



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Plumbers Licensing Board

Guidance Note

Applications to modify or set aside plumbing standards

Date published: October 2023

Table of Contents

1. Overview	2
2. Process for applications to modify or set aside plumbing standards	4
2.1 Introduction	4
2.2 Assessing an application to modify or set aside plumbing standards	4
2.3 Responsibilities of the licensed plumber	5
2.4 The application process	5
2.5 Additional information	5

1. Overview

The Plumbers Licensing Board (the Board) is the regulatory authority for the plumbing industry in Western Australia (WA). In accordance with the Plumbers Licensing ACT 1995, the Board uses the Plumbers Licensing and Plumbing Standards Regulations 2000 (the Regulations), under regulation 48, to determine that the Plumbing Code of Australia (PCA) is the prescribed plumbing standards that apply in WA. Suitability of materials and products used in plumbing systems are covered by the provisions of the WaterMark Certification Scheme (WMCS) in Part A5G4 of the PCA.

The Board identified that an instrument of legislation was required to be able to deal with instances where current plumbing standards or provisions under the WMCS do not cover particular circumstances or provide sufficient flexibility within the prescribed plumbing standards. The Regulations were amended in 2015 to allow the Board to make declarations that either:

- A specified plumbing standard does not apply to specified plumbing work or specified plumbing (setting aside requirement for WaterMark certification).
- A plumbing standard that applies to specified plumbing work or specified plumbing may need to be modified.

In both cases, the Board must be satisfied the declaration would not result in an increased risk to people, property or the environment and the declaration is in the public interest, or is required to ensure consistency with other written law or Commonwealth law.

What is the Plumbing Code of Australia?

The PCA is a nationally developed code published by the Australian Building Codes Board (ABCB). The PCA will be updated triennially from 1 May 2016, with a new version coming into effect every three years from that date with the PCA 2022 adopted on 1 May 2023. Electronic copies of the PCA are available free of charge from the ABCB website at www.abcb.gov.au.

The PCA sets out the mandatory technical rules for the design, construction, installation, replacement, repair, alteration and maintenance of plumbing and drainage installations, referred to as the 'performance requirements'. The performance requirements may be met by following the listed Deemed-to-Satisfy provisions in the PCA or other referenced Australian Standards, using a performance solution or a combination of both. Examples of Deemed-to-Satisfy standards would be the applicable parts of AS/NZS 3500. The PCA sets out the requirements of the suitability of materials and products in plumbing systems in accordance with the WMCS.

What is an application to modify or set aside plumbing standards in Western Australia?

A licensed plumbing contractor is able to lodge an application on the approved form together with the payment of a set fee. Each application is site specific and the Board may include specified conditions on the application. For example, particular materials and products that are neither included nor excluded from WaterMark certification may need to be installed in plumbing systems or there may be circumstances where prescribed plumbing standards need to be modified to allow plumbing work to be installed.

Why have the provisions of regulation 54 and what are some examples of applications to modify or set aside plumbing standards in Western Australia?

There may be circumstances in a plumbing installation where it is not possible to comply with the WaterMark Certification of a material or product or meet the current Deemed-to-Satisfy provisions.

Examples of both instances include but are not limited to where:

- A new and innovative product needs to be installed and has not progressed through the WaterMark risk assessment process.
- Cultural or heritage reasons prevent the Deemed-to-Satisfy provisions from being met.

For many years products such as emergency eye wash and shower equipment were being installed in plumbing installations without WaterMark Certification. This situation creates a potential conflict with the suitability of materials and products listed in the PCA.

Besides the application form, what other documentation is required with the application?

Regulation 54 requires that the Board must be satisfied that the declaration will not result in an increased risk to people, property or the environment and the declaration is in the public interest, or is required to ensure consistency with any other written law or a Commonwealth law. Therefore the application under regulation 54 must be accompanied by sufficient evidence and expert judgement to prove the above conditions are met. The evidence and the expert judgement must be sufficient to prove that the plumbing system that is the subject of the modification or setting aside of plumbing standards still meets the performance requirements of the PCA. The owner of the property that is the subject of the application must be aware of, and support the proposal. Therefore the application must include written confirmation from the owner of the property in accordance with the above.

What is the cost of the application?

An application for a declaration must be made in an approved form and accompanied by the application fee set out in Schedule 1 of the Regulations. At time of publication of this guidance note the cost of each application under regulation 54 is set at \$835.00

What other conditions may be applied to an application?

The Board's declaration may be made subject to specified conditions. If a declaration is made subject to a specified condition, the declaration has no effect at any time when that condition is being contravened. The Board may, by notice in writing, revoke or amend a declaration at any time and must serve the applicant of the original declaration with a copy of the amended notice.

How long does it take to process an application?

The Plumbers Licensing Board currently meets at monthly intervals and each application will have to be thoroughly assessed. Depending on the complexity of the application, a period of three months should be allowed for the consideration of an application under regulation 54.

Is the application required with the submission of a notice of intention for the commencement of plumbing work?

No, a licensed plumbing contractor may lodge an application following the submission of the original notice of intention and at any time during the duration of the plumbing work. Each application is site specific and does not apply to building lots.

2. Process for submission of an application to modify or set aside plumbing standards

2.1 Introduction

The planning and development of a submission for an application to modify or set aside plumbing standards will need to commence when it is identified that a current plumbing standard or product under the WMCS does not comply with prescribed plumbing standards. It will involve collaboration between various parties to achieve an outcome that satisfies the performance requirements of the PCA. Typically, the development would be set out in a report or brief from a recognised expert that would include a description and explanation of the proposal.

2.2 Assessing an application to modify or set aside plumbing standards

A key aspect of the development of an application is the method used to assess compliance with the PCA. The assessment process evaluates whether the modification or the setting aside of a particular standard will not result in contravention of the performance requirements of the PCA.

Assessment methods used to make that determination will be similar to assessing a performance solution listed in the PCA. The PCA lists four options in Part A, those options are:

- a) **Evidence of suitability** as set out in Part A5G4 of the PCA;
- b) **Verification methods** (which could include calculations and testing);
- c) **Comparison** with the Deemed-to-Satisfy provisions or other international standards; or
- d) **Expert judgement.**

2.3 Responsibilities of the licensed plumber

Prior to installing plumbing work that does not meet the current Deemed-to-Satisfy provisions of the prescribed plumbing standards, the licensed plumbing contractor must be satisfied that:

- a) the application to modify the standards has been assessed by a suitably qualified and experienced expert;
- b) the application and submission includes detailed reports, certificates and other evidence signed off by an appropriate technical expert who has all the skills and knowledge necessary to adequately determine whether the plumbing system that is the subject of the application will meet the performance requirements of the PCA; and
- c) the application includes written confirmation from the owner of the property stating that they are aware of the application and they agree to the modification.

If a licensed plumbing contractor has any concerns that an application does not or will not meet the Performance Requirements of the PCA, they should not carry out the work and must not direct anyone else to carry out the work.

2.4 The application process

Where it is proposed that an application to modify or set aside plumbing standards is included in a plumbing installation, the Regulations require that the licensed plumbing contractor submit the approved form, including the signed statement of the applicant, together with related evidence and the application fee.

Please follow the application procedure below;

- (a) Download the approved form and statement using the following link:-
<https://www.commerce.wa.gov.au/building-and-energy/application-modify-or-set-aside-plumbing-standards>
- (b) Complete the application form and collate the required evidence.
- (c) Submit the application form by email, including the signed statement with the required evidence to be.energy@dmirs.wa.gov.au and pay the application fee.

2.5 Additional information

Forms, payment facilities and additional information are available from Building and Energy as detailed below:

Department of Mines, Industry Regulation and Safety
Mason Bird Building
Level 1, 303 Sevenoaks Street Cannington WA 6107

Online payments: 6251 1377

Technical enquiries can be made by contacting the Technical Advice Line: 1300 360 897

Postal address
Plumbers Licensing Board
Locked Bag 100
East Perth WA 6892