

Queensland



Sewerage and Water Supply Act 1949

SEWERAGE AND WATER SUPPLY REGULATION 1998

**Reprinted as in force on 1 July 2002
(includes amendments up to SL No. 174 of 2002)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 1 July 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**



SEWERAGE AND WATER SUPPLY REGULATION 1998

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Commencement	3
3	Definitions	3
PART 2—PRACTICAL EXPERIENCE AND QUALIFICATIONS FOR LICENCES		
4	Purpose of pt 2.	4
5	Prescribed practical experience and qualifications for plumber's licence. . .	4
6	Prescribed practical experience and qualifications for country plumber's licence	5
7	Prescribed practical experience and qualifications for water plumber's licence	5
8	Prescribed practical experience and qualifications for drainer's licence. . .	6
9	Prescribed practical experience and qualifications for restricted plumber's licence	7
10	Prescribed practical experience and qualifications for restricted drainer's licence	7
PART 3—EQUIVALENCE		
11	Referral to approved training organisation	7
PART 4—REQUIREMENTS FOR LICENCES		
12	Applications in approved form	8
13	Duration of licences.	9
14	Renewal and reinstatement of licences	9
15	Renewal of licences for retired persons.	9
16	Issue of licences.	10

17	Register of licences	10
18	Replacement licences	10
19	Licensee to notify board of change of address	10

PART 5—MEETINGS AND PROCEEDINGS OF THE BOARD

20	Ordinary meetings	11
21	Special meetings	11
22	Quorum	11
23	Voting	11
24	Duties of secretary	12

PART 6—MISCELLANEOUS

25	Facilitating proof	12
26	Fees	13
27	Repeal	13

SCHEDULE	14
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FEEES

ENDNOTES

1	Index to endnotes	15
2	Date to which amendments incorporated.	15
3	Key	15
4	Table of earlier reprints	16
5	List of legislation	16
6	List of annotations	16

SEWERAGE AND WATER SUPPLY REGULATION 1998

[as amended by all amendments that commenced on or before 1 July 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Sewerage and Water Supply Regulation 1998*.

2 Commencement

This regulation commences on 1 August 1998.

3 Definitions

In this regulation—

“accreditation council” means the Accreditation Council established under the *Vocational Education, Training and Employment Act 1991*, section 19.

“approved training organisation” see *Vocational Education, Training and Employment Act 1991*, section 4.

“member” means a member of the board.

“plumbing and draining apprenticeship” means an apprenticeship in plumbing and draining that is an approved training scheme under the *Vocational Education, Training and Employment Act 1991*, section 68.

“secretary” means the secretary to the board.

“training council” means the State Training Council established under the *Vocational Education, Training and Employment Act 1991*.

PART 2—PRACTICAL EXPERIENCE AND QUALIFICATIONS FOR LICENCES

4 Purpose of pt 2

This part prescribes practical experience and qualifications under section 11 of the Act.

5 Prescribed practical experience and qualifications for plumber's licence

(1) The prescribed practical experience for a plumber's licence is either of the following—

- (a) at least 5 years practical plumbing experience;
- (b) practical experience at least equivalent to the practical experience mentioned in paragraph (a).

(2) The prescribed qualification for a plumber's licence is 1 of the following—

- (a) the competencies (in the plumbing and draining apprenticeship) for a plumber's licence, decided by an approved training organisation, and approved by the training council;
- (b) a certificate of competency or licence as a plumber that is—
 - (i) in force; and
 - (ii) recognised under the Australia-New Zealand Reciprocity Association Agreement;
- (c) a qualification at least equivalent to the qualification mentioned in paragraph (a) or (b).

(3) For the inclusion on a plumber's licence of an endorsement required for an inspection, test or other stated task under the Standard Sewerage Law or Standard Water Supply Law, or for another purpose, the prescribed qualification is either of the following—

- (a) the competencies decided by an approved training organisation, and approved by the training council or the accreditation council, for the endorsement;
- (b) a qualification at least equivalent to the qualification mentioned in paragraph (a).

6 Prescribed practical experience and qualifications for country plumber's licence

(1) The prescribed practical experience for a country plumber's licence is either of the following—

- (a) at least 3 years practical plumbing experience;
- (b) practical experience at least equivalent to the practical experience mentioned in paragraph (a).

(2) The prescribed qualification for a country plumber's licence is 1 of the following—

- (a) the competencies (in the plumbing and draining apprenticeship) for a country plumber's licence, decided by an approved training organisation, and approved by the training council;
- (b) a certificate of competency or licence as a country plumber that is—
 - (i) in force; and
 - (ii) recognised under the Australia-New Zealand Reciprocity Association Agreement;
- (c) a qualification at least equivalent to the qualification mentioned in paragraph (a) or (b).

7 Prescribed practical experience and qualifications for water plumber's licence

(1) The prescribed practical experience for a water plumber's licence is either of the following—

- (a) at least 3 years practical plumbing experience;
- (b) other practical experience at least equivalent to the practical experience mentioned in paragraph (a).

(2) The prescribed qualification for a water plumber's licence is 1 of the following—

- (a) the competencies (in the plumbing and draining apprenticeship) for a water plumber's licence, decided by an approved training organisation, and approved by the training council;
- (b) a certificate of competency or licence as a water plumber that is—

- (i) in force; and
- (ii) recognised under the Australia-New Zealand Reciprocity Association Agreement;
- (c) a qualification at least equivalent to the qualification mentioned in paragraph (a) or (b).

(3) For the inclusion on a water plumber's licence of an endorsement required for an inspection, test or other stated task under the Standard Sewerage Law or Standard Water Supply Law, or for another purpose, the prescribed qualification is either of the following—

- (a) the competencies decided by an approved training organisation, and approved by the training council or the accreditation council, for the endorsement;
- (b) a qualification at least equivalent to the qualification mentioned in paragraph (a).

8 Prescribed practical experience and qualifications for drainer's licence

(1) The prescribed practical experience for a drainer's licence is either of the following—

- (a) at least 1 year's practical draining experience;
- (b) practical experience at least equivalent to the practical experience mentioned in paragraph (a).

(2) The prescribed qualification for a drainer's licence is 1 of the following—

- (a) the competencies (in the plumbing and draining apprenticeship) for a drainer's licence, decided by an approved training organisation, and approved by the training council;
- (b) a certificate of competency or licence as a drainer that is—
 - (i) in force; and
 - (ii) recognised under the Australia-New Zealand Reciprocity Association Agreement;
- (c) a qualification at least equivalent to the qualification mentioned in paragraph (a) or (b).

9 Prescribed practical experience and qualifications for restricted plumber's licence

For a restricted plumber's licence, the prescribed qualification is either of the following—

- (a) the competencies (in the plumbing and draining apprenticeship) decided by an approved training organisation, and approved by the training council, for the work proposed to be stated in the licence as the work to be carried out under the licence;
- (b) a qualification at least equivalent to the qualification mentioned in paragraph (a).

10 Prescribed practical experience and qualifications for restricted drainer's licence

For a restricted drainer's licence, the prescribed qualification is either of the following—

- (a) the competencies decided by an approved training organisation, and approved by the training council or the accreditation council, for the work proposed to be stated in the licence as the work to be carried out under the licence;
- (b) a qualification at least equivalent to the qualification mentioned in paragraph (a).

PART 3—EQUIVALENCE

11 Referral to approved training organisation

(1) This section applies if—

- (a) a person applies, or indicates to the board that the person proposes to apply, to the board under section 12 of the Act for a licence; and
- (b) it is, or will be, necessary for deciding the application to decide whether a qualification held by the person (the “**alternative qualification**”) is equivalent under an equivalence provision.

(2) The person must apply to the board for a referral to an approved training organisation.

(3) The board must approve the referral if it is satisfied, on an examination of the application for referral, that the only practicable way for the board to obtain the necessary information for deciding on the equivalence of the alternative qualification is for the applicant's actual competencies to be assessed.

(4) However, the board must not approve the referral if it is satisfied that assessment of the person's competencies by an approved training organisation will not help the board in reaching its decision about equivalence.

(5) The person must give the board all the help the board reasonably requires in deciding whether to approve the referral.

(6) If the board approves the referral, the approved training organisation to which the person is referred must, as soon as practicable after receiving the referral—

- (a) carry out its assessment of the person's competencies; and
- (b) advise the board of the results of its assessment.

(7) The person must comply with any reasonable requirement of the approved training organisation for its assessment of the person's competencies.

(8) In this section—

“equivalence provision” means section 5(2)(c), 6(2)(c), 7(2)(c) or 8(2)(c).

PART 4—REQUIREMENTS FOR LICENCES

12 Applications in approved form

An application for a licence must be made in the approved form.

13 Duration of licences

(1) For section 12A of the Act, the prescribed period for which a licence remains in force is not longer than 5 years.

(2) The day an interim licence expires must be shown on the licence.

14 Renewal and reinstatement of licences

(1) A licence may be renewed by the board if—

- (a) application is received by the board—
 - (i) on or before the day the licence expires; or
 - (ii) within 14 days after the licence expires; and
- (b) the application is accompanied by the renewal fee.

(2) If a licence is renewed by the board under subsection (1)(a)(ii), the licence is taken to have been in force from the day it expired until the day of renewal.

(3) A licence that has expired may be reinstated by the board if—

- (a) application is received by the board within 12 months after the licence expires; and
- (b) the application is accompanied by the renewal fee and the reinstatement fee.

(4) An applicant is exempted from paying the reinstatement fee under subsection (3)(b) if the board is satisfied, in the circumstances of the reinstatement, that it is unreasonable to require payment of the fee.

15 Renewal of licences for retired persons

(1) A licensed person may apply to the board to have the person's licence renewed for a reduced fee if the person—

- (a) is retired; and
- (b) no longer performs plumbing or drainage work for payment; and
- (c) does not intend to perform plumbing or drainage work for payment.

(2) An application under subsection (1) must be made in the approved form and must be accompanied by a statutory declaration of the licensed person declaring the matters mentioned in subsection (1).

16 Issue of licences

A licence issued by the board must be in the approved form and signed by the secretary and a member.

17 Register of licences

The board must keep a register of all licences and things affecting licences.

18 Replacement licences

(1) If a licence (the “**original licence**”) is lost or destroyed, the person to whom the original licence was issued, or another person having knowledge of the circumstances of the loss or destruction, may make a statutory declaration about the loss or destruction.

(2) If the board is satisfied it is appropriate, in the circumstances of the loss or destruction, to issue a licence to replace the original licence, the board may issue a replacement licence.

(3) The secretary must enter the details of the circumstances of the replacement of the licence in the register of licences.

(4) The replacement licence has effect as if it were the original licence.

(5) A person is exempt from paying the replacement fee for the issue of a replacement licence if the board is satisfied, in the circumstances of the replacement, that it is unreasonable to require payment of the fee.

19 Licensee to notify board of change of address

The holder of a licence must notify the board of any change of address within 1 month after the change.

PART 5—MEETINGS AND PROCEEDINGS OF THE BOARD

20 Ordinary meetings

Notice of when and where an ordinary meeting of the board is to be held, and of the business for the meeting, must be given by the secretary to each member at least 7 days before the day for the meeting.

21 Special meetings

(1) A special meeting of the board—

- (a) if a chairperson has been appointed under section 7AC of the Act—may be called by the chairperson, at the chairperson's discretion; and
- (b) whether or not paragraph (a) applies—may also be called at the request of any 2 members.

(2) Notice of when and where a special meeting is to be held, and of the business for the meeting, must be given by the secretary to each member at least 7 days before the day for the meeting.

22 Quorum

If a quorum is not present within 15 minutes after the notified time for a meeting of the board, the meeting lapses, and the secretary must record the names of the members present in the minute book.

23 Voting

(1) The board must exercise or perform a power, authority, function or duty by the majority vote of members present at a meeting.

(2) The chairperson of the meeting has a deliberative vote and also, if there is an equality of votes on a motion, a casting vote.

(3) If a member present at a meeting refuses to vote, a vote in the negative must be recorded for the member.

24 Duties of secretary

The secretary's duties include the following—

- (a) giving notices of meetings of the board;
- (b) keeping full and accurate minutes of each meeting of the board;
- (c) giving a copy of the minutes of each meeting of the board to each member of the board as soon as practicable after the meeting;
- (c) conducting correspondence;
- (d) keeping records of equivalence assessments;
- (e) recording in the register of licences the cancellation, endorsement, issue, replacement and suspension of licences;
- (f) collecting fees.

PART 6—MISCELLANEOUS

25 Facilitating proof

(1) In a proceeding for an offence under the Act the production of a certificate is evidence of the things stated in the certificate.

(2) In this section—

“certificate” means a certificate—

- (a) purporting to be signed by the secretary—
 - (i) to the effect that a person named in the certificate was, or was not, on a day or for a period stated in the certificate, the holder of a licence or an interim licence; or
 - (ii) to the effect that a person named in the certificate was on a day stated in the certificate taken off the register of licences; or
 - (iii) to the effect that the licence issued to a person named in the certificate was suspended for the period stated in the certificate; or
- (b) purporting to be signed by the secretary to the training council certifying that a person named in the certificate was, or was not,

on a day or for a period stated in the certificate, an apprentice under the *Vocational Education, Training and Employment Act 1991*.

26 Fees

The fees in the schedule are payable to the board for the matters stated in the schedule.

27 Repeal

The *Sewerage and Water Supply Regulation 1987* is repealed.

SCHEDULE**FEEES**

section 26

Application for—

	\$
(a) a qualification to be assessed for equivalence under section 11	19.00
(b) a licence	85.00
(c) an interim licence.	40.00
(d) a restricted licence	40.00
(e) an endorsement on a licence	11.00
(f) renewing a licence for 1, 2, 3, 4, or 5 years, for each year	28.00
(g) renewing a retired person's licence for 1 year	15.00
(h) reinstating a licence	28.00
(i) replacing a licence	40.00

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	15
3 Key	15
4 Table of earlier reprints	16
5 List of legislation	16
6 List of annotations	16

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2002. Future amendments of the Sewerage and Water Supply Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	4 September 1998

5 List of legislation

Sewerage and Water Supply Regulation 1998 SL No. 229

made by the Governor in Council on 6 August 1998

notfd gaz 7 August 1998 pp 1717–20

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 1998 (see s 2)

exp 1 September 2008 (see SIA s 54)

amending legislation—

Sewerage and Water Supply Amendment Regulation (No. 1) 2002 SL No. 174

notfd gaz 28 June 2002 pp 876–83

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2002 (see s 2)

6 List of annotations

SCHEDULE—FEES

sub 2002 SL No. 174 s 4