

Plumbing Regulations Sunset Review

Summary of, and response to, submissions to the Regulatory Impact Statement for the draft Plumbing Regulations 2018

Overview

The Department of Environment, Land, Water and Planning (DELWP) received 127 submissions on the draft Plumbing Regulations 2018 (the Regulations) and the Regulatory Impact Statement (RIS) from a range of authors including individual practitioners, peak industry bodies, plumbing teachers, businesses carrying out fire protection work, and manufacturers of water heaters.

Feedback received through the RIS process included more than 600 comments on the draft Regulations and the regulation of plumbing work in Victoria.

Amendments made in response to feedback were outlined in a Notice of Decision published on 27 September 2018, as follows:

- Practitioners in all classes will be required to have two years of experience as a registered plumber before being eligible for licensing.
- The qualification requirements for registration in Type B gasfitting work include a minimum Certificate III level qualification that provides knowledge and competence in Type B gasfitting work.
- The proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining part of the scope of the class of mechanical services work.
- From 18 November 2019, practitioners licensed or registered in the class of mechanical services work will only be permitted to install and commission basic refrigerated air conditioning systems.
- Changes to hot water requirements outlined in the RIS did not proceed.

Some suggestions could not be addressed as part of making the Regulations as they would require further consultation, another RIS, an amendment to the *Building Act 1993* (the Act) or were otherwise outside the scope of what is covered by the Regulations. Out of scope suggestions have only been summarised in the following table if they related to a specific part of the Regulations.

Relevant evidence and information received through the consultation process was also passed on to the Victorian Building Authority (VBA), where appropriate and in accordance with the privacy collection statement.

DELWP has committed to investigate the following matters through a forward work program:

- continuing professional development for plumbers;
- complex plumbing, such as plumbing work in high-rise buildings;
- regulatory oversight for bathroom pods and other pre-fabricated plumbing modules;
- the registration, maintenance and testing of backflow prevention devices;
- regulation of plumbing work for caravans and houseboats; and
- a consistent regulatory approach to essential safety measures across Plumbing and Building Regulations.

DELWP will consult with stakeholders on these matters as work progresses.

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Part 1 – Preliminary	<p>Specifies the objectives of the Regulations, the authorising provisions of the Act, and the commencement date. It provides definitions of terms used throughout the Regulations and guidance for interpretation.</p> <p>Part 1 also incorporates the Plumbing Code of Australia (PCA), with modifications, to ensure that plumbing work is carried out in accordance with national standards. The modifications to the PCA ensure that only those standards that are appropriate for Victoria apply.</p>	<p>Plumbing industry groups suggested amending the definition of 'caravan' to mean a vehicle that can be moved from place to place and is designed for human habitation.</p>	<p>Agreed – this definition has been amended.</p>
		<p>An industry association suggested amending the definition of 'caravan' to distinguish self-contained and transportable vehicles from dwellings that are permanently connected to main utilities.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>
		<p>Industry groups suggested that the definition of 'fire protection equipment' contain the word 'include' to provide flexibility in adapting to changing technology.</p>	<p>Agreed – this definition has been amended.</p>
		<p>An industry group suggested clarifying the definition of 'refrigerated air conditioning (basic systems)' to avoid it being interpreted as applying to more complex systems.</p>	<p>Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.</p>
		<p>An industry group suggested that amendments to Australian Standards should be adopted once they are incorporated into the next edition of the PCA rather than when the amendments are made, in order to facilitate adaptation and transition by industry.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>
		<p>An industry association suggested that variations to the PCA should not be adopted unless there is a demonstrated need due to geographic or topographical reasons.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Part 2 – Plumbing work	Lists the classes and specialised classes of plumbing work regulated in Victoria, clarifies what is not regulated plumbing work under the Act, and sets out plumbing work that may be carried out by unlicensed or unregistered persons (e.g. minor tap repairs and changing over to a water efficient shower head).	<p>An industry association noted the potential cost to practitioners should they need to obtain new licences, and the flow-on costs to consumers.</p> <hr/> <p>Industry groups identified a need for the Regulations to make it clear that design work is not plumbing work, noting that plumbers are sometimes made to take responsibility for the designs which they are being asked to work to, particularly on larger commercial projects.</p> <hr/> <p>An industry association noted that the structure of classes of plumbing work does not reflect the nature of plumbing systems installed in caravans, and that plumbers may not be inclined to work on caravans.</p> <hr/> <p>There were mixed views about reclassifying the specialised class of refrigerated air-conditioning work as a main class.</p> <p>Plumbing and air conditioning industry groups, plumbing teachers, plumbers and businesses indicated their support for the proposal. One industry group noted the need for industry guidance, while some individual submitters commented on operational aspects such as VBA examinations.</p> <p>Some plumbers and businesses, refrigeration mechanics and plumbing teachers did not support the change, often citing the need for technical knowledge, specialist training and experience.</p>	<p>Noted – benefits and costs of changes to classes of plumbing work were assessed as part of the RIS process.</p> <hr/> <p>Noted – regulation 12(2)(i) specifically excludes design work that is carried out by someone other than a plumber from the scope of regulated plumbing work. The scope of individual classes of plumbing work generally include design work that is incidental or associated with that class of work, which is therefore carried out by a plumber.</p> <hr/> <p>Noted – DELWP has committed to investigate regulation of plumbing work for caravans and houseboats as part of a forward work program.</p> <hr/> <p>Noted – refrigerated air conditioning work has been reclassified as a main class of plumbing work with amendments based on stakeholder feedback. Comments regarding operational matters have been forwarded to the VBA.</p>

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<p>Part 2 – Plumbing work (cont.)</p>		<p>There were mixed views about creating a new main class of refrigerated air conditioning (basic systems), with some plumbers and individual submitters indicating support while others did not support the change.</p>	<p>Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.</p>
	<p>There were mixed views about reclassifying the specialised class of Type B gasfitting work as a main class.</p> <p>Several plumbers and businesses, refrigeration mechanics and plumbing teachers did not support the proposal, and comments provided by these submitters indicated that many based their views on the specialised nature of this work and associated risks.</p> <p>The specialised nature of the work and associated risks was also the basis of support for the proposal by plumbing industry groups, plumbers and businesses, service providers and gasfitters.</p> <p>One submitter noted concerns about the approval processes for registration. A plumbing industry group asserted that some practitioners registered in Type B gasfitting and other classes of plumbing work are choosing to not become licensed despite being eligible to do so as registered practitioners are not required to issue compliance certificates.</p>	<p>Noted – Type B gasfitting work has been reclassified as a main class of plumbing work with amendments based on stakeholder feedback. Comments regarding operational matters have been forwarded to the VBA.</p>	
	<p>Several plumbing industry groups, plumbers and businesses, and plumbing teachers supported the creation of a specialised class of work for thermostatic mixing valves (TMVs) while some plumbers and businesses did not support the proposal.</p>	<p>Noted – the new specialised class of TMV work has been created and will take effect from 18 November 2019.</p>	

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Part 3 – Carrying out plumbing work	Provides principle-based standards for carrying out plumbing work, including a requirement that it is carried out in a good and workmanlike manner and that manufacturer's instructions are considered where relevant.	An industry association commented that mandating compliance with manufacturer's instructions should consider that requirements may not align with the PCA and do not undergo a similar level of consultation and review.	Agreed – the wording of regulation 14 was changed so that plumbers must have regard to any written direction, instruction, specification or requirement of a manufacturer when carrying out plumbing work.
Part 4 – Classes of plumbing work other than classes of specialised plumbing work	Prescribes the classes of plumbing work other than the specialised classes of plumbing work.	<p>Including the words 'routine servicing' in the definition of fire protection work was not supported by several fire protection practitioners and service providers, an industry association and a statutory authority. Comments raised by submitters included an assertion that fire services technicians should be allowed to conduct regular inspection and testing of fire hydrants and hose reels, concerns regarding impacts on the fire protection industry, as well as costs and associated impacts on consumers. Some submitters acknowledged the benefit of some form of industry regulation and training.</p> <p>Plumbing industry groups supported this proposal and noted the need for practitioners to have a sufficient understanding of the systems they are servicing, and disputed concerns regarding workforce and cost impacts.</p>	<p>Noted – based on the advice and evidence available, the definition of fire protection work has been changed to clarify that routine servicing is regulated plumbing work.</p> <p>As part of its ongoing work to ensure the Regulations are effective, DELWP will liaise with the VBA on ways for people with appropriate knowledge and experience to be registered and licensed to undertake fire protection and other regulated plumbing work.</p>
		An energy business suggested the scope of gasfitting work explicitly exclude the construction, installation or maintenance of high pressure steel manifolds, as well as changing pigtails on liquefied petroleum gas systems.	Not agreed – suggested change has not been made based on a technical assessment of the issue raised.
		Some industry groups suggested that the scope for refrigerated air-conditioning work only include incidental ductwork, as the majority of ductwork falls within the scope of mechanical services work.	Agreed – the scope for refrigerated air-conditioning work has been changed in response to stakeholder feedback.

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Part 4 – Classes of plumbing work other than classes of specialised plumbing work (cont.)		<p>A plumbing teacher suggested that the scope of work for the proposed main class of refrigerated air conditioning (basic systems) include testing and decommissioning.</p>	<p>Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.</p>
		<p>There were mixed views about creating a new main class of refrigerated air conditioning (basic systems), with several plumbers and individual submitters indicating support while others did not support the change. Many comments related to the scope of work proposed for this class compared to the classes of refrigerated air conditioning work and mechanical services work, as well as qualifications and training requirements.</p>	<p>Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.</p>
		<p>An industry association suggested that roofing (stormwater) work should be regulated in such a way as to permit builders or contractors to undertake metal roofing work.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>
		<p>Plumbing industry groups suggested that the scope of roofing (stormwater) work should include transportation, storage and re-use of stormwater, as well as membranes that form an integral part of plumbing work such as roof flashing.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>
		<p>Some of the submitters who supported reclassifying the specialised class of Type B gasfitting work as a main class suggested amendments to the definition and scope of that work.</p>	<p>Not agreed – based on technical advice, suggested changes to the definition and scope of Type B gasfitting work were not made.</p>

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Part 5 – Classes of specialised plumbing work	Sets out the scope of regulated work under each specialised class, including the types of work that are not considered to be regulated plumbing work under each class.	Plumbing industry groups suggested that commissioning be included in the scope of the new specialised class of TMV work.	Not agreed – commissioning was not included in the scope of the new specialised class of TMV work based on technical advice.
		One submitter commented that the scope of TMV work should be limited to the physical TMV and exclude any monitoring system electronically connected to it.	Noted – the scope of work for TMV work does not include monitoring systems electronically connected to the TMV.
Part 7 – Fees and other amounts	Specifies fees, including the threshold above which a practitioner must issue a compliance certificate, the cost of licensing or registration applications and fee exemptions.	Plumbing industry groups commented on the flexibility of arrangements for issuing compliance certificates, particularly in relation to work on commercial developments.	Noted – changes to compliance certificate requirements were out of scope as they would require an amendment to the Act. This view was acknowledged in the RIS in relation to DELWP's commitment to investigate complex plumbing as part of a forward work program.
Part 8 – Transitional provisions	Sets out transitional arrangements, including provisions detailing the status of existing licences or registrations in classes or specialised classes of plumbing work following commencement of the Regulations.	An industry group suggested that plumbers licensed or registered in mechanical services work should be automatically granted a licence or registration in the proposed new class of refrigerated air-conditioning (basic systems).	Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
<p>Schedule 2 – Standards in relation to plumbing work</p>	<p>Specifies the technical requirements for particular classes of plumbing work (in addition to those called up through the PCA).</p>	<p>There was overall support for the proposal to create an alternative standard for the laying of below ground sanitary drains to service more than one dwelling, with some submitters noting that this would reduce confusion.</p> <p>An industry group that supported the proposal noted the potential for disputes about responsibility for repairs and maintenance and suggested an education / information campaign to address this.</p> <p>A water corporation expressed concern about impacts on oversight arising from changes to the current modification process relating to sanitary drains.</p>	<p>Noted – the proposal has proceeded based on a technical assessment of the issue raised.</p>
		<p>An industry association did not support the removal of Australian Standard <i>AS1562.1 Design and installation of sheet roof and wall cladding - Metal</i>.</p>	<p>Noted – suggested change has not been made based on a technical assessment of the issue raised.</p>
		<p>An individual submitter suggested removing Australian Standard <i>AS4995 Greywater treatment systems for vessels operated on inland waters</i> from the standards for sanitary work, in light of a review and subsequent repeal of the requirement for houseboat owners to install greywater treatment systems on all houseboats under the Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013.</p>	<p>Agreed – this standard was removed from the Regulations.</p>
		<p>There were mixed views about proposed standards for water heaters described in the RIS, which were withdrawn from consideration during the consultation process.</p> <p>Some manufacturers and environment and community peak bodies supported the proposed standards, with some expressing disappointment that they had been withdrawn from consideration.</p> <p>Some manufacturers and an industry association did not support the proposal, citing concerns about potential costs for consumers as well as a desire for additional time for consultation.</p>	<p>Noted – changes to hot water requirements outlined in the RIS did not proceed.</p>

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
Schedule 2 – Standards in relation to plumbing work (cont.)		<p>An industry association commented that the standards for water heaters create a barrier for adoption of heat pump water systems connected to solar photovoltaic systems.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>
		<p>There were mixed views about the proposal to require installation of a backflow prevention device when a tap is installed near a toilet.</p>	<p>Noted – the proposal has proceeded based on feedback from stakeholders and technical assessment of the issues raised.</p>
		<p>Some plumbers and businesses, plumbing teachers and representatives of the healthcare sector did not support the proposal, with several raising concerns about cost for consumers. Some suggested alternatives, such as public awareness campaigns or regulation at the point of manufacture or sale.</p>	
		<p>A larger number of plumbers and businesses, as well as plumbing industry groups, supported the proposal with many noting the benefits of reducing risks of contaminated drinking water.</p>	
		<p>A water corporation advised that containment devices may also be required to be installed at the property boundary.</p>	
Schedule 3 – Class of plumbing work required to carry out a class of specialised plumbing work	<p>Prescribes the relationship between main classes of plumbing work and specialised classes of plumbing work.</p>	<p>One submitter suggested that practitioners should hold a registration in water supply work before being registered in the specialised class of work for TMVs.</p>	<p>Agreed – this relationship was proposed in the draft Regulations and no further changes were required.</p>
Schedule 4 – Qualifications and experience requirements for licence or registration	<p>Details the qualification and experience requirements for licensing or registration in each class or specialised class of plumbing work.</p>	<p>There was overall support for classifying certain classes of plumbing work as 'high risk'. However, many submitters suggested that all classes of plumbing work should require a minimum of two years of experience between being registered and being able to apply for a licence.</p>	<p>Agreed – practitioners in all classes will be required to have two years of experience as a registered plumber before being eligible for licensing.</p>

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Part number and title	Description	Summary of feedback received through submissions on the Regulations released for consultation in June 2018	Summary of response
<p>Schedule 4 – Qualifications and experience requirements for licence or registration (cont.)</p>		<p>Many individual submitters suggested that plumbing apprenticeships should return to a minimum four-year term.</p>	<p>Not agreed – as stated in the RIS, apprenticeships have followed a competency-based model since 2011 based on a commitment made by the Council of Australian Governments. This proposal is out of scope for making the Regulations as it would require a change to nationally-agreed policy.</p>
	<hr/>	<p>An industry group suggested that the proposed class of refrigerated air conditioning (basic systems) work require a minimum Certificate III qualification given concerns about the quality of some Certificate II course offerings. The submitter also suggested that practitioners would not need to hold a restricted electrical worker’s licence.</p> <p>One submitter suggested including more refrigeration-related units of competency within the Certificate III in Plumbing. Two submitters commented on the competencies needed to safely carry out work on refrigerated air-conditioning equipment and alignment of the proposed class with appropriate national training packages.</p>	<p>Noted – the proposal to create a new class of refrigerated air conditioning (basic systems) work did not proceed, with this work remaining within the scope of mechanical services work.</p> <p>Changes to competencies within the Certificate III in Plumbing are outside the scope of making the Regulations, as these are set through a national process.</p>
	<hr/>	<p>A registered training organisation suggested that a licence from the Australian Refrigeration Council (ARC) should be used to grant automatic registration in the class of refrigerated air conditioning work.</p>	<p>Not agreed – licences issued by ARC relate only to ozone depleting refrigerant gases, whereas plumbers must demonstrate broader qualifications and experience to be registered to undertake refrigerated air conditioning work.</p>
	<hr/>	<p>An industry group suggested the wording of the supervision requirement for the class of refrigerated air conditioning work refer to a refrigeration mechanic rather than a plumber.</p>	<p>Not agreed – the reference to a plumber has been kept as this wording is consistent with the terminology used throughout the Regulations and the Act.</p>

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Schedule 4 – Qualifications and experience requirements for licence or registration (cont.)		<p>Plumbing industry groups suggested that the qualifications for Type B gasfitting work should include a Certificate III in gasfitting to ensure applicants have required foundational skills and competence. These groups also suggested an explicit requirement that, to be licensed in this class, plumbers must gain their practical experience under the supervision of a plumber who is licensed to carry out Type B gasfitting work.</p> <p>Some other submitters made general comments on qualifications and experience.</p>	<p>Agreed – the Regulations were changed in response to stakeholder feedback. Requirements for registration in Type B gasfitting work now include a minimum Certificate III course that provides knowledge and competence in Type B gasfitting work.</p>
		<p>Two plumbers suggested that applicants seeking a licence in Type B gasfitting work who have been trained overseas may have difficulty meeting the conditions set for gaining practical experience.</p>	<p>Noted – this matter was referred to the VBA for consideration as part of implementing the Regulations.</p>
		<p>A water corporation suggested that the training syllabus for water supply work should include additional content about recycled water systems.</p>	<p>Noted – this proposal is out of scope for making the Regulations as it would require changes to the National Training Package for plumbing.</p>
		<p>A plumber suggested that pathways for registration and licensing should recognise skills gained through other trades that are directly applicable to a particular type of plumbing work.</p>	<p>Noted – DELWP may consider this issue in future, as further consultation would be required to determine impacts and avoid unintended consequences.</p>