier);

***plumber practitioner (certifier restricted)*** means a person who –

- (a) is a practitioner that is licensed to undertake a restricted scope of one or more classes of plumbing work as a certifier; and

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(b) complies with the relevant provisions of the plumbing work determination in relation to –

(i) a plumber practitioner (certifier restricted); and

(ii) the class or classes of plumbing work;

***plumber practitioner (certifier restricted) licence*** means a licence issued, under section 37(1)(a) of the Act, in respect of plumbing work to be undertaken by a plumber practitioner (certifier restricted);

***plumber practitioner licence*** means a licence issued, under section 37(1)(a) of the Act, in respect of plumbing work to be undertaken by a plumber practitioner;

***plumber practitioner (provisional)*** means a person who –

(a) is a practitioner that is licensed for a period of not more than 12 months to undertake a scope of one or more classes of plumbing work; and

(b) complies with the relevant provisions of the plumbing work determination in relation to –

(i) a plumber practitioner (provisional); and

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- (ii) the class or classes of plumbing work;

***plumber practitioner (provisional) licence***

means a licence issued, under section 37(1)(a) of the Act for a period of not more than 12 months, in respect of plumbing work to be undertaken by a plumber practitioner (provisional);

***plumber practitioner (provisional restricted)***

means a person who –

- (a) is a practitioner that is licensed for a period of not more than 12 months to undertake a restricted scope of one or more classes of plumbing work; and
- (b) complies with the relevant provisions of the plumbing work determination in relation to –
  - (i) a plumber practitioner (provisional restricted); and
  - (ii) the class or classes of plumbing work;

***plumber practitioner (provisional restricted) licence***

means a licence issued, under section 37(1)(a) of the Act for a period of not more than 12 months, in respect of a restricted scope of plumbing work to be undertaken by a plumber practitioner (provisional restricted);

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***plumber practitioner (restricted)*** means a person who –

- (a) is a practitioner that is licensed to undertake a restricted scope of plumbing work of one or more classes; and
- (b) meets the eligibility requirements, and complies with the conditions, determined in the plumbing work determination for performing that restricted scope of plumbing work;

***plumber practitioner (restricted) licence*** means a licence issued, under section 37(1)(a) of the Act, in respect of a restricted scope of plumbing work to be undertaken by a plumber practitioner (restricted);

***plumbing contractor*** means a contractor that holds a plumbing contractor licence;

***plumbing contractor licence*** means a licence issued, under section 34(1)(a) of the Act, in respect of a scope of plumbing work of one or more classes;

***plumbing installation*** means –

- (a) a system of water supply; or
- (b) a system of sewage or sullage drainage or disposal; or



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- (c) a system of stormwater drainage, roof drainage or trade waste drainage; or
- (d) an on-site waste water management system;

***plumbing work*** means –

- (a) work specified in Part 3 of Schedule 2 to the Act; and
- (b) prescribed work within regulation 4(1); and
- (c) work within regulation 4(2) that is performed by a person who holds a licence under the Act;

***plumbing work determination*** means the determination made under section 30 of the Act, as amended from time to time, in respect of –

- (a) plumbing work; and
- (b) the classes of plumbing work; and
- (c) any details relating to the classes of plumbing work;

***scope of plumbing work*** means a scope of plumbing work as determined in the plumbing work determination;

***specified fee*** means a fee specified in Schedule 1.

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- (2) Unless the contrary intention appears, an expression used in these regulations that is defined in the plumbing work determination made under the Act has the same meaning in these regulations as in that determination.

**4. Prescribed work**

- (1) For the purposes of the definition of *prescribed work* in section 3(1) of the Act, the following work is determined to be prescribed work, unless exempted under section 99(1)(b) of the Act:
- (a) work carried out on, or as part of, the design, construction, installation, replacement, repair, alteration, maintenance, servicing, testing, commissioning, decommissioning or removal of any part of the following plumbing installations or systems:
    - (i) sanitary;
    - (ii) water;
    - (iii) drainage;
    - (iv) roof (stormwater);
    - (v) mechanical services;
    - (vi) refrigerated air conditioning;
  - (b) plumbing work carried out in or on an unregistrable relocatable building within the meaning of the *Building Act 2016*.

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- (2) Despite subregulation (1), the following work is not prescribed work:
- (a) any work carried out in relation to a supply or discharge reticulation system or a treatment plant or any equipment, appliance, fixture or system associated with that system or plant (other than any equipment, appliance, fixture or system used mainly for administrative, domestic, fire protection or ablution purposes) owned by, or exclusively vested in –
    - (i) the holder of a water licence or a sewerage licence under the *Water and Sewerage Industry Act 2008*; or
    - (ii) a council when the work is for stormwater drainage system purposes;
  - (b) the opening or closing of inspection opening caps and covers in sewage, stormwater and waste pipes;
  - (c) the connection, for water use, of hoses to taps for the purpose of –
    - (i) appliances such as dishwashers and clothes-washing machines; or
    - (ii) activities that use water, including cleaning and watering a garden;

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- (d) the connection of domestic irrigation systems or devices to hose taps for the purpose of watering a garden or irrigation if –
  - (i) there is no fertiliser or herbicide injection system associated with the irrigation system; and
  - (ii) an appropriate backflow prevention device has been installed by a licensed plumber;
- (e) design work, where the design work is carried out by the holder of a building services licence, working within his or her area of competence as a building services provider;
- (f) the removal of all or part of a plumbing installation or system which has been isolated or decommissioned by an appropriately licensed plumber;
- (g) the installation of a stove, heater or any similar appliance that burns oil or solid fuel, but does not include the flashing of flues penetrating roof coverings, or devices used for the heating of water;
- (h) welding work necessary for the manufacture of, or to alter or repair, a pressure vessel (that is part of an installed plumbing installation) which is part of work that is under the supervision of a licensed plumber;

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- (i) the removal of sludge and composting matter from an on-site waste water management system;
- (j) work undertaken by sheetmetal tradespersons, where the work is carried out in connection with the manufacture, installation, maintenance or repair of ventilation or air conditioning plant or equipment as part of a plumbing installation or prescribed plumbing work.

**5. Plumbing work performed gratuitously**

- (1) A person must not perform plumbing work gratuitously if the person is –
  - (a) a plumber practitioner; or
  - (b) a plumber practitioner (restricted); or
  - (c) a plumber practitioner (provisional); or
  - (d) a plumber practitioner (provisional restricted).

Penalty: Fine not exceeding 75 penalty units.

- (2) A person who intends to perform plumbing work gratuitously must notify the Administrator in an approved form before commencing the plumbing work being performed gratuitously.

Penalty: Fine not exceeding 75 penalty units.

- (3) In these regulations, a reference to a plumbing contractor is taken to be a reference to a plumber

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practitioner (certifier), or a plumber practitioner (certifier restricted), performing plumbing work gratuitously and without a plumbing contractor.

- (4) For the avoidance of doubt, these regulations apply to work performed gratuitously as if the work were not being performed gratuitously.

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## **PART 2 – REGULATION OF PLUMBING WORK**

### ***Division 1 – Records***

#### **6. Records of plumbing work**

- (1) A licence holder must keep records, in an approved form, of all plumbing work, and associated plumbing work, undertaken by the licence holder for at least 10 years after the work is completed.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 125 penalty units; or
  - (b) an individual, a fine not exceeding 65 penalty units.
- (2) For the purposes of this regulation, plumbing work is completed –
- (a) in respect of plumbing work that is covered by a plumbing permit issued under the *Building Act 2016*, on the earliest of the following days:
    - (i) the day on which a certificate of completion (plumbing work) is issued in accordance with that Act in respect of the plumbing work;

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- (ii) the day on which the contract to perform the plumbing work is terminated; or
- (b) in respect of plumbing work that does not require a plumbing permit, on the earliest of the following days:
  - (i) the day on which the plumbing work is last attended to by the licence holder; or
  - (ii) the day on which the contract to perform the plumbing work is satisfied by both parties to the contract or terminated.

***Division 2 – Defective plumbing work***

**7. Rectification of defective plumbing work**

- (1) For section 57(1) of the Act, plumbing work that does not comply with the *Building Act 2016* is prescribed work.
- (2) After complying with a rectification order under section 57 of the Act, the person against whom the rectification order was given must –
  - (a) complete a certificate of compliance in an approved form; and
  - (b) provide a copy of the certificate of compliance to the Administrator and the owner of the building where the defective work was undertaken.



**8. Cost of inspection, &c., not to be passed on**

- (1) Except as provided in subregulation (2), a person against whom a rectification order has been made under section 57 of the Act must bear all costs incurred in respect of –
- (a) rectifying the defective work that is the subject of the rectification order; and
  - (b) complying with the rectification order.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 50 penalty units; or
  - (b) an individual, a fine not exceeding 25 penalty units.
- (2) A person against whom a rectification order has been made may recover the cost of rectification of the defective plumbing work if –
- (a) the Administrator is satisfied that the defect in the work was caused by the conduct of a person other than that person or his or her agent; or
  - (b) the Administrator has approved the recovery of the costs.

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Part 3 – Fees

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**PART 3 – FEES**

**9. Fees generally**

(1) In this regulation –

***GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.*

(2) The fees specified in Schedule 1 –

(a) are inclusive of GST; and

(b) are prescribed as the fees payable to the Administrator in respect of the matter to which they relate.

**10. Licence fees**

A person applying for the issue or renewal of a plumbing contractor licence, plumber practitioner licence, plumber practitioner (restricted) licence, plumber practitioner (certifier) licence, plumber practitioner (certifier restricted) licence, plumber practitioner (provisional) licence or plumber practitioner (provisional restricted) licence must pay the issue or renewal fee specified in Schedule 1 for that licence.

## **PART 4 – MISCELLANEOUS**

### **11. Administrator to be notified of changes**

- (1) The holder of a licence, other than a plumbing contractor licence, must notify the Administrator in writing within 21 days after any change to the following information:
  - (a) his or her name;
  - (b) his or her residential address;
  - (c) a telephone or fax number used in connection with the licence;
  - (d) an email address used in connection with the licence.

Penalty: Fine not exceeding 10 penalty units.

- (2) The holder of a plumbing contractor licence must notify the Administrator in writing within 21 days after any change to the following information:
  - (a) if the holder of the plumbing contractor licence is an individual, his or her name;
  - (b) the name of any body corporate, or partnership, that holds a plumbing contractor licence or is used in connection with the licence;
  - (c) the nominated manager;

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- (d) a registered business name used in connection with the licence;
- (e) the address of the licence holder's registered office;
- (f) the address of the licence holder's principal place of business;
- (g) a telephone or fax number used in connection with the licence;
- (h) an email address used in connection with the licence.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 50 penalty units; or
- (b) an individual, a fine not exceeding 25 penalty units.

**12. Delegation to police officer**

For section 15(2)(d) of the Act, the Administrator may delegate any of his or her functions under the Act to a police officer who is exercising powers or performing functions or duties under the *Emergency Management Act 2006* while a declaration of a state of emergency is in force under that Act.

**13. Application for warrant by email**

For section 18(5) of the Act, an application for a warrant may be made by email.

**14. Infringement notices**

- (1) For section 62(1) of the Act –
  - (a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 2 is prescribed as an offence for which an infringement notice may be issued; and
  - (b) an offence against a provision of these regulations specified in column 2 of the table in Part 2 of Schedule 2 is prescribed as an offence for which an infringement notice may be issued.
- (2) A penalty specified in column 3 of a table in Part 1 or 2 of Schedule 2 is prescribed as the penalty for a body corporate for the offence specified in column 2 of the relevant table.
- (3) A penalty specified in column 4 of a table in Part 1 or 2 of Schedule 2 is prescribed as the penalty for a natural person for the offence specified in column 2 of the relevant table.

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**SCHEDULE 1 – FEES**

Regulation 9

1. Issue or renewal of plumbing contractor licence where one (self-employed) person is able to operate under the licence –
  - (a) in the case of a person aged 65 years or over for a period of –
    - (i) one year – 68 fee units; or
    - (ii) 3 years – 180 fee units;
  - (b) in the case of a person aged under 65 years for a period of –
    - (i) one year – 270 fee units; or
    - (ii) 3 years – 765 fee units.
2. Issue or renewal of plumbing contractor licence, where 2-4 (both inclusive) practitioners are able to operate under the licence, for a period of –
  - (a) one year – 345 fee units; or
  - (b) 3 years – 1 005 fee units.
3. Issue or renewal of plumbing contractor licence, where 5-9 (both inclusive) practitioners are able to operate under the licence, for a period of –
  - (a) one year – 520 fee units; or

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- (b) 3 years – 1 525 fee units.
- 4. Issue or renewal of plumbing contractor licence, where 10 or more practitioners are able to operate under the licence, for a period of –
  - (a) one year – 695 fee units; or
  - (b) 3 years – 2 050 fee units.
- 5. Issue or renewal of plumber practitioner licence, plumber practitioner (restricted) licence, plumber practitioner (certifier) licence, plumber practitioner (certifier restricted) licence, plumber practitioner (provisional) licence or plumber practitioner (provisional restricted) licence, for a period of –
  - (a) one year – 68 fee units; or
  - (b) 3 years – 180 fee units.
- 6. Issue or replacement of identification card – 25 fee units.
- 7. Inspection of register, otherwise than by World Wide Web – 30 fee units.
- 8. Extract from register – 30 fee units.

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**SCHEDULE 2 – INFRINGEMENT NOTICE  
PENALTIES**

**PART 1 – OFFENCES UNDER THE ACT**

Column 1	Column 2	Column 3	Column 4
Item	Section of Act	Body corporate infringement notices  (penalty units)	Natural person infringement notices  (penalty units)
1.	Section 13(2)	5	2.5
2.	Section 16(4)	12.5	6
3.	Section 16(5)	2.5	1
4.	Section 20	20	10
5.	Section 21	20	10
6.	Section 22(1)	20	10
7.	Section 22(2)	20	10
8.	Section 22(3)	20	10
9.	Section 23(1)	5	2.5
10.	Section 23(2)	5	2.5
11.	Section 23(3)	12.5	6
12.	Section 23(4)	12.5	6
13.	Section 23(5)	12.5	6
14.	Section 24	2.5	1
15.	Section 25(1)	12.5	6
16.	Section 25(2)	12.5	6



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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
17.	Section 25(3)	12.5	6
18.	Section 26(1)	20	10
19.	Section 26(2)	20	10
20.	Section 26(4)	20	10
21.	Section 29(1)	20	10
22.	Section 29(2)	9	4.5
23.	Section 29(4)	9	4.5
24.	Section 29(5)	9	4.5
25.	Section 38(1)	9	4.5
26.	Section 38(2)	20	10
27.	Section 38(3)	9	4.5
28.	Section 38(4)	9	4.5
29.	Section 38(5)	9	4.5
30.	Section 38(6)	12.5	6
31.	Section 40(2)	9	4.5
32.	Section 41(3)	9	4.5
33.	Section 44(2)	2.5	1
34.	Section 47(1)	2.5	1
35.	Section 47(2)	2.5	1
36.	Section 54(2)	5	2.5
37.	Section 57(3)	12.5	6
38.	Section 58(3)	9	4.5

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Column 1	Column 2	Column 3	Column 4
39.	Section 97	5	2.5
40.	Section 98(4)	5	2.5
41.	Section 99(4)	20	10

**PART 2 – OFFENCES UNDER THE REGULATIONS**

Column 1	Column 2	Column 3	Column 4
	Regulation	Body corporate infringement notices  (penalty units)	Natural person infringement notices  (penalty units)
1.	Regulation 6(1)	1	0.5
2.	Regulation 8(1)	6	3
3.	Regulation 11(1)	1	0.5
4.	Regulation 11(2)	2.5	1

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations –

- (a) prescribe a range of matters under, and for, the *Occupational Licensing Act 2005* in its application to plumbing work including –
  - (i) licensing procedures and related matters; and
  - (ii) rectification processes for defective work; and
  - (iii) infringement notices; and
  - (iv) licensing and other fees; and
  - (v) other miscellaneous matters; and
- (b) are made consequentially on the repeal of the *Occupational Licensing (Plumbing Work) Regulations 2010* under section 11 of the *Subordinate Legislation Act 1992*.