



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Building and Energy



Decision Paper

Review of the

Remote Aboriginal Communities

Plumbing Scheme

July 2020

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Glossary

The following is a summary of key terms frequently used in this document. The definitions listed apply unless otherwise indicated.

AEHW(s) or authorised worker	Aboriginal environmental health worker(s), or ‘authorised worker(s)’ as defined in r.37 of the Plumbing Regulations, and being a person who specialises in Aboriginal environmental health services
Building and Energy	Department of Mines, Industry Regulation and Safety – Building and Energy Division (merger of the former Building Commission and Office of Energy Safety)
Building Commissioner	Statutory officer as defined in section 85 of the <i>Building Services (Compliant Resolution and Administration) Act 2011</i>
Consultation Paper	Consultation Paper: Remote Aboriginal Communities Plumbing Scheme (September 2019)
Decision Paper	This document, which represents the final stage of the review remote Aboriginal communities plumbing scheme
DoH	Department of Health
Government	The Government of Western Australia
licensed plumber	In this document refers to a person licensed under Part 3 of the Plumbing Regulations as a plumbing contractor
MPANZ	Master Plumbers Australia and New Zealand
MPGAWA	Master Plumbers and Gasfitters Association of Western Australia
PLB	Plumbers Licensing Board
Plumbing Regulations	<i>Plumbers Licensing and Plumbing Standards Regulations 2000 (WA)</i>
PICAC	Plumbing Industry Climate Action Centre
PPTEU	Plumbing and Pipe Trades Employees Union
Scheme	The remote Aboriginal communities plumbing scheme provided for under Part 4A of the Plumbing Regulations
Tjuntjtjara	Paupiyala Tjarutja Aboriginal Corporation
WA	Western Australia

Executive summary

Part 4A of the Plumbing Regulations establishes a scheme to allow AEHWs to carry out a limited range of plumbing repair work in emergency situations in eligible remote communities. The scheme has been in operation since December 2016.

The objective of the scheme is to reduce the risks to health that may arise in remote Aboriginal communities, by permitting AEHWs to carry out urgent simple plumbing work that may otherwise have taken some time before a licensed plumber could attend.

As part of the implementation of the scheme, Building and Energy committed to review the operation of the scheme after it had been in place for at least 12 months.

That review commenced in mid-2019 and was followed by the release of a Consultation Paper in September 2019 to seek comment on a small number of minor amendments to the scheme. Building and Energy has analysed the feedback received in response to the Consultation Paper, and has now completed its review of the scheme.

While noting the calls from some stakeholder groups for the scheme to be discontinued in favour of a more holistic program to improve living conditions in WA remote Aboriginal communities, the overall conclusion is that the scheme is meeting its objective.

However, the review has identified some aspects of the scheme where improvements could be made. Taking into account the consultation feedback, the following amendments will be made to ensure the scheme remains consistent with its original aims and objectives.

- (a) The scope of permitted work should be amended to:
 - (i) exclude the use of hand-held water hoses to clear blocked waste pipes and drains or to unblock toilets, showers, basins, troughs, sinks and baths;
 - (ii) allow taps and shower roses to be repaired (currently they can only be replaced);
 - (iii) allow domestic water filter cartridges to be replaced; and
 - (iv) allow cistern stop taps, flexible connectors and flush pipe connectors to be replaced.
- (b) The list of plumbing units that AEHWs must have completed should be updated.
- (c) The list of environmental health qualifications that AEHWs must hold should be amended to allow for higher-level tertiary qualifications.
- (d) Service providers should be required to keep a register of the AEHWs they employ or engage to carry out work under the scheme.

It is intended that these amendments to the Plumbing Regulations will come into effect in early 2021. To ensure the changes are implemented smoothly, Building and Energy will develop a communications plan and liaise closely with directly impacted stakeholder groups.

Background

The remote Aboriginal communities plumbing scheme is aimed at reducing the risks to health that arise in cases where plumbing in a remote community is in urgent need of a simple emergency repair, but the remoteness of the location prevents a licensed plumber from getting there within a reasonable period of time to fix it.

This is achieved by allowing suitably qualified AEHWs to carry out a limited range of specified plumbing tasks in eligible remote communities, under the direction and control of a service provider who is contracted by the DoH to provide Aboriginal environmental health services to those communities.

The scheme incorporates a number of safeguards to ensure all work is carried out to a satisfactory standard and that any inherent risks are appropriately managed. These safeguards include:

- a) specifying clearly in the Plumbing Regulations the plumbing tasks that are permitted to be carried out by AEHWs;
- b) requiring AEHWs to have completed prescribed training that includes specified plumbing units;
- c) requiring AEHWs to be employed or engaged by a service provider contracted by the DoH to provide Aboriginal environmental health services;
- d) placing reporting requirements and other specific duties on service providers;
- e) limiting access to the scheme to specified remote and inaccessible communities only; and
- f) stating clearly in the Plumbing Regulations that the scheme can only be used if the work is required to prevent a risk to human health or safety or a significant waste of water, **and** a licensed plumber is reasonably unable to attend the community in a timely manner to carry out the work.

Reviewing the scheme

When the scheme was first implemented, Building and Energy committed to undertake a review of the operation of scheme once it had been in place for at least 12 months.

This review commenced in mid-2019 with a broad survey of those involved in the direct operation of the scheme, including:

- AEHWs;
- service providers;
- Government departments (including the Departments of Health and Communities); and
- the Broome-based plumbing inspector who has the primary responsibility for overseeing compliance with the requirements of the scheme.

This was followed in September 2019 by the publication of a Consultation Paper in which Building and Energy indicated that, while its preliminary conclusion was that the scheme was generally operating as intended, there were some aspects that would benefit from minor modification and updating.

The Consultation Paper therefore sought comment on a number of proposals for change. These related to:

- the scope of work permitted to be carried out under the scheme;
- the qualification requirements for AEHWs;
- the duties of the service providers who exercise general direction and control over AEHWs; and
- the eligibility criteria for communities seeking to be covered by the scheme.

Stakeholder comment was also sought as to the impact (if any) the scheme had had on:

- the incidence rate of hygiene-related health issues in communities;
- the level of water wastage in communities; and
- the availability of work for licensed plumbers in the regions where the scheme is in operation (principally the Kimberley and Pilbara regions of WA)¹.

Consultation

Overview of the Responses to the Consultation Paper

A total of nine submissions were received in response to the Consultation Paper. These were from a range of stakeholder groups, as shown in the following table:

Group	Number of submissions
DoH	1
Plumbing industry associations	2
Plumbing union bodies	1
Aboriginal environmental health service providers	2
Paupiyala Tjarutja Aboriginal Corporation (Tjuntjntjara)	1
Plumbing businesses	1
PLB	1

As was the case when the scheme was first implemented in 2016, the views and opinions expressed by the various stakeholder groups in response to the Consultation Paper were contrasting and disparate, with the industry organisations and unions expressing firm opposition to the scheme in any form, and the organisations involved in delivering Aboriginal environmental health services to remote communities firmly supporting the retention, and indeed expansion, of the scheme.

¹ Only one submission was received from a plumbing business. As that submission was based on the premise that the remote Aboriginal communities plumbing scheme had not yet been implemented, it has not been possible for Building and Energy to make any assessment as to the impact of the scheme on the availability of work for the plumbing industry in the areas where the scheme operates.

Views of the plumbing industry and unions

In providing their comments in response to the consultation paper, the Master Plumbers and Gasfitters Association of Western Australia (MPGAWA), the Master Plumbers Australia and New Zealand (MPANZ), the Plumbing and Pipe Trades Employees Union (PPTEU), and the Plumbing Industry Climate Action Centre (PICAC) all expressed fundamental opposition to the scheme, both in its current form and in any revised or expanded form.

Each of these bodies broadly reiterated the views they had expressed in 2015-16 during the initial development of the scheme. In summary, these views (as taken from the various submissions that were provided to Building and Energy in 2019) are that the scheme:

- broadens the gap between the health outcomes for indigenous and non-indigenous Australians (PPTEU);
- gives tacit endorsement to a two-tiered system which is “tantamount to water and sanitation apartheid”; signals to communities that they are of lesser importance; undermines efforts to foster take-up by indigenous Australians of licence-level trade training; and undermines the integrity of the overall plumbing system (PPTEU);
- provides remote Aboriginal communities with a lesser standard of health, hygiene and sanitation than the rest of the country (MPANZ);
- compromises the requirement for all plumbing work to be of a high standard irrespective of location (MPANZ);
- risks a deepening of the ‘second-class citizen’ mindset (MPGAWA); and
- weakens the right that remote Aboriginal communities have to excellent plumbing infrastructure and plumbing services (MPGAWA).

As an alternative, this stakeholder group proposed that the scheme be abolished and replaced by a combination of the following:

- (a) a preventative plumbing maintenance scheme delivered by licensed plumbers; and
- (b) a plumbing apprenticeship training program specifically targeted at young people from remote Aboriginal communities.

In particular, the joint submission made by the PPTEU and PICAC stated that they,

“would like to see the Scheme, which we believe is short-sighted, dispensed with and for the focus of government efforts to be around working collaboratively with the industry and the communities with a view to training up more qualified Indigenous plumbers. Our strong view is that these longer-term options should be the priority in terms of meeting the needs of the remote communities with longer term options that do not compromise quality or safety whilst championing fairness and equality. We believe a holistic approach is required...”

In a similar vein, the MPGAWA specifically pointed to a proposal it had developed in 2018-19 in collaboration with industry stakeholders and specific Aboriginal communities. This proposal is known as the *Better Life Outcomes* initiative and was launched in March 2019. It is backed by the Indigenous Plumbing & Sanitation Foundation, the MPGAWA, Master Plumbers Australia, Nirrumbuk Aboriginal Corporation, the PICAC, and the PPTEU.

In the press release announcing the launch of Better Life Outcomes, the MPGAWA stated that the aim was to deliver a sustainable, repeatable model of plumbing installation and maintenance to remote communities around the country, and a new approach to education and training.

It was also announced that the initiative would commence with the setting up of a number of pilot programs in communities in WA's Kimberley region and in regional Victoria. These pilots were expected to include an audit of current infrastructure and availability of maintenance services, followed by a full needs analysis, cost modelling and training.

The submissions received from the proponents of the Better Life Outcomes project in response to the 2019 consultation paper did not include any information about the current status of the pilot programs and so it is not known whether those pilots are now underway.

Regional Services Reform – Resilient Families, Strong Communities: A roadmap for regional and remote Aboriginal communities

The Better Life Outcomes initiative is similar in its aims and objectives to the State Government's Regional Services Reform Roadmap for regional and remote Aboriginal Communities (the Roadmap).

The Roadmap was launched on 25 August 2016 and is administered by the Regional Services Reform Unit (RSRU) of the Department of Communities². Its broad aim is to create better living conditions for residents of remote Aboriginal communities in WA.

Much like the Better Life Outcomes initiative, the Roadmap recognises that essential services infrastructure in many communities can be unreliable and overstretched and that this can often lead to poor health.

To help address that, the RSRU has launched the Essential and Municipal Services Upgrade Program (the Program) to progressively upgrade infrastructure in larger remote communities to enable the delivery of improved water and wastewater services over time. The first 10 communities to participate in the Program are in the Kimberley and Pilbara, where the majority of remote Aboriginal residents live. Collectively, these 10 communities represent more than 20 percent of the total population of remote Aboriginal communities in WA.

The Roadmap is also focused on building the local Aboriginal workforce and apprenticeship opportunities. In January 2018 the Government established the North West Aboriginal Housing Fund and the North West Urban Construction and Development Builders Panel to deliver housing construction and large refurbishment projects in the Kimberly and Pilbara; facilitate local Aboriginal apprenticeships and traineeships; and increase Aboriginal employment.

As with the Better Life Outcomes initiative, the Roadmap is a long-term project which will, over time, improve standards for essential services such as clean drinking water and effective wastewater systems.

² <https://www.communities.wa.gov.au/services/regional-services-reform/>

Views of stakeholders who supported retention of the scheme

The submissions received from DoH, the Aboriginal environmental health service providers and Tjuntjntjara all provided positive commentary on the effectiveness of the scheme to date, and the contribution it had made, and continues to make, towards improving hygiene standards in the communities where it operates.

DoH also commented that the scheme had integrated well with other health and hygiene initiatives it runs as part of its broader Aboriginal Environmental Health Program. The two examples cited were the *Squeaky Clean Kids* program delivered by the WA Country Health Service, and the Department of Communities-endorsed *Safe Bathroom Checks*³ project introduced in 2017 for indigenous community households across WA.

Under the Safe Bathroom Checks program, an AEHW assesses every aspect of the bathroom in each house in a community (including all non-plumbing fixtures and fittings such as exhaust fans, windows, mirrors and shower screens) using a formal checklist. If the AEHW is authorised to carry out work under the remote Aboriginal communities plumbing scheme and identifies that a permitted emergency repair is required, he or she will undertake the repair on the spot.

Any other necessary plumbing work is recorded on the checklist and referred to the appropriate housing management authority/agency so that a licensed plumber can be engaged. Such referrals are followed up by the AEHW either at the next visit to the community or separately with the authority/agency, depending on the urgency with which the plumbing work needs to be carried out.

The program also provides an opportunity for the AEHW to educate residents on the importance of ensuring that plumbing hardware is appropriately maintained and that any maintenance issues are reported to the appropriate authority as soon as possible so that a plumber can be engaged.

Early evaluation of the Safe Bathrooms Checks program conducted by DoH in 2019 shows that bathroom conditions and hygiene standards are improving and that repairs are being carried out satisfactorily. . This is due, in part, to the integration of the remote Aboriginal communities plumbing scheme with the Safe Bathroom Checks program.

One service provider also commented that the scheme had resulted in an improved process for reporting plumbing issues to the head maintenance contractor for action by a licensed plumber.

Many instances of substantial water savings were also identified during the consultation, with a number of respondents identifying specific repairs that had been made to fixtures such as taps and shower roses that had been running continuously at full flow.

³ See https://ww2.health.wa.gov.au/Articles/S_T/Safe-Bathroom-Checks

PLB

The submission received from the PLB indicated tacit support for the retention of the scheme, but raised a number of issues regarding its operation.

For example, the PLB stated that it had received anecdotal evidence that the licensed plumbers who are contracted to perform plumbing work in Aboriginal communities have the capacity to perform all works requested and that these plumbers had stated that they were “unaware of any circumstances where a work request has been lodged with the lead contractor where a plumber has been unable to complete the work within 48 hours”.

This and the other matters raised by the PLB are discussed later in this Decision Paper.

Decision on the continuation of the remote Aboriginal communities plumbing scheme

The overall objective of the scheme is to help improve health outcomes and reduce water wastage in remote communities that do not have ready access to a licensed plumber when a simple emergency repair is needed.

While acknowledging that the evidence base is not extensive due to the relatively short time that the scheme has been in full operation, Building and Energy is satisfied that the scheme’s objective is being met and it is helping to improve health standards in the communities where it operates.

In the long term, planned and coordinated holistic programs such as the Better Life Outcomes initiative and the Government’s Roadmap to Regional Services Reform will undoubtedly result in better living conditions in remote Aboriginal communities across WA and, potentially, less need for the scheme.

However, until that point is reached, there continues to be a need for an alternative way to address the unique health risks faced by those whose isolation means that they do not have ready access to licensed plumbers to carry out simple plumbing repairs in an emergency.

As the scheme evidently meets that need, particularly during the wet season and during extreme weather events such as cyclones when communities can be cut off for significant periods of time, Building and Energy is of the view that the scheme should remain in place, at least until such time as the Better Life Outcomes and the Roadmap to Regional Services Reform are fully implemented.

That said, the analysis of the broader comments received from the stakeholder groups who responded to the Consultation Paper – including those from the groups who wholly supported the retention of the scheme – does indicate that minor changes should be made. Those minor changes, together with the reasoning behind them, are explained in detail in the next chapter of this Decision Paper.

Building and Energy also notes the concerns raised by some stakeholders about ‘scope creep’ and the view that the scheme may be being used in circumstances in which a licensed plumber could reasonably attend within a timely manner.

Also noted is the view expressed by the MPGAWA that there is a lack of auditing controls in the scheme and that the volume of work being performed in some communities may indicate that work is being performed in instances where there is no genuine risk to public health and safety or significant waste of water.

Although no empirical evidence was provided to support these concerns, it is acknowledged that, as is often the case with new regulatory measures, misunderstandings did occur when scheme was first rolled out.

However, the considerable work the Broome-based plumbing inspector has done over the past three years to educate all relevant parties and assist service providers and AEHWs understand their compliance responsibilities, together with other educational work by DoH, has ensured, to the extent practicable, that those operating the scheme do so in the full knowledge of the limitations set out in the Plumbing Regulations.

Notwithstanding this work, Building and Energy will write to service providers to remind them of their obligation under Regulation 39(1) of the Plumbing Regulations to ensure that each of their authorised workers only carries out permitted work in circumstances where⁴:

- the community is an eligible remote community;
- the plumbing work is required in order to prevent a risk to human health or safety or to prevent a significant waste of water; and
- a licensed plumber is reasonably unable to attend at the community in a timely manner to carry out the plumbing work.

⁴ As per regulation 35 of the Plumbing Regulations

Reforms to the scheme

The Consultation Paper discussed each element of the scheme and sought comment on proposals to make the following amendments:

- (a) minor modifications to the scope of permitted work;
- (b) an expansion of the list of prescribed qualifications for AEHWs so as to include higher-level qualifications in the areas of environmental health, health science, public health and population health (in addition to the required plumbing units); and
- (c) a requirement that service providers must keep a register of each AEHW they employ or engage to carry out work under the scheme.

The Consultation Paper also called for feedback on a proposal to develop a procedure and process for determining whether a particular community should be included (or excluded) as an eligible remote community as defined in regulation 35 of the Plumbing Regulations.⁵

Reform One – Scope of Permitted Work

In the two years to December 2018⁶, the majority of the work carried out under the scheme involved:

- replacement of leaking tap washers, spindles, handles and shower roses (248 occasions);
- clearing blockages (41 blocked waste pipes and drains, and 31 blocked fixtures); and
- replacing hose taps and vacuum breakers (50 occasions).

Service providers and AEHWs have advised that another common cause of water wastage and slip hazards is leaking cistern stop valves, flexible connectors and flush pipe cones and rubbers. Currently, the replacement of such fittings is outside the scope of the scheme despite being included in the plumbing training that AEHWs are required to undertake, and viewed as low risk. The Consultation Paper therefore sought comment on a proposal to amend the scope of permitted work to include these additional tasks.

Comment was also sought on proposals to:

- remove from the list of permitted work the use of hand-held water hoses to clear blocked waste pipes, drains or sanitary fixtures (on the grounds of backflow risk); and
- combine some of the items of work into a single, more streamlined description.

⁵ Under regulation 35 of the Plumbing Regulations, an eligible remote community is “an Aboriginal community listed on a website maintained by the Building Commissioner.” The list has not been amended or updated since the scheme was first implemented in December 2016.

⁶ This was the period covered by the review.

Consultation feedback

Seven of the nine responses to the Consultation Paper provided specific feedback on the proposal to amend the scope of permitted work. Of those, both the MPGAWA and the PLB opposed all amendments that would result in any broadening of the scope of permitted work.

The PLB's reasoning was that the amendments would extend the scope of work beyond its original purpose, and that any work covering connections to the water supply or potable water should be excluded in any event as it is, "essential that these tasks be undertaken by licensed plumbers."

Although no reason was provided by the PLB for its view that all water supply plumbing work should be excluded from the scheme, it did receive support from the MPGAWA, who stated that they were opposed to "any expansion of any aspect of the scheme" and that all work involving the removal and replacement of fittings that are part of the water supply was "plumbing work that must only be done by qualified plumbers." Again, no reason was provided for this position.

The one submission received from an industry participant stated that the maximum he would support was the replacement of tap washers.

The joint submission from the PPTU and PICAC commented that the level of risk associated with plumbing work in remote indigenous communities is,

"already significantly higher than in other parts of the country. The infrastructure is older, less well maintained and therefore less safe. Drinking water for the entire community often comes from local, unregulated sources like rainwater tanks or is pumped from a local natural source. This, combined with challenging environment and changing weather and rainfall patterns, can be extremely hazardous. The risk profile increases, rather than decreases, the need for appropriately trained and qualified plumbers, with less qualified and less regulated operators only adding to the risk."

The remainder of the seven submissions who commented on the proposed changes to the scope of work all supported the changes, with two respondents stating that the range of tasks should be expanded still further to include the following:

- the replacement of cistern units;
- the repair of 20mm copper main water lines;
- the replacement of exposed hob sets;
- the reseating of taps;
- replacing a fluidmaster; and
- emergency repairs to a burst water main, damaged waste pipe or sanitary drain.

Subsequent events

In November 2019, Building and Energy published a Decision Regulatory Impact Statement (DRIS) setting out the State Government's position in relation to a final round of reforms arising from the independent review of WA's plumbing laws completed in 2014.

One of the decisions contained in the DRIS is to allow private householders to carry out a specified range of minor plumbing repairs in their own homes without requiring them to hold a licence or to have completed any plumbing training or qualifications.

Once those reforms are implemented⁷, the following low-risk work will be permitted to be carried out by any householder (or a non-plumber acting on their behalf without payment or reward) in his or her own private home:

- (a) repairing or replacing a shower head;
- (b) repairing a tap or a tap mixer valve (but not a thermostatically-controlled tap);
- (c) replacing an inlet or outlet washer in a toilet cistern;
- (d) replacing a domestic water filter cartridge; and
- (e) clearing a blocked waste pipe by the use of a plunger.

Another relevant outcome in the DRIS is the decision to extend the scope of regulated water supply plumbing work to cover not only metered supplies of drinking water, but also drinking water obtained from other sources such as rainwater tanks and bores.

In the joint submission from the PPTEU and PICAC quoted above, it was noted that because such work is currently outside the scope of licensed plumbing work, it increases the risk profile for the many remote Aboriginal communities that are reliant on rainwater tanks and other local sources for their drinking water supply.

The decision to include non-metered supplies of drinking water as part of the broader plumbing reform package due for implementation in 2021 should help to reduce those risks.

Decision

Building and Energy has carefully considered all of the feedback provided in relation to the current scope of work under the scheme and has taken into account the recent developments discussed.

Consistent with the overarching policy intent of the scheme, the key consideration is ensuring the right balance is struck between helping to prevent the negative health outcomes and water wastage that can be associated with delays in carrying out simple repairs in emergency situations on the one hand, and maintaining the high standard of plumbing work that is vital to ensuring the integrity of the drinking water supply on the other.

Building and Energy notes that no empirical evidence was presented during the consultation process to suggest that an AEHW with the requisite skills and qualifications would place the community at greater risk if he or she were to be permitted to carry out the amended scope of work proposed in the Consultation Paper.

Moreover, as a number of the low-risk tasks permitted to be carried out under the scheme will soon also be able to be carried out by private homeowners across WA, it is difficult to sustain the argument that those same tasks should not be permitted to be performed by qualified AEHWs operating under the control of a Aboriginal environmental health service provider contracted by DoH.

⁷ This is expected to be in early 2021.

Insofar as the views expressed by those stakeholders who advocated for a greater expansion in the scope of permitted work are concerned, while their reasons are acknowledged the purpose of the scheme is not to replace licensed plumbers, but rather to complement them by ensuring there is capacity within each remote community to deal with basic and simple emergency repairs until a licensed plumber can attend. Decisions around how much work AEHWs should be allowed to undertake needs to be consistent with that broad aim.

Having weighed the arguments for and against the proposed revisions to the scope of work, and balanced the competing risk factors, Building and Energy has formed the view that the minimal amendments to the scope of work proposed in the Consultation Paper are appropriate and align with the overarching policy intent of the scheme.

On that basis, the scope of ***permitted work*** in regulation 37 of the Plumbing Regulations should be amended as shown in the table below.

Current definition	Revised definition ⁸
(a) replacing leaking tap washers, spindles, handles and shower roses (except when additional plumbing work is required);	(a) <u>repairing or</u> replacing a shower rose; repairing a tap (including replacing washers, spindles and handles); <u>repairing a mixer tap valve (but not a thermostatically controlled tap)</u> ; <u>replacing a domestic water filter cartridge</u> ; [Note: the proviso, “except when additional plumbing work is required” will continue to apply to all the above-listed tasks.]
(b) replacing “P-Traps” and “S-Traps” in readily accessible locations, such as under sinks, basins or troughs;	(b) No change
(c) replacing leaking hose taps and hose tap vacuum breakers;	(c) replacing leaking hose taps, hose tap vacuum breakers, <u>cistern stop taps and flexible connectors</u> ;
(d) replacing leaking cistern inlet and outlet washers and valves;	(d) replacing leaking cistern washers, valves and <u>flush pipe connectors</u> ;
(e) capping a burst water main, damaged waste pipe or sanitary drain for the purpose of preventing a risk to human health or safety or a significant waste of water	(e) No change
(f) replacing general covers (e.g. missing or broken inspection mounds, gully mounds, grates and vent cowls)	(f) No change
(g) clearing blocked waste pipes and drains by the use of plungers, flexible hand rods or hand-held water hoses only	(g) clearing blocked waste pipes and drains by the use of plungers and flexible hand rods only; [Note: the use of water hoses will no longer be permitted.]
(h) unblocking toilets, showers, basins, troughs, sinks and baths by the use of plungers, flexible hand rods or hand-held water hoses only	(h) unblocking toilets, showers, basins, troughs, sinks and baths by the use of plungers and flexible hand rods only. [Note: the use of water hoses will no longer be permitted.]
(i) other plumbing work approved by the Board	(i) No change

⁸ Items underlined denote additions to the current scope of permitted work.

Reform Two – Qualification requirements for AEHWs

In order to carry out work under the scheme, an AEHW must hold the qualifications set out in regulation 37 of the Plumbing Regulations. Currently, those qualifications are:

(a) any of the following:

(i) a Certificate II in Population Health;

(ii) a Certificate II in Indigenous Environmental Health; or

(iii) a qualification approved by the Board [PLB] as being equivalent to the qualifications in subparagraph (i) or (ii); **and**

(b) a qualifying plumbing course as prescribed.

The prescribed plumbing courses vary depending on which of the above two Certificate II qualifications the AEHW holds.

In the Consultation Paper, two issues were noted in relation to the qualification requirements.

The first issue was that in the period since the scheme was first implemented, the plumbing units for both the Certificate II in Population Health and the Certificate II in Indigenous Environmental Health have been merged into a single set of units applicable to both qualifications. As a result, the list of qualifying plumbing units in regulation 37 of the Plumbing Regulations requires updating.

The second issue relates to feedback received from DoH that many of the service providers they contract to provide Aboriginal environmental health services engage not only AEHWs with Certificate II qualifications, but also environmental health professionals who hold higher-level tertiary scientific qualifications.

These environmental health professionals are often in a supervisory role and therefore have responsibilities to ensure the service provider operates the scheme correctly. As these staff are currently not permitted to carry out any work under the scheme because their qualifications are not prescribed in the Plumbing Regulations, the Consultation Paper sought comment on a proposal to amend regulation 37 of the Plumbing Regulations to expand the list of prescribed qualifications to include higher-level qualifications relevant to environmental health, health science, public health and population health.

Consultation feedback

Of the four respondents who provided comment on the proposal to update the list of qualifying plumbing courses⁹, all indicated support for the change¹⁰.

On the matter of expanding the list of prescribed qualifications to include higher-level qualifications in a relevant discipline, five responses were received¹¹. Of those, two respondents supported the proposal¹²; one did not support the proposal (on the grounds that

⁹ Three were from services providers and one was from the Department of Health.

¹⁰ None of the plumbing industry or plumbing unions commented on this issue. The PLB also made no comment.

¹¹ Three were from services providers, one from the MPGAWA and one from the Department of Health.

¹² This included the MPGAWA. The other plumbing industry and union bodies, as well as the PLB, did not comment on this issue.

the scheme did not require higher qualifications); and two respondents provided qualified support, saying that those who had completed higher-level qualifications still needed to have the requisite plumbing training.

Decision

Given the broad support for the changes proposed in the Consultation Paper, Building and Energy considers the following amendments should be made to the Plumbing Regulations:

- (a) The definition of **qualifying plumbing courses** in regulation 37 should be streamlined to list the following plumbing units of competency for all of the prescribed qualifications:
 - HLTPOP001: Provide basic repairs and maintenance to health hardware and fixtures;
 - HLTPOP002: Monitor and maintain sewage systems; and
 - HLTPOP003: Monitor and maintain water supply.
- (b) The definition of **authorised worker** in regulation 37 should be revised such that workers who hold higher-level qualifications in a relevant discipline (such as environmental health or public health), may undertake permitted work under the remote Aboriginal communities plumbing scheme, provided that they have also successfully completed (as a minimum) the three plumbing units of competency listed in (a) above. The capacity for the PLB to approve other equivalent courses upon application will also be retained.

Reform Three – Duties of service providers

The scheme places a number of obligations on service providers¹³. These are:

- (a) ensuring that each authorised worker carries out permitted work only;
- (b) maintaining records in the approved form and making those records available for inspection by a plumbing inspector or a licensed plumber who is performing work at the community;
- (c) ensuring that each authorised worker has the tools, equipment, protective clothing, protective equipment and occupational safety and health training necessary to carry out the work safely; and
- (d) ensuring that an authorised worker has undertaken the prescribed training before he or she carries out any work under the scheme.

In conducting the review of the scheme in mid-2019, information was received that although the service provider obligations were operating as intended, it is sometimes difficult for the plumbing inspector (being a plumbing compliance officer appointed by the PLB) to know which AEHWs are qualified to perform plumbing work under the scheme as there is no requirement for the service provider to keep an employee register.

It was noted that, if such information were available, the plumbing inspector would be able to assess compliance with the authorised worker requirements more effectively and would be able to identify more easily if any work had been performed by unauthorised workers.

This issue was discussed in the Consultation Paper, noting that similar obligations are in place for licensed plumbers in relation to the plumbers they engage to carry out plumbing work under their general direction and control.¹⁴

Comment was therefore sought on a proposal to place an obligation on service providers to keep a register of AEHWs, detailing:

- the name of each authorised worker;
- the environmental health qualification(s) held by those workers;
- the date on which those qualification(s) was/were awarded; and
- the date on which the relevant plumbing units were completed.

Consultation feedback

Of the six respondents who commented on this issue¹⁵, all expressed support for this proposal, citing the importance of transparency and accountability on the part of service providers.

¹³ Regulation 39 of the Plumbing Regulations.

¹⁴ Regulation 25B of the Plumbing Regulations.

¹⁵ Those who did not comment were the MPANZ, PPTEU/PICAC and the one licensed plumber.

Decision

Given the broad support for the proposed change, Building and Energy considers the following requirements should be added to the list of service provider obligations in regulation 39 of the Plumbing Regulations:

- (a) a service provider must keep a register of all the AEHWs the service provider employs or engages, detailing the qualifications those workers hold (including the required plumbing units of competency) and the date on which those qualifications were awarded.
- (b) The record must be kept at the service provider's principal place of business and must be made available for inspection upon request by a plumbing compliance officer.

Other Matters - Definition of *eligible remote community*

Under the Plumbing Regulations, a community can use the scheme if it is an ***eligible remote community*** as defined in regulation 37.

Currently, regulation 37 defines that term as ***‘an Aboriginal community listed on a website maintained by the ‘Building Commissioner’***. This list comprises 274 communities across WA and was based on the then Department of Aboriginal Affairs’ “Remote Aboriginal Community List – Western Australia” (the Community List).¹⁶ All town-based reserves are specifically excluded from the scheme.

The rationale for excluding town-based reserves was that, wherever possible, all plumbing work, however minor, should be performed by a licensed plumber and should only be carried out by an AEHW when the need is urgent and the community is so remote and/or inaccessible that a plumber cannot attend soon enough. As town-based reserves are, by their very definition, located close to a town, the view was that they would rarely have difficulty in accessing a licensed plumber in an emergency situation.

However, in conducting the review of the scheme, Building and Energy received feedback from service providers that this is not always the case and that certain town-based reserves do have difficulty in obtaining the services of licensed plumbers in a timely manner, despite their proximity to a town.

It was also noted that although the flexibility for the Building Commissioner to amend the list of eligible communities from time to time had been built in to the definition in regulation 37, that discretion has not yet been exercised.

The Consultation Paper sought comment on whether town-based reserves should be included in the scheme on a case-by-case basis and, if so, what criteria should applicants be required to meet in order to be added to the list.

Consultation feedback

As was the case when the remote Aboriginal communities plumbing scheme was first implemented, the question as to which communities should or should not be eligible was the subject of considerable debate in the submissions on the Consultation Paper.

DoH noted the difficulties and challenges in determining what is “remote”, and quoted the example of Wiluna in the Mid-West of WA to illustrate the inconsistencies that can occur in relation to the current list of eligible communities.

They noted that the closest known licensed plumber to the town of Wiluna is located in Meekatharra, 200 kilometres to the west. The town-based reserve of Bondini is 4 kilometres east of Wiluna and is not an “eligible remote community”, yet the outstation of Kutkabubba located 40 kilometres north of Wiluna **is** an eligible remote community. The community of Yulga Jinna is also an eligible community and yet it is located 120 kilometres closer to Meekatharra than Wiluna.

¹⁶<https://www.commerce.wa.gov.au/publications/emergency-plumbing-work-list-eligible-remote-aboriginal-communities>

DoH therefore stated a preference for amending the eligibility requirements such that the scheme should apply in relation to “*State-funded housing across the State in remote and very remote regions according to the Australian Bureau of Statistics determination.*”

In contrast, a service provider based in Broome stated that the key consideration should be the length of time it takes for a licensed plumber to attend. The provider also made the point that licensed plumbers who attend a community under a housing maintenance contract are only permitted to perform those repairs that are shown on the particular work order. They are not authorised to fix any other issues they may identify, no matter how urgent it may be. Such additional work has to be approved via another work order, which causes further delay.

Another service provider based in the Fitzroy Valley advocated for all Aboriginal communities to be eligible, on the grounds that “*they all have similar issues in accessing plumbers*”.

On the specific question about whether town-based reserves should be included in the scheme on a case-by-case basis, both the MPGAWA and the PLB expressed their opposition.

The reasoning given by the MPGAWA was that all town-based reserves are within the reach of town-based licensed plumbers and thus do not meet the main prerequisite of the scheme. For its part, the PLB noted that the inclusion of town-based reserves could result in the undesirable situation of having two different regulatory regimes existing within the same geographic area.

Neither the PPTUE/PICAC nor the MPANZ offered any comments on this matter.

Decision

Finding an appropriate definition of ‘remote’ is important for two reasons.

First, it is generally agreed that plumbing work should always be performed by licensed plumbers and that tasks, however basic, should only fall to qualified AEHWs when the community is so remote and/or inaccessible that a licensed plumber cannot get there soon enough.

Second, there is a concern that if the term ‘remote’ is defined too loosely, it might lead to situations where qualified non-plumbers do work in locations where a licensed plumber is readily available and should be performing the work.

When the scheme was first implemented in 2016, considerable thought was given to how best to balance those issues to arrive at a workable definition. Having weighed all of the options and stakeholder comment submitted at the time, the conclusion reached was to adopt the then Department of Aboriginal Affairs’ Community List as the main determinant of whether a particular community can be a qualifying community, and build in the flexibility for other communities to be considered for inclusion in the scheme on a case-by-case basis. The responsibility for making such determinations lies with the Building Commissioner.

While noting the feedback received from DoH in response to the Consultation Paper, and the anomalies that the use of the current list can give rise to, Building and Energy remains of the view that the current definition best achieves the intent of the scheme and is the most practicable.

Building and Energy also considers that town-based reserves should continue to be excluded from the scheme.

Accordingly, no changes should be made to the definition of ***eligible remote community*** in the Plumbing Regulations.

However, as there is flexibility for the Building Commissioner to make changes to the list of eligible communities and to consider the inclusion of additional communities on a case- by- case basis, Building and Energy will work with key stakeholders to ensure that the list of eligible remote communities remains appropriate and in line with the objective of the scheme.

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