

Plumbing SA



The Plumbing Industry Association of South Australia Inc.

November / December 2012



- National Licensing Off Track
- DIY - The Hidden Costs
- Robot Plumbers - Not In Our Lifetime



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Cover: Corey Smith Cowell Plumbing at one of the recent TMV training courses.

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ASBUILT

National Occupational Licensing Scheme (NOLS) – Plumbing and Gasfitting Regulation Impact Statement (RIS) Submission

The NOLS – Plumbing and Gasfitting RIS was released for comment during September and after a number of meetings with industry stakeholders, the PIA prepared a submission which was sent on Friday 12th November. The key points from that submission are outlined below;

The PIA, as with all the other Master Plumbing Associations (MPA's) throughout Australia supports the philosophy of national licensing in principle, on the grounds that it will benefit the plumbing industry in the areas of labour mobility, reduction in multi-jurisdictional licensing costs and will provide the final link in the creation of national uniformity in respect of training, regulation and now licensing. One might think this process should be relatively simple and straight forward, as the basic components of licensing are well established, the release of the 290 page RIS revealed how a committee of bureaucratic 'punters' can totally misrepresent and segment the current situation as well attempt to manipulate an outcome that is based purely on profit.

The whole process has been questioned throughout the country as the Council of Australian Governments (COAG) National Taskforce has shown little respect for the work undertaken by the Interim Advisory Committee (IAC) over the past eighteen months. The IAC has worked hard to ensure the options provide the necessary measures to accommodate industry sustainability and provide the relevant protection for the community and the welfare of the industry.

In the best interests of the industry the PIA supported the notion to keep the licensing model as 'status quo' in South Australia, as we feel there is sufficient control with solid training both off the job through the prescribed Registered Training Organisations (RTO's) and well as on-the-job component through the apprenticeship model. One of the major concerns for the PIA and all MPA's was the lack of respect to the current apprenticeship model, under the NOLS option, there was no reference for completion of an apprenticeship or any other form of experience that demonstrates outcome based training with real on-the-job components.

The association opposes any move to replace the apprenticeship as the pathway to becoming a plumber with an institutional training model, which would be undertaken over a much shorter period with no on-the-job practical training. The association also believes that some formal process of competency assessment should be incorporated into the Certificate III plumbing training course.

The PIA believes that the best option going forward is the Tier 3, option 1, proposal that cements the training modules similar to the current system as well as capturing the important Certificate IV competencies. One of the NOLS options removed the requirement of the business units for a pre-requisite for the contractor's license – the PIA believes that to be a plumbing contractor, a plumber should complete the full requirements of the course to be granted the Certificate IV in plumbing and Services (Operational Stream).

They will then be technically competent to undertake the work required to serve the public and the construction industry and have the basic knowledge to start up and run a contracting business. The PIA also made a strong recommendation that Continuous Professional Development (CPD) be made mandatory to maintain plumbing and gasfitting licenses. This may ruffle a few feathers, but history has shown that there is a decreasing level of training being taken up after the initial Certificate III and IV training modules.

Other key areas raised by the PIA included the necessity for roof plumbing, mechanical services, medical gas work and stormwater to be regulated plumbing work to ensure protection of public health and safety. Although, not licensed in South Australia, it is in other states and this is something that needs to be retained to ensure standards are met and followed.

The PIA has based most of the submission on retaining the existing standards for the industry as well as to protect the public health and safety of our community. The growing evidence of non-compliant illegal work cannot be ignored or tolerated. In conclusion, I would like to thank those members who supported the PIA and made separate submissions to the National Taskforce to help the industry in going forward.



Andrew Clarke
Executive Officer



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Commercial Plumbing

New Trade Waste Guidelines



SA Water trade waste branch released new guidelines in March, which the PIA only became aware of recently. Apparently the Association of Hydraulic Consultants of Australia (AHSCA) was informed but not the rest of the industry.

The guidelines replace the Trade Waste Grease Arrestor Guidelines, Grease Arrestor Venting Guidelines, Food Preparation Guidelines and Arrestors/Separators – Their Function and Operation Fact Sheet.

We have uploaded the new guidelines into the technical section of the PIA website as the information is too long to present in the magazine, so we will address the most important issues.

The guidelines include but are not restricted to:

- Restaurants
- Cafes
- School/college training kitchens
- Take away food shops
- Coffee shops



- Cafeterias/canteens
- Bakeries/pizza shops
- Clubs and community centres
- Delicatessens and Supermarkets
- Child minding centres
- Hotels, Motels, Hostels
- Function centres
- Hospital & nursing home kitchens
- Ice cream parlours
- Caterers

SA Water's requirements for businesses with higher contaminant loads and waste water volumes, such as large multi-tenant food courts, food manufacturing/processing businesses, wholesalers, etc. may be significantly different. The PIA has previously advised that Dissolved Air Floatation (DAF) plants may be required.

The first section of the guidelines covers waste management practices, applying good practices, training and generally relate to practices by the business using the trade waste facilities.

It would be a good idea to provide clients with a copy of the guidelines, if you don't already do so, so they understand trade waste is not an install and forget process.

Clients should be advised that contact details for licensed waste contractors who collect waste oil and food scraps for recycling can be found in the Yellow Pages or internet sites such as <http://businessrecycling.com.au/about/background.cfm>

Almost all sites in this category are required to

- install and maintain adequate pre-treatment devices to ensure waste is safe for discharge to sewer.
- install effective screening or settling device(s).
- install a grease arrestor.



Commercial Plumbing Cont...

New Trade Waste Guidelines

For many sites, a combination of devices, such as screening to remove larger suspended solids, followed by a grease arrestor is preferred by SA Water. SA Water specifies minimum pre-treatment requirements and servicing frequency as a condition in the discharge permit issued to each customer.

To Remove Large Solids

- Waste strainer basket (maximum 1.5mm holes) installed at the sink outlet.
- Floor waste fittings with a water seal in the work area are fitted with a strainer basket (maximum 1.5mm holes).
- Waste waters discharging from sink outlets to a floor waste fitting with a water seal discharge over a fitted strainer basket (maximum 1.5mm holes).
- Strainer baskets are emptied into the solid waste bin daily or more often to avoid blockage and odours.



To Remove Oil/Grease And To Moderate Temperature

Only arrestors with “type approval” from SA Water shall be used. Plumbers should confirm with the Trade Waste Branch that their preferred device is of an approved type and application to install is approved before purchase



The following are typical types of grease arrestors that might be installed:

- Conventional underflow grease arrestor
- Grease arrestor with bio-filter
- Grease arrestor with mechanical skimming device
- Vertical Gravity Separator (VGS) – models suitable for fat/oil/grease removal

Generally, the minimum retention time in a conventional underflow arrestor is one hour at peak usage times.

Arrestor Maintenance

The Trade Waste Branch will set a maintenance schedule, to ensure correct operation of the grease arrestor. It can vary from fortnightly to annually, depending on waste accumulation rate and other factors. This will be reviewed as part of routine compliance audit inspections.



Estimating Appropriate Grease Arrestor Size

The guidelines provide detailed information on calculating the size of the grease arrestor but SA Water applies two rules when reviewing applications:

- Arrestors have a minimum hydraulic capacity equivalent to discharges from one hour of peak use. Additional capacity may be required to moderate high temperature or other factors
- The minimum capacity for grease arrestors is 1000 litres
- The additional load of material, from food waste disposal units, contained in this discharge typically requires an increased arrestor size, to safely accommodate larger amounts of grease/oil and settled solid material between service (pump out) calls by the licensed liquid waste contractor.

Covers

Grease arrestor covers must be suitable for the expected weight loadings e.g. galvanised checker plate covers for pedestrian traffic and “Gatic” style covers for vehicular traffic.

- Covers must be removable to allow full access for servicing and maintenance and be appropriately sized to allow safe removal by one person. Handles or lifting holes are necessary.
- Gas-tight covers are required for indoor systems to contain odours and may be necessary for outdoor installations.
- Where 600mm diameter gas-tight inspection covers are fitted, a minimum of 600mm vertical clearance between the underside of the cover and the static water level in the arrestor is necessary to facilitate routine servicing.
- Rectangular “Gatic” style covers shall have integrally cast portholes of 230mm diameter positioned over both the inlet and outlet of the arrestor.

Commercial Plumbing Cont...

New Trade Waste Guidelines

Venting Of Arrestors

Vents are required for all grease arrestors to:

- Remove odorous gasses from within the arrestor
- Create air movement between the induct vent and the upstream vent
- Reduce condensation within the arrestor
- Assist in the maintenance of water seals in gully traps

Vents are now required to be fitted with a wind driven turbine ventilator.

Design/Installation

Where the internal baffles would otherwise seal the chambers within the arrestor, baffles have ventilation holes above the static water level to allow free movement of air.

- An induct vent of not less than DN80 is connected to the outlet chamber of the arrestor. A DN80 or larger high level upstream vent (fitted with a wind driven turbine ventilator) is connected to the uppermost end of the drainage system gravitating to the arrestor.
- Induct and upstream vents cannot be interconnected.
- The sealed gully breather vent may be interconnected with the induct vent 300mm above the lowest fixture connected to the arrestor.
- Vents from arrestors and trade waste drains are extended to above roof level. However, where this is impractical, an Air Admittance Valve (AAV) may be used for a branch vent, provided the valve is made of material that is fit for the purpose and an appropriately maintained to ensure efficient operation.
- The overt of the vent pipe is to be installed as high as possible in the wall of the outlet end of the sealed arrestor. Alternatively the vent can be installed on either side wall of the sealed arrestor but must be against the outlet end wall of the arrestor.
- Variations to the above requirements (including installations where increments are to be fitted between the arrestor and ground level) are subject to authorisation by SA Water.

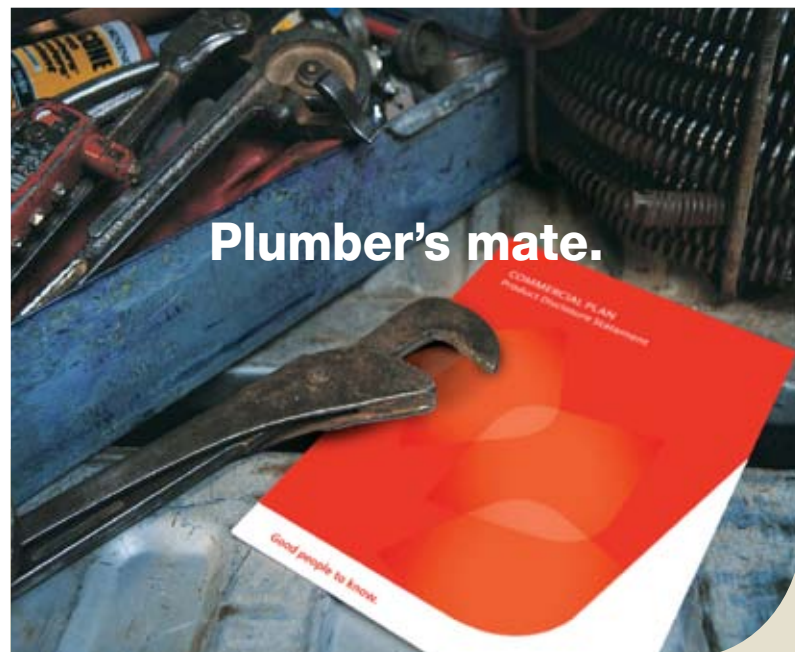
Other Matters

For stand-alone dischargers, a sampling point shall be installed (min. 100mm I O R) and brought to surface adjacent the inlet of the pre-treatment device, being a grease arrestor, settling pit or neutraliser.

- Where multiple trade waste dischargers are connected to a communal pre-treatment device, being a grease arrestor, settling pit or neutraliser, a sampling point shall be installed (min. 100mm I O R) and brought to surface immediately outside the building line of each tenancy or internally at each tenancy, prior to discharging to the main drain.

- Grease arrestors shall be located to facilitate servicing and maintenance operations and be accessible for inspection. This includes adequate clearance space above and around the arrestor.
- An appropriate backflow prevention device must be fitted to taps/hoses in the vicinity, which might be used for washing an arrestor. Water hoses must never be immersed in the arrestor's contents.

Trade Waste requirements are undergoing significant change. It is important to ensure your quote or tender addresses the requirements of SA Water, otherwise you may end up bearing the cost.



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The Fair Work Act in Review

has the balance shifted in favour of the employee?



The Federal Government has recently released its 294 page report covering the first two years' operation of the Fair Work Act 2009. The review, "Towards more productive and equitable workplaces; An evaluation of the Fair Work legislation" ('the report'), has sparked renewed debate amongst employer and union groups alike as to whether the Fair Work Act is achieving its stated goal of providing a fair and equitable workplace relations system. In this article we take a snapshot comparison with the previous regime, focusing in particular on the employer-employee relationship.

Termination of employment claims on the rise

Looking at the numbers published by Fair Work Australia and found in the report, during the three-year reign of the Howard Government's WorkChoices regime from 2006 to 2009, average annual termination applications were 7,678. During the two-year operation of the Fair Work Act from 2010-2011, that figure has nearly doubled to 14,579, with recent findings suggesting that 2012 figures may see the number of applications rise even further to over 17,000.

Employees winning the battle

In addition to the number of claims increasing, statistics further indicate that the success rate of applicants is currently far higher than was the case under WorkChoices. The data shows that applicants are successful 51% of the time in arbitrated cases under the current Act, compared to 33% under the previous regime. It is of note that payouts for employee claims remain generally the same under both the current system and WorkChoices, averaging 12 weeks pay.

Further avenue for employees

The dramatic rise in applications can be partly put down to the removal of the 100-employee cap that existed under WorkChoices. This cap effectively shielded employers with less than 100 employees from unfair dismissal liability. Additionally, employees are now provided with a further avenue to take action against their employer by way of an "adverse action" claim under the general protections provisions.

Figures indicate that these claims have risen from 1,200 in 2009-10 to nearly 1,900 in 2010-11, and would have surpassed 2,200 during the last financial year. Adverse action provisions are seen by many employers as particularly alarming, given the opposite burden of proof and potential personal liability arising from such claims.

The road ahead

It remains unclear as to what action will be taken following the Government's recent review, with Parliament yet to consider any of the suggested amendments to the Act. However, what is apparent is that in the two years since the changing of the guard of Australia's industrial relations system, there has been a notable rise in employee claims. Whether this constitutes a shift in the balance of power within the employer-employee relationship of Australian workplaces or is reflective of current economic times, we'll let you decide.



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Landmark Case

Defines Reckless Endangerment



Occupational Health and Safety – Reckless Endangerment puts Employer Responsibilities into Orbit

Recently, the Victorian Supreme Court upheld the first successful prosecution of section 32 of the Occupational Health and Safety Act 2004 (Vic).

The outcome in *Orbit Drilling Pty Ltd v The Queen* was eagerly anticipated by many in South Australia due to the possible impact on the doctrine of reckless endangerment, particularly in light of the proposed amendments in the Work Health and Safety Bill (the Bill).

Facts

In December 2006, Orbit Pty Ltd (Orbit) directed an inexperienced worker to drive down a steep slope in a truck that they knew had faulty brakes.

While driving down the slope, the truck flipped, throwing the driver and killing him.

Section 32 of the Occupational Health and Safety Act 2004 (Vic) provides that 'a person who, without lawful excuse, engages in conduct that places or may place another person, who is at a workplace, in danger of serious injury, is guilty of an indictable offence.'

This principle is reflected in section 59 of the Occupational Health, Safety & Welfare Act 1986 (SA).

Orbit pleaded guilty to reckless endangerment by engaging in conduct that placed the driver's life in danger.

Orbit's Managing Director, Martin Smith, was also personally prosecuted for not ensuring that Orbit complied with its responsibilities.

Each received fines of \$750,000 and \$120,000, respectively. Orbit and Mr Smith appealed.

In particular, Mr Smith argued that the imposition of a personal penalty was, in effect, a 'doubling up' of the penalty to Orbit.

On Appeal

The Court rejected the proposition that the imposition of a fine on both Orbit and its sole director had the effect of the imposing of a double penalty. Both appeals were dismissed.

Conduct can be deemed to be reckless when 'there is foresight on the part of an accused of the probable consequences of his actions and he displays indifference as to whether or not those consequences occur.'

A central and determining factor in the finding that Orbit and Mr Smith were reckless was the knowledge that, since 1 December 2006, the truck that the worker was instructed to drive was defective. Two experts testified to this fact.

Upon consideration of Orbit's records, it was clear that the maintenance of the subject truck was 'virtually non-existent'.

One of the experts stated that 'no driver should have been assigned the task of driving the truck down any hill.'

The same expert also pointed to significant shortcomings in the training regime that the worker had been subjected to, especially in light of his limited experience.

The Court held that it was beyond belief that Orbit could have knowingly exposed one of its workers to risk of serious injury when it considered the worker's very limited experience and knowledge of the truck's defects.



Landmark Case Cont..

Defines Reckless Endangerment

The court rejected the argument that the fine imposed on Orbit was 'manifestly excessive', as the incident could have easily been avoided.

The fine imposed on Mr Smith was also upheld. In fact, it was determined that Mr Smith's lack of reasonable care resulted in Orbit's inability to maintain a safe working environment.

Implications for Employers

In this case, the court reiterated that, in occupational health and safety prosecutions, it is not the fact that an accident occurred that is the offence, rather, it is the fact that a worker was exposed to a risk.

It is important to note that an accident or near miss need not occur for a charge to be laid under the Occupational Health, Safety & Welfare Act 1986 (SA).

The Bill sets significantly higher penalties in cases where recklessness causes a workplace hazard.

If an entity is found guilty of reckless indifference toward a workplace health and safety matter, it may be fined up to \$3,000,000.

The entity's directors and/or senior executive officers may also be prosecuted, fined and/or be imprisoned.

This case is a timely reminder that ignoring work health and safety is both morally and financially taxing.

For more specific information on any of the material contained in this article please contact Sathish Dasan on 8210 1253 or sdasan@normans.com.au



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Paid Parental Leave



From 1 January 2013, dads and partners may be eligible to receive a two-week parental leave payment (the Payment) following the birth or adoption of a child. Eligibility will be determined in the same way that the primary caregiver's entitlement is assessed.

Dads/partners will need to forfeit their ordinary weekly wage (which, in most cases, will be more generous than \$606) and arrange, with their employer's approval, to take two weeks of leave without pay.

This may create difficulties for employers, including personnel shortages and operational disruptions.

It appears that an employer has the capacity to deny a request from a dad/partner for leave without pay to enable him/her to access the Payment; it is, after all, a payment arrangement between the dad/partner and the Government, that exists outside of the employment relationship.

To be eligible for the Payment, the dad/partner must satisfy the following eligibility criteria:

- Work Test – must have worked 330 hours (approximately one day per week) in 10 of the 13 months before the birth or adoption of the child;
- Income Test – must have earned \$150,000 or less in the previous financial year; and
- Residency Test – must be an Australian resident or hold a relevant visa.

Like the 18-week payment to the child's primary caregiver, the Payment is subject to the deduction of tax but does not attract superannuation.

Implications for Employers

The good news for employers is that the Payment is entirely Government-funded and administered.

The potentially troublesome news for employers is that dads/partners, who receive the Payment, must not work or access paid leave during the weeks that the Payment is made. This will present an interesting dilemma for dads/partners and employers alike.

Therefore, if your business cannot forgo the dad's/partner's services for a two-week period, discussions will need to be held with that employee.

It may be that the two-week period can be delayed to a time (before the child's first birthday) that is more operationally appropriate for your business.

Finally, if your business has a paid parental leave scheme in effect, the introduction of the Payment will not impact on an employee's entitlement to payment under that scheme, unless otherwise stated.

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Work Health Safety legislation

Are You Compliant?

The Work Health Safety Bill 2011 (SA) (WHS Bill) has now been passed and will commence on the 1st January 2013. It is crucial that you understand your obligations and address any shortfalls in your systems prior to this date - particularly when it comes to monitoring your contractors.

The duty holder

The primary duty holder under the WHS Bill is a “person conducting a business or undertaking” (PCBU). The duties of the employer under the current Occupational Health Safety and Welfare Act (OHSW Act) will be assumed by the PCBU.

There is no specific definition of “business” or “undertaking” in the WHS Bill. However, Safe Work Australia has stated that a business will usually be conducted with a view to making a profit while an undertaking will usually be a not-for-profit or non-commercial venture. This definition covers a majority of PIASA members.

A PCBU will owe a health and safety duty if, in the course of conducting the business or undertaking, it:

- engages or causes to be engaged (through sub-contracting) a worker to carry out work;
- directs or influences work carried out by a worker; or
- has the management or control of the workplace in which work is performed.

Who is owed a duty of care?

The OHSW Act provides that employers have an obligation to ensure the health and safety of their “employees”. Deeming provisions extend the definition of “employees” to include contractors in certain circumstances.

The WHS Bill replaces the term “employee” so that health and safety obligations are now owed to “workers”, which includes employees, contractors, sub-contractors, labour hire workers, apprentices, students on work experience and volunteers.

The duty of a PCBU

A PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the business/undertaking. It is clear from this definition that the duty extends to public safety situations.

The above duty of care cannot be delegated by a PCBU - even if a contractor is engaged to perform specific works. However, the extent of a PCBU’s obligations is dependent upon what is “reasonably practicable” in the circumstances.

Tips for engaging contractors

A review of the contractor’s health and safety operations should be undertaken prior to engaging the contractor, particularly in relation to:

- health and safety policies and procedures and whether they are implemented at a practical level;
- risk assessment processes;
- training of employees in health and safety issues;
- generation of site safety plans;
- reporting mechanisms;
- accident/incident reporting and management;
- safety record; and
- willingness to consult on a regular basis with respect to health and safety.

Upon engaging a contractor it is necessary to ensure that the contractor agreement clearly sets out each party’s health and safety obligations, notification procedures and consultation obligations. This will be one of the first documents sought by a safe work inspector in the event of a workplace incident.

Take home message

In the lead up to the commencement of the WHS Bill it is crucial that businesses understand the new laws and requirements in order to ensure that they have the correct systems in place. This is particularly necessary given the hefty penalties that will apply for a breach.

PCBUs will need to take active steps to ensure that contractors are complying with health and safety obligations.

However, this will be limited by what is “reasonably practicable” – taking into account the size and structure of the PCBU, the nature of the work and the characteristics of the workers.

Daria Matthews

Solicitor

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Footnote: BusinessMate incorporates all of the tools to ensure compliance with the new Work Health Safety Act which will commence on the 1st January 2013. Call Paul Worthington to arrange a demonstration.

New Zealand: Protect Councils from Dodgy Builders!



New Zealand councils have called for the government to introduce warranties into new building legislation to protect ratepayers and councils from the financial fallout of dodgy building and construction practices.

The New Zealand Herald reports that councils and ratepayers have been left to foot bills for shoddy building work in the past and that councils in Christchurch and Wellington have called for the introduction of a new warranty scheme to protect consumers and local authorities from liability when builders do not produce proper work.

“Councils end up as the last man standing,” Christchurch councillor Sue Wells has told a parliamentary select committee. “There is no warranty scheme that will protect the ratepayers of Christchurch or throughout the country in the event that any of these licensed building practitioners undertaking repairs or rebuilds don’t do it well.”

Sue Wells

Wells says as many as 10,000 tradespeople were expected to be involved in the rebuild of Christchurch following last year’s earthquake, and that the costs would be substantial if even a small portion of them did unsatisfactory work.



“We’re looking at a \$30 billion rebuild,” Wells says. “We’re looking at 30-40,000 major repairs in our city over the next five years of over \$150,000 per dwelling. You start to get a bit of sense of why we have some concerns and why we think there’s a gap here.”

The calls come as many councils throughout the country have had to fork out millions of dollars over recent years to finance their

part of a financial assistance package to home owners after tens of thousands of homes constructed over the past two decades failed to live up to weathertightness standards.

Under the package, councils that elected to participate in the scheme paid 25 per cent of repair and restoration costs, with the government contributing a further 25 per cent and homeowners having to meet the balance.

The calls also come as the Building Amendment Bill currently before parliament seeks to improve accountability within the construction industry.

That bill, if passed, would require builders to show their track record before taking on a job and would require any defects to be fixed within 12 months without question and regardless of the cause.

The new laws are aimed at cleaning up industry practices, which have been the subject of intense criticism following the leaky homes debacle. While the objective is worthy of pursuing, just who will police such activities and how it is resourced needs to be clearly defined before legislation is introduced.

Wells says, however, that the reforms do not go far enough and that builders in the past have regularly shut down their companies to escape liability. She says the Council wants a mandatory warranty scheme for new homes and significant alterations which would be effective for 10 years.

Meanwhile, John Scott, Wellington City Council manager of building consents and licensing services, has called for a surety fund, which would be paid for either by the government or the industry.

Wells says remedies for dodgy work must be sufficient to provide an incentive for building firms to avoid the cost of subsequent remedial work.

By Andrew Heaton

Editor's Note: National Licensing is delaying any ability to move forward with a similar proposal here in South Australia. The PIA also believes we need to consider requiring home owner's, providing evidence, that work conducted in their home was undertaken by a licensed tradesperson. If they can't provide that evidence eg, a COC, then the home owner should be required to have a building inspection to identify any shoddy work and to have it rectified prior to the property being put on the market. Shoddy Builders and DIY is becoming a significant problem in many western countries as evidenced by Britain passing such legislation and now New Zealand seeking to strengthen consumer protection from shoddy work. It would be nice if our legislators could be ahead of the problem for once.

Hot Products



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JB'S SOAP BOX



I was scratching around for an idea for my column when the PIA sent me an article that they came across when searching the Internet.

Carol Cannavan, of the Institute of Plumbing and Heating Engineering (IPHE), says that over the past few years there has been a flood of people entering the industry in the UK.

"What sparked it was the media exaggerating stories about plumbers making a fortune. We had other skilled workers like bank managers saying they wanted to change their career to become a plumber because they had seen in the paper how much they could earn. They discovered when they got on the courses that you have to be a practical person and want to learn how things work, so it's not for everyone."

Because being a plumber is not a protected title like solicitor, people could call themselves a plumber after attending a four-week course, she says, but it takes three years to train properly.

Since this rush, and the arrival of new plumbers from Poland, IPHE members have reported this year that work has dried up. A few thoughts sprang to mind as I read the article.

How can you become a plumber in four weeks? No wonder there are so many problems with skilled migrant plumbers coming from the UK, if this article is correct.

It also shows how fortunate we are to have a trade protected by a licensing system that we should all be very protective towards. What kind of process do they have in the UK to make sure that a person is suited to a trade?



To my way of thinking you need a whole range of skills including, good aptitude with your hands, the ability to problem solve, a reasonable standard of literacy and numeracy, good people skills and if you are going to have your own business, the passion to develop the marketing and business skills you will need to run your own show.

Here in Australia we are fortunate to have pre voc courses, now VET in Schools, a good trade training scheme that together tend to select the right young people.

No system will ever be perfect and there is room for improvement in training and in on the job training but overall we have a pretty good system.

Finally I'll turn to people like the media who promote false expectations in people. The media is now focussed on giving opinions and not reporting facts.

Any decent journalist with the time to research an article properly should be able to report the facts better but like so many jobs now the journalists are given inadequate time to research properly and are under pressure to create headlines to drive advertising revenue.

The future of newspapers is looking pretty grim and our electronic media is a voracious animal running 24/7 and seems more intent on titillating and sensationalising the trivial than reporting real news.

What we need is less and better quality news, therefore less trivia and dribble. Don't ask me how I ended up rabbiting on about the media.





Residential Building Cover Package

The Northern Territory's new Housing Minister, Peter Chandler has confirmed the government is going ahead with the introduction of the Builders Insurance Scheme in January 2013.

The previous Labor Government introduced and passed the legislation. The government will complete the regulations to accompany the legislation.

Two pieces of legislation form a package that provides for consumer protection in the residential building market.

In addition to the two Bills, a consumer guide has been developed, which will be published on the Building Advisory Services homepage.

Key elements of Act 1 titled 'Building Amendment (Registration and other matters) Bill 2011' include:

- a strengthening of the existing financial requirements for registration;
- legislative provision for the regulations to prescribe requirements for progress payments; and,
- 'housekeeping' matters.

Key elements of the consultation draft of amendments to the building regulations titled 'Building Amendment (Financial Assets, Residential Building Contracts and Other Matters) Regulations 2012' include:

- Requirement for \$50,000 as the financial assets for registration as a building contractor (must be maintained during the period of registration); and,
- Residential building contracts must specify the percentage of work payable on completion of each stage of building work and both the description of the stages, and the percentage for each stage is prescribed, unless parties agree to vary the stages in the approved form.

Key elements of Act 2 titled 'Building Amendment (Residential Building Consumer Protection) Bill 2011' include:

- mandatory, last resort, residential building cover (insurance or insurance like cover);
- consumer guarantees; and
- a dispute resolution process (may be accessed where no residential building cover trigger has occurred)

The residential building cover is a reference to residential building insurance or cover through a fidelity fund scheme and will be required in place of the Home Building Certification Fund cover.

The HBCF will be wound up on commencement of this Act.

The Bills are to commence at separate stages. It is proposed that Bill 1 could commence in the near future, and Bill 2 could commence when residential building cover providers are able to offer the products.

The package is most relevant to both consumers and registered builders who participate in the residential building market.

The package was developed after consultation with the wider community and industry from 2009 which was managed by the Building Industry Representative Group (BIRG).

A standards and tolerances guide will be developed to assist in the resolution of disputes about what is considered 'workmanlike' building work.



Northern Territory

From Waterford To Darwin

In 2005, Karl Redmond and Kris Mangen from Dublin first met at trade school in Waterford. In a class of 25 men, Karl and Kris spent most of their training together.

Now in Darwin 3 years after completing their Irish apprenticeships, they met up at Charles Darwin University and enrolled in the "Migrant Gap Training" course.

Karl who works for DAC enterprises, has made his way from working in Sydney and now resides in Darwin. Kris who works for Project Plumbing on the huge "Inpex" project came directly to Darwin.



Above: Kris from Project Plumbing & Karl from DAC Enterprises

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SAFE WORK



DIY Damage

There are a number of issues around the current wave of DIY triggered by the perception:

- that tradies are too expensive
- cost of living pressure on consumers
- DIY TV shows that focus on the competitors and not on all the expert trades working on the projects behind the scenes, creating a false belief that it's really easy.

One of our members sent us a copy of Plumber's Choice which reported on the high number of hospital admissions from DIY accidents.

What it raised is the high cost of DIY accidents to the community. One person reading the draft of this article suggested a "Bunnings levy" to cover the cost of all these hospital admissions. What we do need is better data on how many admissions there are. We also do not know how many DIY accidents result in visits to the GP or to an emergency room without a hospital admission.

In preparing this article we tried to obtain more information on hospital admissions, so we don't know how the Sunday Telegraph in its article arrived at their figures. Indeed the general data collection of these types of statistics is quite fragmented and these figures may be under reported.

We just don't know. What we do know is that these statistics make reported OH&S claims look very respectable. What we can say is that if you are hospitalised and require surgery, the cost per case will be in the thousands if not tens of thousands, before lost wages, family disruption, pain and suffering etc are even considered.

How many consider the possibility of a serious accident before engaging in DIY?

The second problem is that of poor quality DIY work that is unsafe or even illegal. I know that when we bought our home some years ago, we called our electrician to install a new light fitting in the dining room.

We ended up having to rewire every light fitting in the house because the home handyman who renovated the home had done the wiring incorrectly.

We also had the electrician check out all the wiring which fortunately appeared to have mostly been done by an electrician. Don't start me on the storm water and water pipes in the property that has cost us thousands.

So how do we ensure the work is done properly? We had a building inspector who didn't pick up on any of this stuff.





DAMAGE IT YOURSELF

One way is to require that COC's and a statutory declaration must be provided at the time of sale, for all work undertaken by that owner. There are other options but what you want is dodgy work to be fixed, not some process that drives up the cost of fixing the problem. The third problem is the perception that DIY is much cheaper and is easy.

If you have a trade background or have been exposed to those skills, are practical, good with your hands, able to problem solve, understand the building codes or the engineering aspects of DIY, then there is no doubt many tasks that are not licensed can be done.

My neighbour loves working with wood and has built all his own wardrobes with great attention to detail and to an excellent standard. Did he save money? He paid full retail for the materials, bought several new power tools and hand tools and spent many weekends building them.

If you counted his time, he lost money but the time was not a factor for him. Many do not have the skills, lack the real interest and end up doing a shoddy job.

It is these people who need to understand that any savings are questionable. For some their income level leaves them little choice. The fourth problem is the spate of TV shows every few years encouraging DIY and influencing some that lack the skills and aptitude to give it a go.

These shows come and go. What is more pervasive with the rise of mega hardware chains is the intense advertising they run to drive a constant flow of consumers to their doors to keep them in business.

The fifth problem is that tradies, associations and the industry in general need to dispel the urban myth that tradies are prohibitively expensive and that these trades are just a bit of common sense.

Damage It Yourself:

HAPLESS DIY buffs are ending up in hospital in record numbers as weekend repair chores leave them with shocking injuries - everything from broken backs to sliced fingers.

As the trend towards do-it-yourself home repairs soars, so does the injury toll, with more than 25,000 hospitalised last year from ladder falls, nailgun mishaps, lawnmower accidents and power tool problems, figures show that while long weekends are the most popular time for painting the house, cleaning the gutters and building furniture, they are easily the most dangerous.

Armed with cheap electrical tools, hundreds of home handymen in NSW are risking life and limb to perform jobs normally carried out by tradesmen. The alarming figures from the National Injury Surveillance Unit show DIY injuries are steadily rising.

"It would be a rare week when we didn't see a serious injury with a circular saw or angle grinder," said Dr Tim Heath from Sydney Hospital's hand unit. "We always see a spike after long weekends and especially after Father's Day."

Of the hospitalisations due to accidental injury, 1711 were injuries from a non-powered hand tool, 2803 with a powered hand tool and more than 5000 were due to contact with machinery.

More than 11,000 admissions to hospital were the result of foreign bodies either in the eye or through the skin.

In another study by the unit, 3486 admissions were from falls from ladders. Men outnumber women four to one in the statistics.

Rob Harvey knows better than most the dangers associated with a quick DIY project - every time he picks up a hammer his wife Lyn, 43, reaches for the first-aid kit.

"I hammer my thumb pretty well but that's about it," the 44-year-old office worker from Yowie Bay told The Sunday Telegraph.

In fact, he has had so many mishaps, Ms Harvey now insists they hire professionals. Even experienced handymen can come a cropper. Floor sander Hashem Aiche, 38, was yesterday recovering in hospital after having his thumb reattached following a DIY accident.

"You have to be really careful; these are tools you just can't muck around with," Mr Aiche said.



Hashem Aiche at Sydney Hospital after severing his thumb. Picture: Jeremy Piper. Source: The Sunday Telegraph

Business Advice

Robot Plumbers



If you thought that criticism of plumber's charges has grown in recent years, you're right and the problem isn't unique to Australia. An article was published on the BBC website nearly five years ago and remains just as true today. Extracts are included in this article.

The disassociation between the real cost of something and its perceived value is influenced by many factors including the media, how often you use a service, your income level and with older people their memory of how things used to be and a disconnect from the present.

It's one of the reasons older citizens make up a disproportionate number of complainants to the PIA. What many also don't realise is that plumbing is not a task readily done by machines. Robots can build cars but they can't easily install a drain or water pipe in a building.

"One of the reasons why plumbing is perceived as expensive is that the relative cost of such services has been maintained but other household goods have been getting cheaper, says David Greenaway, a professor in economics."

"Because it's a trade job that we all from time to time call upon, people get puzzled when what they regard as - although skilled - still a tradesman's job, that seems to be getting so expensive relative to other things they are buying."

Editor's note: An attitude that a tradesperson is less intelligent or skilled than a university graduate is not just confined to the British, plenty of Australians think this way. Some cultures also draw plumbers from their lowest class and they also can have very negative attitudes to skilled trades.

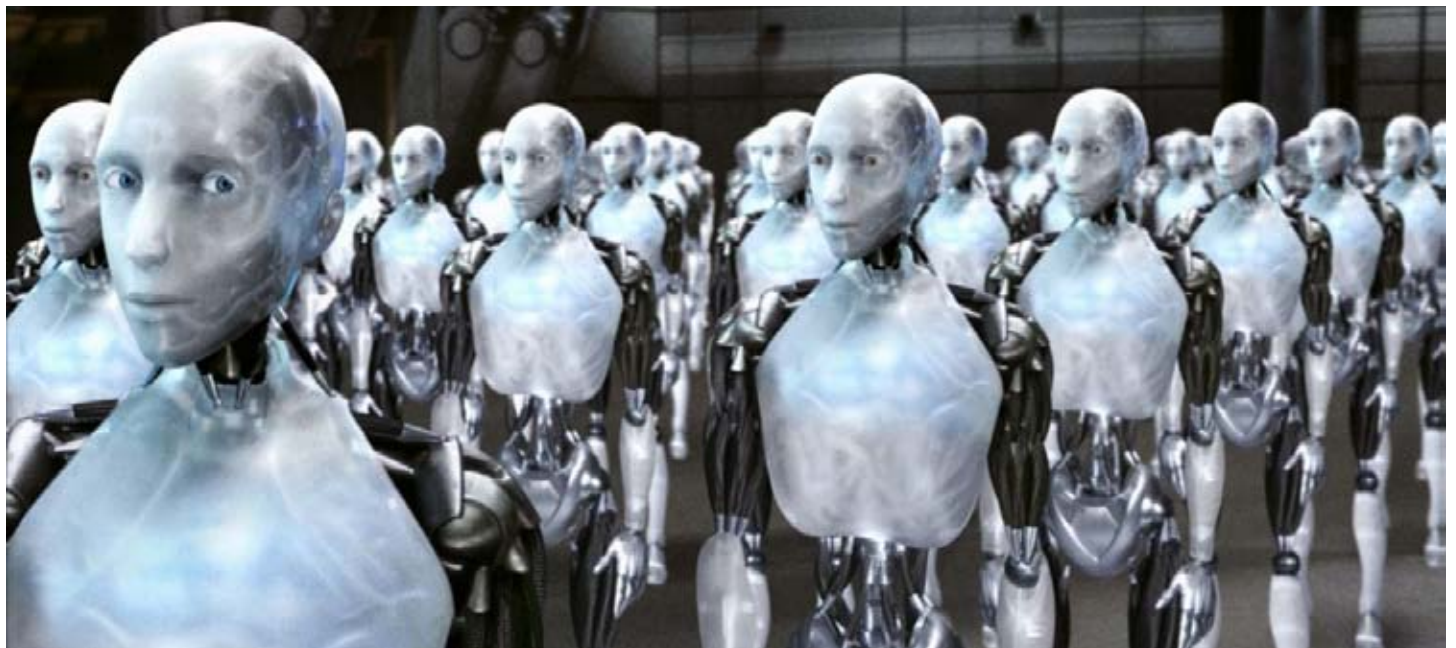
"Plumbing, like being a waiter or taxi driver, hasn't become cheaper or more efficient over time because it can't, says Tim Harford, a columnist at the Financial Times. In 50 years we won't get robots doing the plumbing so what we find is if we looked at the economy 50 years ago, something like plumbing wouldn't have really stood out. People didn't really have much money.

But now you can buy amazing televisions and cars that are cheaper and better than 20 years ago. All this amazing stuff and yet plumbing has not really changed and so it looms large as a problem, as something expensive." Selected quotes from: news.bbc.co.uk/2/hi/uk_news/magazine/6951188.stm

As an industry we need to communicate clearly that plumbing is a labour intensive industry where productivity gains from new technology and automation will always be limited unless we have robots that can replicate the capabilities of humans.

We need to dispel the urban myth that plumbers are getting fat on their exorbitant charges by reminding people of the high operating costs related to Workcover, business insurance, general insurance, superannuation, Long Service Leave, equipment, vehicles, administration, non productive periods for maintenance plumbers... and the list goes on. So remember, next time someone sparks up and starts firing off about how rich plumbers are, ask them:

- So why aren't you a plumber if we make so much money?
- How much do you make an hour and how much do you think I make an hour?





Lloyd in uniform at the end of World War II.

The PIA on behalf of all members offers the family of Lloyd Roberts our deepest sympathy on his passing. Lloyd was a member of the MPA/PIA for many years and passed away on the 6th August 2012, aged 94.

Lloyd was a member of the MPA (PIA) for many years and a member of the Executive in the 1960's and 1970's. Lloyd was born at Thebarton 2/7/1918. He was educated at Thebarton Primary School and Thebarton Technical High School. Lloyd completed his Intermediate Certificate before entering the workforce at the height of the

depression. He had a few jobs before the war but the main one was working in Harris Scarfe's Timber Department.

In 1940, he joined the Royal Australian Air Force Signal Corp where he was involved in training. Lloyd served in Darwin, Ambon and New Guinea. After discharge from the RAAF Lloyd was able as part of the Post War Resettlement Scheme to receive training. He decided to become a plumber and commenced an apprenticeship. Mature age apprenticeships are not new, they just have new names.

After completing his apprenticeship he worked for the Advertiser as one of their maintenance plumbers for several years. Lloyd married his first wife Iris in 1948 and they had three children, Douglas, Kathleen and Margaret. Douglas became a geologist, Kathleen became and is an artist and Margaret became a nurse.

In the late 50's, Lloyd started L M Roberts & Co in Linden Park. One of his apprentices is long time PIA member and former committee member, Trevor Driver. Trevor continued working for Lloyd for 12-14 years after completing his apprenticeship and National Service. He remembers a methodical and precise plumber who was a perfectionist in his work.

Lloyd was a deep thinker, mulling an idea over before making a decision. He also had a good sense of humour and enjoyed the company of others. Lloyd was also a very devout Christian. Lloyd retired in 1983 and devoted his time to Golf and Community work, which included, Meals on Wheels, Red Cross and his church.

Iris passed away in 1985. He later married Sami who unfortunately passed away only a short time after they were married. Lloyd is survived by his wife Muriel whom he married at the age of 92, his three children, six grandchildren and one great-grandchild.



Above: The MPA Executive in the mid 60's with Lloyd on the right hand end of the front row

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In Brief:
One roofing plumber has a keen sense of humour



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Certification awarded to Ri-Industries

RI Industries has recently had their on-site domestic waste water treatment systems certified by SAI Global.

Following a lengthy and rigorous certification process, their Ri-Treat waste water treatment systems have been granted the SAI Global Standards Mark in Australia. Graham Garvie, Managing Director of Ri-Industries said, "This additional tick of approval from SAI Global confirms that our Ri-Treat systems really are the market leader in terms of quality: something our customers have been telling us for years. Our customers now have additional peace of mind that their recycled water really is the highest quality which they can reuse in their garden with the utmost confidence."

The Ri-Treat system separates and digests household waste from the toilet, bathroom, kitchen and laundry, and uses natural processes to purify wastewater.

This odourless, clean, disinfected water is then recycled through garden sprinklers. Achieving the SAI Global Standards Mark means that the recycled water can achieve the Australian and New Zealand standard for quality. Ri-Industries is one of only two companies in South Australia with the certification. Due to its environmental benefits, the Ri-Treat waste water treatment system was also selected by the Master Builder Association for their 'Green Living Home' in Blackwood Park: South Australia's first 8 star energy-rated home.



Advertising Frauds Finally Penalised

Publishing companies and director to pay \$500,000 in penalties for unconscionable conduct and harassment.

The Federal Court in Brisbane has ordered three publishing companies to pay penalties totalling \$400,000, and the companies' director, Mr Andrew Clifford, to pay \$100,000 after they admitted that they had engaged in misleading and deceptive conduct, harassment and coercion, and unconscionable conduct in relation to advertising services that were never requested or provided.

The Court imposed penalties of:

- Elite Publishing Group Pty Ltd – \$200,000
- Wiltshire Publishers Pty Ltd – \$125,000
- Exclusive Media & Publishing Pty Ltd – \$75,000
- Andrew Clifford – \$100,000

"This outcome confirms the ACCC's position that the conduct of companies, and their directors, who mislead people into entering agreements they never intended to and then repeatedly demand payment from them can amount to unconscionable conduct and harassment," ACCC Chairman Rod Sims said today.

"It also sends a strong message that the ACCC will use its powers to take action against companies that make a living out of deceiving small businesses."

If you receive post, faxes or emails purporting that you have agreed to advertise in similar publications. Contact the ACCC and let them deal with it. They've got the teeth to take a bite out of them.

Taxation - Loss Carry Back - Draft Legislation Released

The Government has now released draft legislation for its company tax loss carry back measures announced in the 2012/2013 budget.

These new measures will allow company tax losses to either be carried forward and deducted from income derived in a later income year or carried back and applied against income of earlier income years to produce a "refundable tax offset".

Under the current law, tax losses can only be carried forward and deducted against income derived in later income years. Some key features of the draft legislation are that:

1. The maximum loss carry back tax offset will be capped at a refund of \$300,000;

In Brief Cont...

2. Companies will not be entitled to obtain a tax refund in excess of their franking account balance at the end of the relevant tax year;
3. Accessing the loss carry back provisions will require companies to meet a modified “same business test” or “continuing of ownership test” that currently operate for the loss carry forward provisions (currently in place in Division 165 of the Income Tax Assessment Act 1997); and
4. The new provisions will apply to tax assessments for the 2012-2013 and later income years with a one year transitional carry-back period to apply for the 2012-2013 income tax year.

It is intended that the implementation of these new loss carry back rules will promote new investment decisions in capital equipment and re-skilling of people.

In addition, it is expected that these new laws will remove the asymmetrical tax treatment of the companies with high risk returns compared to companies with low risk returns.

Property Infrastructure and Development - Changes to the CPI Reference Period– What it Means for Your CPI Review Clauses

The Australian Bureau of Statistics recently announced that from September 2012, all index reference numbers (including the Adelaide (All Groups) CPI index number) will be calculated on the basis of a new index reference period of 2011 – 2012.

This means that all CPI index numbers for 30 June 2012 (including the Adelaide (All Groups) CPI index number) will be re-set to 100.00.

The Adelaide (All Groups) CPI index number is presently (before being reset in September) 180.4 for 30 June 2012.

This has implications for all leases, licences and contracts more generally where rent or any fee is periodically reviewed (usually increased) by reference to a change in a CPI index number (whether Adelaide CPI or not).

Essentially, where a change to CPI is being calculated on a direct comparison of a CPI index number published before 30 June 2012 with the CPI index number for 30 June 2012 or a quarter after 30 June 2012, incorrect calculations of changes to CPI will result because of the resetting of the index referencing period.

To account for the re-set of the index referencing period, the Australian Bureau of Statistics will release an adjustment factor,

which may need to be used to correctly calculate the change to a CPI index number for CPI review clauses.

Seek advice from your accountant before accepting CPI Index changes to leases or contracts.



Correction

In the last issue, we published an article “valuing your investment.” One of the stock photographs showed a worker using a concrete cutting saw with the power cord and hose running between his legs.

Whilst he had hearing PPE and steel capped boots he was dressed in t-shirt and jeans. It was a poor example to illustrate the article. We thank Andrew for pointing out the photograph.



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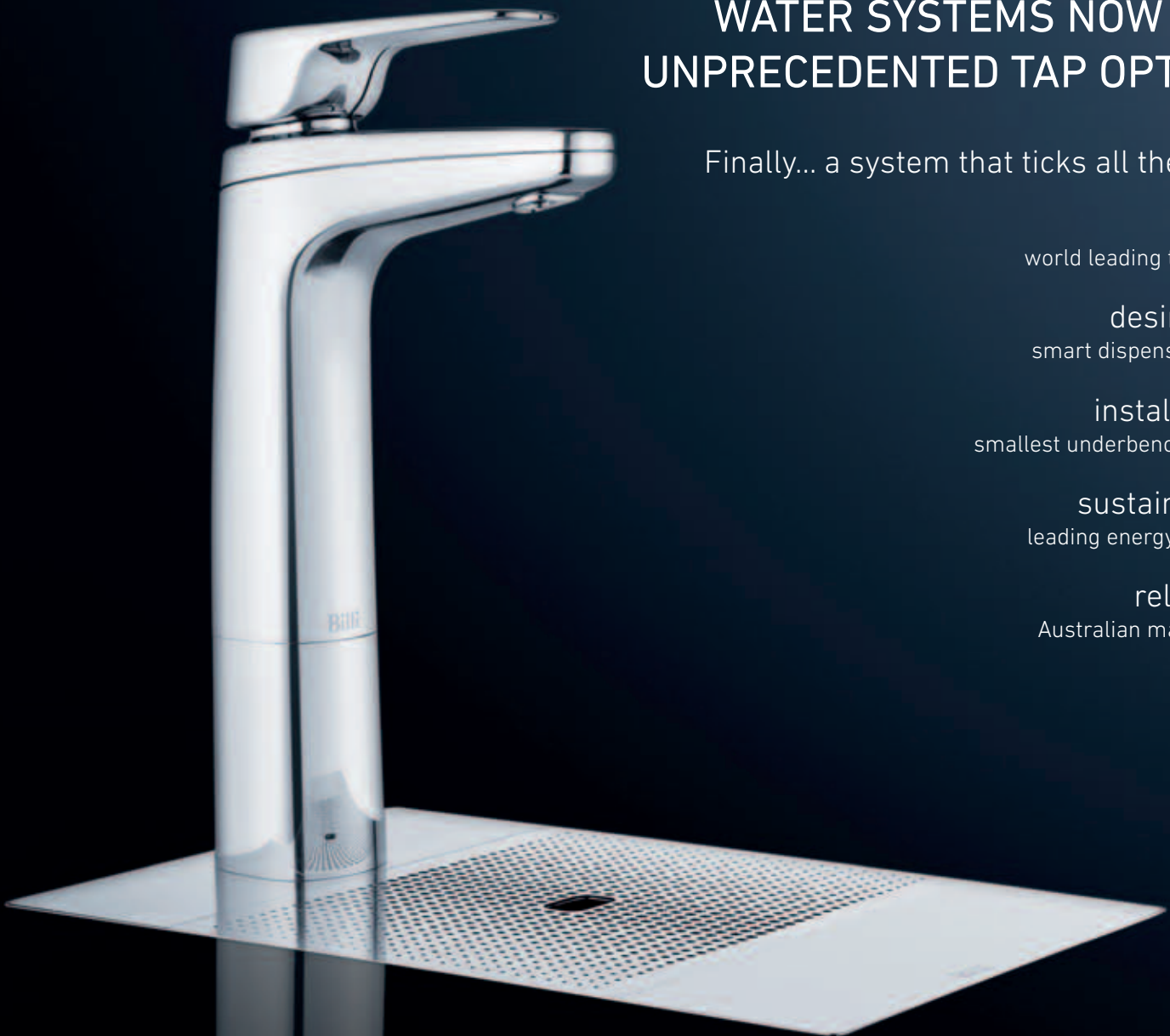
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Financial Advice

Cash Crisis

A significant number of members have sought help in recent weeks in relation to debt recovery and difficulty getting customers to pay. One non member even rang up to complain that the law needs to be changed.

It's certainly something the PIA is prepared to do if members indicate we should pursue it but it may not be possible and would almost certainly take 4-5 years of lobbying to achieve.

As a business you must put in place clear payment processes, terms and conditions and communicate them with your customer. Construction plumbing, including domestic, other than for an owner builder, is now covered by the Security of Payment Act which we have provided information about this on numerous occasions. There is information in the Members Area of the website.

Domestic clients are the real problem issue that needs to be addressed. We are also talking about a small but difficult minority who just don't want to pay and in many instances know what they can get away with.

If you have a customer who you know is a punctual payer we're not suggesting you need to change your terms of trade. However, customers may actually find it more convenient to pay immediately and be quite happy to pay while you are there.

The whole industry needs to draw a line in the sand and say, no more. New or problem customers, if you are still prepared to do work for them, must be by cash or credit card payment arrangement and nothing else. You don't walk out of Woolworths without paying so why should a customer not pay you immediately? You are not a bank. Let the bank's loan the money and recover it.

Many tradies seem to fear losing a customer. Our argument is that if they want to pay on invoice and don't want to pay by credit card or cash how likely are you to have a problem being paid? If so, let some other mug take the risk.

In 2013, the PIA's BusinessMate system will enable onsite invoicing and credit card payment. You do not need to wait for the industry to catch up; you need to be part of the change. The more who insist on immediate payment the sooner we will change the public perception that tradies are an easy mark.

On the matter of debt recovery, get tough! They are unlikely to hire you again so either put it to a debt collector after sending your final demand or lodge a Minor Civil Action with the Magistrates Court and see them in court. The fewer tradies who walk away from a non paying customer the fewer there will be.

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Apprentices

School Based Apprenticeships



Advantages for the plumbing Industry

The South Australian State Government 2008 initiative 'Trade Schools for the Future' is having a big impact on trades and traineeships across all areas of apprenticeships and traineeships.

The Plumbing Industry Association (PIA) is currently working with schools, apprenticeship brokers and industry to procure plumbing apprentices and to start them into their plumbing apprenticeship while they are still at school.

The plumbing VET course is currently being run by the PIA's Rob Kavanagh at various school locations with the assistance of VET coordinators, teachers and apprenticeship brokers, within those schools.

The scheme was created to allow young people to gain some valuable hands on experience in plumbing (and other vocations), while still at school, while at the same time, starting their apprenticeship and completing their SACE.

The PIA sees this as a vital initiative, if we are to compete successfully with other industries, in attracting high calibre people to the plumbing industry.

Providing an apprenticeship opportunity

You can provide an apprenticeship opportunity for any young person who is keen to learn and work in the plumbing industry.

You can employ directly or use the services of the PIA Group Training Organisation. School based apprentices do the following;

- Work with their employer and receive on the job training
- Undertake some study at their school
- Attend certified trade training courses

Employer obligations

You are required to provide them with a minimum of eight hours of work and/or on the job training a week. This can be spread out during the week in a variety of ways including;

- During school hours
- After school hours
- On weekends
- During school holidays
- A continuous block of time.

A continuous block of time

If you like the idea of a school based apprentice, but don't think their attendance for one day per week would work for your business you should discuss this with the apprentice broker or PIA's Group Training Manager.

It may be possible to schedule the school based apprentice to do their on-job training with you in blocks of up to 4 weeks, 4 times a year using a week either side of the school holidays plus the school holidays, leaving 8 full weeks of each term for them to concentrate on their school studies.

Are you obliged to pay school-based apprentices?

You are obliged to pay school-based apprentices. The amount to be paid is covered under the relevant industry award. Some awards also state that apprentices are paid for the time they spend studying towards their qualification at a registered training organisation, such as a trade school of your choice.

Financial incentives.

The Commonwealth Government provides financial support to assist the costs of taking on a school-based apprentice. For further information please contact the PIA Group Training Manager, David Butcher.

Important News

Trade Schools for the Future together with the PIA are planning to conduct several road show seminars, to better educate the plumbing industry, students and parents of the advantages of school based apprenticeships.

To find out more about these sessions, please contact the PIA or your local Trade Schools for the Future Apprenticeship Broker.



National Licensing

It would be nice to report that National Licensing will commence early next year and that the plumbing industry and other industry sectors will be the better for it.

Unfortunately that may not be the case.

The Regulatory Impact Statement has finally been released minus the code of conduct components which are still being developed. Organisations had until the 17th October to respond.

The PIA like many industry groups has been concerned that the intention of National Licensing has broken down and has led to industry becoming very dissatisfied with the direction.

Several industry groups including Master Plumbers Australia, of which the PIA is a member, met with federal ministers, Penny Wong and Greg Evans.

Both ministers are keen to advance national occupation licensing and were interested to know where the process had fallen apart.

They were told that a large measure of agreement had been reached through the interim industry advisory committee arrangements. However, these committees have not met since December 2010.

They were further informed that it appears the steering group which comprises bureaucrats from Treasury Departments seem to be the problem.

The steering group has developed its own preferred model that was never discussed with the industry advisory committees and they appear to be endeavouring to force particular models onto industries which are inappropriate.

The industry associations made the point that different models will serve the needs of different industries and therefore should not be forced to follow a uniform model.

The outcome of the meeting with the ministers will see the following steps taken.

1. NOLA will establish occupation licensing advisory committees and each of these committees will be chaired by a member of the NOLA board.
2. Both ministers have said that if employers, unions, and regulators can reach agreement on the model that should operate in their industry they will support that approach.

3. The industry roundtable will meet again in late October to review progress.
4. Priority will be given to endeavouring to resolve the plumbing and electrical occupations.

The PIA believes the current proposals have focused on perceived economic benefits which are based on some flimsy modelling and that inadequate modelling is ignoring significant costs currently borne by others.

That aside the PIA believes the economic benefits are not the priority. The priorities should be:

- protection of community health and safety
- maintaining the necessary training and qualifications to ensure the skills are there to do the work properly
- proper recognition of specialised skill sets where needed eg TMV Valves
- portability of skills and licences within our borders
- ability of businesses along state borders to trade seamlessly across those borders.

The PIA will have made its submission by the time you read this and we will have actively sought to have input to the Industry Advisory Group to do our utmost to prevent an eroded licensing system being implemented.

We see National Licensing as a golden opportunity for government to improve on what we have, not weaken it further.





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