

General direction and control or supervision Guidelines for licensed plumbing contractors

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1. Introduction

The Plumbers Licensing and Plumbing Standards Regulations 2000 (the Regulations) provide the requirements in WA for the licensing of plumbers, the notification and certification of plumbing work, and call up the plumbing standards that plumbing work must be carried out to. The Department of Energy, Mines, Industry Regulation and Safety's Building and Energy Division enforce the requirements and compliance with the plumbing standards on behalf of the Plumbers Licensing Board (the Board).

Licensed Plumbing Contractors (LPCs) are required to certify and keep records of plumbing work they are responsible for. They are also required to exercise general direction and control or supervision over LPCs, tradespersons, apprentices and pre-apprentices who carry out plumbing work under their licence. Having a system of general direction and control and supervision in place assists the responsible LPC to ensure that the work performed complies with the plumbing standards.

The purpose of these guidelines is to assist LPCs in meeting their obligation to exercise general direction and control or supervision over those who carry out plumbing work under the licence.

What do the Regulations require?

Regulation 27 defines matters which the Board may consider as 'disciplinary matters' in relation to a licensee or permit holder.

Regulation 27(h) provides for a disciplinary matter when:

the licensed plumbing contractor has failed to —

- (i) properly exercise general direction and control over the carrying out of, or supervision of the carrying out of, plumbing work over which the contractor was ostensibly exercising general direction and control; or
- (ii) properly supervise the carrying out of plumbing work that the contractor was ostensibly supervising.

How can LPCs meet their obligations under regulation 27(h)?

LPC's are expected to have systems, processes and procedures in place to ensure, so far as is reasonably practicable, that all plumbing work carried out under their licence complies with the plumbing standards and is carried out in a professional and tradesman like manner.

Set out below are some examples of the measures LPCs can put in place to assist them in meeting their responsibility to properly exercise general direction and control or supervision.

2. Keep a written record (mandatory)

Under regulation 25B of the Regulations, LPCs must keep a record of all LPCs, tradespersons, apprentices and pre-apprentices who carry out work under their general direction and control or supervision. Commencing 10 February 2024 these record keeping requirements were amended to include a requirement for LPCs to record details of any plumbing related training undertaken by persons on the register.

Keeping records of any training carried out assists the LPC in demonstrating that they are exercising general direction and control. The Board provides a template to assist LPCs with the record keeping requirements which can be found here:

[Record of persons under general direction and control or supervision](#)

LPCs may adapt the record to help them ensure adequate direction and control over persons who carry out or supervise plumbing work on their behalf. Some examples include the following:

- a) For those who carry out plumbing work under the LPC's licence, the register could include details of their practical on-site work experience, for example, relevant experience in water supply, sanitary or drainage plumbing work relating to differing types of work sites such as housing, apartments or complex sites.
- b) For those who supervise the carrying out of plumbing work under the LPCs licence, records of their supervisory experience and their position of responsibility within the organisation could be maintained.
- c) In all cases, the register could include information about the currency and scope of the licences or training contracts for those operating under the general direction and control of the LPC.

3. Encourage regular professional development sessions

Another measure may be for the responsible LPC to facilitate regular professional development sessions for people who supervise and carry out plumbing work on their behalf. This could be in the form of:

- a) regular toolbox meetings about the requirements of the plumbing standards and how to comply with them.
- b) providing access to courses about plumbing products and technology used in the industry and keep records of attendance for audit purposes.
- c) introduce and keep records of organisational procedures which will assist plumbers to ensure they carry out plumbing work in accordance with the plumbing standards.
- d) conduct other relevant courses or information sessions and keep records of attendance for audit purposes.

4. Conduct inspections of plumbing work

It is important for the responsible LPC to have a process in place for inspecting plumbing work that is carried out on their behalf. These inspections should be conducted on an as-needs basis and are particularly important for new team members and in cases where a person has only just started supervising the work of others.

Case Study

John Smith is an LPC. John contracts Tony Jones to carry out drainage plumbing installations on his behalf on a large housing project. John has not engaged Tony before but has heard positive things about him from other people.

John meets Tony at the office before Tony gets started on the project. Tony presents well, holds a current plumbing contractor's licence for drainage plumbing work and has all the right equipment for the job. John confidently sends Tony to site with the plans and leaves him to it.

A few weeks later, Tony contacts John to say he has finished the work. John doesn't have a chance to get to site and check the work, but as he knows that Tony is an LPC and has a good reputation, John just signs the certificate of compliance on trust.

When John does eventually arrive on site, he discovers that Tony had to rush the work as he needed to leave site early each day. This resulted in the drainage trenches being over excavated and drains being laid on bedding that was not compacted, resulting in drains that are dipped and back-falling.

John also learns that the client is unhappy with Tony's workmanship and has made a complaint to the Board. As the work was done under John's licence it is John who must take responsibility for the poor and non-compliant work, and it is John who must arrange for it to be rectified at his own expense.

To make matters worse, John also faces the possibility of being penalised by the Board for failing to properly exercise general direction and control over Tony.

This would have been prevented if John had adopted a more rigorous approach to his obligation to properly exercise general direction and control and supervision over Tony by checking in on him much sooner and inspecting his work before signing the certificate of compliance.

5. What other things do LPCs need to be aware of?

5.1 Authorisation to exercise general direction and control and supervision

It is important to note the following:

- a) In accordance with regulation 12 of the Regulations LPCs are only authorised to exercise general direction and control over plumbing work that is specified as 'contractor-level work' in their licence.

Example

Tom Davis is an LPC whose contractor's licence authorises him for sanitary plumbing work and drainage plumbing work, but not water supply plumbing work.

Jack Jones holds a tradesperson's licence for water supply, sanitary and drainage plumbing work and Paul Lucas holds a tradesperson's licence for drainage plumbing work only. Both are carrying out plumbing work under the general direction and control of Tom.

Tom is authorised and required by the Regulations to exercise general direction and control over all the drainage plumbing work carried out on his behalf by Paul but is only authorised to exercise general direction and control over Jack when he carries out sanitary plumbing work or drainage plumbing work.

Tom is not permitted to exercise general direction and control over any water supply plumbing work that Jack does, as Tom does not hold a plumbing contractor's licence that authorises him to certify or exercise general direction and control over water supply plumbing work.

- b) In accordance with regulation 13 of the Regulations, holders of a tradesperson's licence in water supply, sanitary and drainage plumbing are permitted to supervise the carrying out of all types of plumbing work.

However, under regulation 13B holders of a tradesperson's licence in drainage plumbing may only supervise the carrying out of drainage plumbing work.

In both cases, the supervision must be carried out under the general direction and control of an LPC.

Example

Bill Leong is an LPC whose licence authorises him to carry out water supply plumbing work, sanitary plumbing work and drainage plumbing work.

Bill employs Alice Singh, who holds a tradesperson's licence that authorises her to carry out water supply, sanitary and drainage plumbing work, and Mark Petrovic, who holds a tradesperson's licence for drainage plumbing only.

In addition to Alice and Mark, Bill also employs a UK-trained plumber – Warren Marsh – who has recently migrated to Perth and is the holder of a provisional tradesperson's licence.

Under the Regulations, Alice is permitted to supervise all of the work that Warren carries out, provided that she does so under the general direction and control of Bill.

Mark, on the other hand, would only be permitted to supervise Warren when he is carrying out drainage plumbing work, under the general direction and control of Bill.

5.2 Skills and experience

LPCs should put procedures in place to ensure that those who supervise work on their behalf have the necessary experience and skills in the classes of work being carried out under their supervision.

Example

LPC John Smith employs Ian Watson who has recently commenced working for him.

Ian exaggerates his experience to gain a supervisory role on a large project.

As John is busy, he doesn't have time to check Ian's experience and just takes him at his word. John leaves Ian to supervise two apprentices who are installing water services, with the wall cladding being fitted after each section of their work is done.

Ian is not completely sure of the pipe sizing and testing requirements but doesn't want to admit that to his new employer or the two apprentices, and so just goes on what he thinks is right.

This is a risk to John as it could result in non-compliant and untested pipework being installed and then covered by the wall cladding, leaving John responsible for the rectification of any non-compliant work completed under his general direction and control.

This risk could have been avoided if John had taken the time to check with his new employee Ian that he fully understood the compliance requirements before the work started.

5.3 Licence lending

Under regulation 23 of the Regulations, LPCs must not dispose of their licence to another person or allow another person to use their licence - a practice known as 'licence lending'. If an LPC does this, he or she commits an offence and could be fined up to \$5,000. It is extremely important for LPCs to be able to demonstrate through their procedures and records that plumbing work which they lodge compliance certificates for, is not in contravention of regulation 23 of the Regulations.

An LPC who 'lends' their licence to another person is also in breach of their obligation to exercise general direction and control. This too is a serious offence that can result in a disciplinary matter before the Board.

Example

Fred Macy runs a plumbing business but only holds a tradesperson's licence. Each week, he prepares a list of the plumbing jobs he has carried out and gives the list of jobs to an LPC he knows, called John Black.

John issues and lodges notices of intention and certificates of compliance on behalf of Fred under his LPC licence number. John has no line of sight over Fred nor any involvement with any of the work that Fred does.

In this case John is 'lending' his licence to Fred in contravention of regulation 23 of the Regulations. In addition, as John does not have any general direction or control over the standard of the work carried out by Fred, it could be considered by the Board to be a disciplinary matter attracting a penalty or a referral to the State Administrative Tribunal with the potential for licence suspension or cancellation.

As the certifying LPC, John would also be responsible for the rectification of any non-compliant plumbing work carried out by Fred.

5.4 What will plumbing compliance officers look for when conducting an investigation?

LPC's must, at a minimum, be able to produce records demonstrating that there are systems and processes in place to ensure that plumbing work carried out under their general direction and control is completed in accordance with the plumbing standards and in a tradesman like manner.

If an LPC is found to not be properly exercising general direction and control, the matter can also be dealt with by the Board as a disciplinary matter under regulation 27 of the Regulations. This may result in a penalty of up to \$3000 or a referral to the State Administrative Tribunal with the potential for licence suspension or cancellation.