

# Plumbing Amendment (Continuing Professional Development) Regulations

## Exposure Draft

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Victoria

## **Plumbing Amendment (Continuing Professional Development) Regulations**

### **Exposure Draft**

#### **1 Objective**

The objective of these Regulations is to amend the Plumbing Regulations 2018—

- (a) to prescribe continuing professional development requirements for licensed and registered plumbers; and
- (b) to make consequential and other amendments.

#### **2 Authorising provisions**

These Regulations are made under sections 221ZZZV, 261 and 262 of the **Building Act 1993**.

#### **3 Commencement**

These Regulations come into operation on 1 January 2025.

#### **4 Principal Regulations**

In these Regulations, the Plumbing Regulations 2018<sup>1</sup> are called the Principal Regulations.

#### **5 New Division 1 heading inserted in Part 6**

Before regulation 39 in Part 6 of the Principal Regulations insert—

**"Division 1—Prescribed qualifications and experience for licensed or registered plumbers"**

#### **6 New Division 1 inserted in Part 6**

After regulation 45 in Part 6 of the Principal Regulations insert—

**"Division 2—Continuing professional development requirements"**

#### **45A Definitions**

In this Division—

***approved continuing professional development program*** means a continuing professional development program approved by the Authority under regulation 45D;

***eligible activity*** means an activity that may be undertaken or attended (including online) that—

- (a) aims to refresh, update or develop knowledge and skill relevant to the work authorised to be carried out by a license or registration held by a plumber and

- (b) is not an activity determined by the Authority to be an ineligible activity under regulation 45H(1)(b); and
  - (c) is in the form of—
    - (i) an online or face-to-face course or module (including a self-paced course or module), unit of competency, lecture, seminar, workshop, conference, forum, information or trade session or;
    - (ii) technical demonstration delivered by a manufacturer (including online); or
    - (iii) private study or research or writing for a technical industry journal or magazine or;
    - (iv) on the job training; or
    - (v) direct supervision of work undertaken by, or structured mentoring of, a person employed under a training contract to carry out plumbing work by an employer who has been approved under section 5.5.7 of the **Education and Training Reform Act 2006** by the Victorian Registration and Qualifications Authority to employ that person under the training contract; or
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- (vi) any other form of learning or training, which the Authority determines is an eligible activity under regulation 45H(1)(a);

***ethical and professional conduct*** means any of the following types of conduct—

- (a) working honestly, in good faith and with integrity;
- (a) being accountable for responsibilities;
- (b) managing conflicts of interest;
- (c) working openly and constructively with regulators;
- (d) dealing with clients and other plumbing industry participants fairly and equitably;
- (e) understanding and applying any relevant plumbing industry codes of conduct;

***plumber*** means a natural person licensed or registered under Part 12A (other than under section 221P or 221W) of the Act, to carry out a class of plumbing work or specialised plumbing work or a particular type of plumbing work;

***points*** in relation to the continuing professional development requirements set out in regulation 45C, means the number of points equivalent to the number of hours of participation in an eligible activity in the subject areas, up to the maximum number of points for a particular eligible activity or form of eligible activity determined by the

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Authority under regulation 45H(1)(c),  
(if any);

*relevant CPD period* means—

- (a) in respect of an application by a person for renewal of a registration granted under section 221O, 2210A or 221R of the Act; the period beginning on the day on which such an application for renewal was last previously received by the Authority from the person, or the day on which such a registration was first granted to the person (as applicable) and ending on the day on which the application for renewal is received by the Authority;
  - (b) in respect of an application by a person for a renewal of a licence granted under section 221M, 221N or 221Q of the Act, the period—
    - (i) beginning on the day on which the licence was first granted to the person, or the day on which an application for renewal of the licence was received by the Authority three renewal periods ago; and
    - (ii) ending on the day on which the person applies for renewal of the licence after three consecutive licence periods have passed since the
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day referred to in  
subparagraph (i).

***structured learning*** means—

- (a) any course, module or unit of competency that forms part of a qualification delivered by a registered training organisation, a university or a TAFE Institute within the meaning of section 1.1.3 of the **Education and Training Act 2006**;
- (b) any course or activity delivered by or on behalf of the Australian Building Codes Board or a public sector body within the meaning of the **Public Administration Act 2004**, which includes an assessment component to validate that learning outcomes have been achieved; or
- (c) any course or activity delivered by a person or organisation determined by the Authority to be a provider of structured learning under regulation 45I;

***subject area*** means any of the following areas—

- (a) technical knowledge;
  - (b) ethical and professional conduct;
  - (c) workplace safety;
  - (d) business management; and
  - (e) sustainability;
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***technical knowledge*** means the skills and knowledge about relevant work codes and standards, legislative or regulatory requirements, work methods, products, materials and technologies, which are directly relevant to the work authorised to be carried out by the class, specialised class or type of plumbing work in which a licence or registration is held;

***unit of competency*** has the same meaning as in Part 4.1 of the **Education and Training Reform Act 2006**;

***workplace safety*** means skills and knowledge in relation to the following—

- (a) the health, safety or welfare of any person while carrying out work that may be carried out by a plumber;
- (b) the elimination of risks to the health, safety or welfare of a person referred to in paragraph (a);
- (c) ensuring that the health and safety of members of the public is not placed at risk by any person while carrying out work that may be carried out by a plumber;
- (d) safe work practices and technical standards that relate to the safety of persons who use buildings.



**45B Prescribed continuing professional development requirements for plumbers**

For the purposes of sections 221ZD(2A) and 221ZZZG(1)(da) of the Act, the prescribed continuing professional development requirements for a plumber who is applying to renew a registration or licence that authorises the carrying out of a class, specialised class or type of plumbing work, are completion of either—

- (a) the requirements set out in regulation 45C; or
- (b) the requirements set out in regulation 45D(1).

**Notes**

- 1 A plumber can choose to meet the prescribed requirements set out in either regulation 45C or regulation 45D(1).
- 2 There are transitional provisions in regulation 58 in respect of the continuing professional development requirements prescribed under paragraph (a) of this regulation.

**45C Completion of continuing professional development requirements**

- (1) For the purposes of regulation 45B(a), the continuing professional development requirements for a plumber who is licensed to carry out a class or specialised class of plumbing work under section 221M or 221N of the Act are—
  - (a) subject to subregulations (4), (5) and (6) the plumber must complete at least 36 points of eligible activities within the relevant CPD period, of which—

- (i) at least 18 points must be completed in the form of structured learning in the subject area of technical knowledge that relates to the class or specialised class of plumbing work that the plumber is licensed to carry out; and
- (ii) at least 3 points must be completed in the subject area of workplace safety; and
- (iii) at least 3 points must be completed in the subject area of ethical and professional conduct; and

**Note**

An eligible activity may be relevant to more than one subject area simultaneously.

- (b) compliance with any request for information made by the Authority under regulation 45K; and
  - (c) the retention of evidence of completed eligible activities in accordance with regulation 45E; and
  - (d) any further requirements determined by the Authority under regulation 45G that relate to the class or specialised class of plumbing work that the plumber is licensed to carry out
- (2) For the purposes of regulation 45B(a), the prescribed continuing professional development requirements for a plumber who is licensed under section 221Q of the Act to carry out a particular type of work that falls within a class or specialised class of plumbing work are—
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- (a) subject to subregulations (4), (5) and (6) the plumber must complete at least 18 points of eligible activities within the relevant CPD period, of which—
    - (i) at least 9 points must be completed in the form of structured learning in the subject area of technical knowledge that relates to the type of work that the plumber is licensed to carry out; and
    - (ii) at least 3 points must be completed in the subject area of workplace safety; and
    - (iii) at least 3 points must be completed in the subject area of ethical and professional conduct; and
  - (b) compliance with any request for information made by the Authority under regulation 45K; and
  - (c) the retention of evidence of completed eligible activities in accordance with regulation 45E; and
  - (d) any further requirements determined by the Authority under regulation 45G that are relevant to the type of plumbing work that the plumber is licensed to carry out.
- (3) For the purposes of regulation 45B(a), the prescribed continuing professional development requirements for a plumber registered under section 221O, 221OA or 221R of the Act to carry out a class or specialised class of plumbing work or a type of plumbing work are—
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- (a) subject to subregulations (4), (5) and (6) the plumber must complete at least 18 points of eligible activities within the relevant CPD period, of which—
    - (i) at least 9 points must be completed in the form of structured learning in the subject area of technical knowledge that relates to the class or specialised class of plumbing work or the type of plumbing work that the plumber is registered to carry out; and
    - (ii) at least 3 points must be completed in the subject area of workplace safety; and
  - (b) compliance with any request for information made by the Authority under regulation 45K; and
  - (c) the retention of evidence of completed eligible activities in accordance with regulation 45E; and
  - (d) any further requirements determined by the Authority under regulation 45G that are relevant to the class or specialised class of plumbing work or type of plumbing work that the plumber is registered to carry out.
- (4) If a relevant CPD period is less than 3 years, the requirements referred to in subregulations (1)(a) and (d), 2(a) and (d), 3(a) and (d) must be reduced in proportion to the duration of the relevant CPD period as a percentage of 3 years, to the nearest number of whole points.
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- (5) Subject to subregulation (6), if a plumber is licensed or registered to carry out more than one class, specialised class or type of plumbing work during the relevant CPD period, any eligible activities required to have been completed under subregulation (1)(a), (2)(a) or (3)(a) during the relevant CPD period may relate to any of the registrations or licences held by the plumber during the relevant CPD period.
- (6) On an application by a plumber referred to in subregulation (5) for renewal of each registration or licence, the plumber must have completed at least one eligible activity required under subregulation (1)(a)(i), (2)(a)(i) or (3)(a)(i) (as applicable) that relates to each registration or licence sought to be renewed.

**Example**

The effect of subregulations (5) and (6) is that if a plumber is licensed to carry out drainage work under section 221M of the Act and registered to carry out fire protection work under section 221O of the Act, the plumber must complete at least 36 points within the relevant CPD period, of which—

- at least 18 points must be completed in the form of structured learning in the subject area of technical knowledge that relates to drainage work or fire protection work but with at least one point completed for each type of work; and
  - at least 3 points must be completed in the subject area of workplace safety relating to either the licence under section 221M of the Act or the registration under section 221O of the Act; and
  - at least 3 points must be completed in the subject area of ethical and professional conduct relating to the licence under section 221M of the Act; and
  - the remaining 12 points may be completed in an eligible activity and subject area of choice.
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**45D Approved continuing professional development programs**

- (1) For the purposes of regulation 45B(b), the continuing professional development requirements are that during the relevant CPD period a plumber must enrol in and meet the requirements of a continuing professional development program, which has been approved by the Authority under subregulation (2), that relates to the class, specialised class or type of plumbing work that the plumber is licenced or registered to carry out.
  - (2) The Authority may approve a continuing professional development program (*the program*) that relates to one or more classes, specialised classes or types of plumbing work if the Authority is satisfied that—
    - (a) the program is likely to result in the ongoing competency of a plumber licensed or registered in a class, specialised class or type of plumbing work to which the program relates at least to the extent of the competency that would be gained by the completion of the continuing professional development requirements set out in regulation 45C for that class, specialised class or type of plumbing work; and
    - (b) the learning activities and courses to be completed under the program, relate to each and every class, specialised class or type of plumbing to which the program relates; and
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- (c) the program will remain up to date with plumbing industry standards and practices; and
- (d) the person or organisation providing the program—
  - (i) has adequate audit and assurance procedures in place to be able to verify that a plumber who is licenced or registered to carry out the class, specialised class, or type of plumbing work to which the program relates has met the requirements of the program; and
  - (ii) has agreed to notify the Authority of any material change in the requirements of the program as soon as practicable after the change, or as required by the Authority from time to time.
- (3) The Authority may revoke its approval of a program under this regulation at any time if the Authority is satisfied that in the circumstances it is appropriate to do so.
- (4) The Authority must keep a list of approved programs, including the providers of those programs, on its website.

**45E Plumbers must keep evidence of completed eligible activities**

- (1) A plumber must keep evidence of all completed eligible activities referred to in regulation 45C(1)(a), (2)(a) and (3)(a) (as applicable), including (as applicable) proof of attendance, statements of attainment, receipts or a personal log in relation to each eligible activity and its learning outcomes for at least 3 years after
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the end of the relevant CPD period during which the eligible activity was completed.

- (2) Subregulation (1) does not apply to a plumber if the evidence of eligible activities completed by the plumber has already been provided to the Authority in a manner determined by the Authority.

**45F Information to accompany application for renewal of a registration or licence**

- (1) An application for renewal of a registration or licence held by a plumber must contain the following information—
- (a) if the plumber was enrolled in an approved continuing professional development program during the relevant CPD period the name of that program and the dates of that enrollment;
  - (b) in any other case—
    - (i) a statement of the eligible activities completed by the plumber during the relevant CPD period;
    - (ii) evidence of the completed eligible activities required to be kept by the plumber under regulation 45E(1) during the relevant CPD period; and
    - (iii) a declaration by the plumber of the plumber's compliance with the continuing professional development requirements set out in regulation 45C during the relevant CPD period.
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**45G Authority may specify further continuing professional development requirements**

- (1) Subject to regulation 45J, for the purposes of regulation 45C(1)(a)(i), (2)(a)(i) and (3)(a)(i), the Authority may determine further requirements in respect of some or all of the minimum number of points referred to in regulation 45C(1)(a)(i), (2)(a)(i) and (3)(a)(i) by—
    - (a) requiring a plumber who is licenced or registered to carry out a class, specialised class or type of plumbing work to complete—
      - (i) a minimum number of points on a particular topic within the subject area of technical knowledge; or
      - (ii) a minimum number of points in a particular eligible activity or form of eligible activity; or
      - (iii) a minimum number of points in eligible activities delivered by a particular provider of structured learning or a provider in a class of providers of structured learning; and
    - (b) specifying periods of time in which any of the requirements referred to in paragraph (a) must be completed.
  - (2) A determination under subregulation (1) must be published by notice on the Authority's website.
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**45H Authority may make determinations about eligible activities**

- (1) Subject to regulation 45J, for the purposes of the definition of *eligible activity* in regulation 45A, the Authority may determine any of the following—
  - (a) further eligible activities for plumbers licensed or registered to carry out a class, specialised class or type of plumbing work;
  - (b) certain activities that are ineligible activities for plumbers licensed or registered to carry out a class, specialised class or type of plumbing work;
  - (c) a maximum number of points that can be obtained by completing an eligible activity or form of eligible activity.
- (2) A determination under subregulation (1) must be published by notice on the Authority's website.

**45I Authority may determine persons or organisations to be providers of structured learning**

- (1) Subject to regulation 45J, for the purposes of paragraph (c) of the definition of *structured learning* in regulation 45A, the Authority may determine that a person or organisation is a provider of structured learning that relates to a class, specialised class or type of plumbing work if the Authority is satisfied that the courses or activities provided by the person or organisation—
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- (a) are delivered, or in the case of self-paced learning activities designed, by a person—
    - (i) with appropriate accreditation or qualifications to provide the courses or activities; or
    - (ii) who has specialist industry expertise in the subject area of technical knowledge; and
  - (b) cover technical knowledge relevant to the class, specialised class or type of plumbing work;
  - (c) are up to date with plumbing industry standards and practice; and
  - (d) include published learning content that includes clearly identifiable learning outcomes; and
  - (e) include an assessment component to confirm that learning outcomes have been achieved.
- (2) The Authority must keep a list of persons and organisations determined by the Authority to be providers of structured learning on its website.
- (3) The Authority is not required to determine whether a person or organisation meets the criteria in subregulation (1) or to list any person or organisation as a provider of structured learning, despite the criteria in subregulation (1) being met by the person or organisation.
- (4) The Authority may remove a provider of structured learning from the list under subregulation (2) if the Authority is satisfied that the provider—
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- (a) is not a fit and proper person or organisation to deliver courses or activities; or
- (b) no longer meets the criteria in subregulation (1); or
- (c) is no longer appropriate to be listed.

**45J Authority must consult with stakeholders before making certain determinations**

- (1) Before making a determination under regulation 45G, 45H, or 45I, the Authority must consult with the Plumbing Advisory Council and also any relevant plumbing industry stakeholders who the Authority considers represent the interests of, or who provide continuing professional development training that relates to, plumbers licensed or registered to carry out a class, specialised class or type of plumbing work who are affected by any of those determinations.
  - (2) For the purposes of subregulation (1), the Authority may make a determination under regulations 45G, 45H or 45I if advice was sought from the Plumbing Advisory Council or a relevant plumbing industry stakeholder, but not received within any timeframe notified to the Plumbing Advisory Council or the relevant industry stakeholder by the Authority.
  - (3) In this regulation *relevant plumbing industry stakeholder* includes a professional association, trade union, public authority and a person or organisation that provides continuing professional development training.
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**45K Authority may request information**

- (1) The Authority may request information from a plumber in order to provide evidence of completion of any of the continuing professional development requirements prescribed under regulation 45C.
- (2) A plumber must provide the information as requested by the Authority under subregulation (1) in the form approved by the Authority and within the time requested by the Authority."

**7 New Part 9 inserted**

After Part 8 of the Principal Regulations **insert—**

**"Part 9—Further transitional provisions**

**58 Transitional and saving provisions relating to the Plumbing Amendment (Continuing Professional Development) Regulations 2024**

- (1) The continuing professional development requirements prescribed in regulation 45B do not apply in respect of an application for renewal received by the Authority before 1 July 2025.
  - (2) If the relevant CPD period for an application for renewal made on or after 1 July 2025 commences before 1 January 2025, the relevant CPD period is taken to commence on 1 January 2025.
  - (3) Despite regulation 45C(1)(a), (2)(a), and (3)(a) and subregulation (2), for an application for renewal received by the Authority on or after 1 July 2025 and before
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1 January 2026, any eligible activities that are completed during the period commencing on 1 July 2024 and ending on 31 December 2024 are to be taken into account for satisfying the continuing professional development requirements for that application for renewal set out in regulation 45C.

(4) Regulation 45F does not apply in respect of application for renewal received by the Authority before 1 July 2025.

(5) In this regulation—

***application for renewal*** means an application for renewal of a licence or registration under section 221ZB of the Act for a licence or registration authorising the carrying out of a class, specialised class or type of plumbing work under section 221Q, 221M, 221N, 221O, 2210A or 221R of the Act;

***eligible activity*** has the same meaning as in regulation 45A;

***relevant CPD period*** has the same meaning as in regulation 45A."

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Endnotes

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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 149/2018 as amended by S.R. Nos 149/2018, 41/2019 and 122/2022.