

Plumbing SA

The Plumbing Industry Association of South Australia Inc.



January / February 2013



- New Work Health Safety Act
- PIA Gala Awards Dinner
- DMITRE Listening But How Far Can They Go?



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January / February 2013

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ASBUILT

Editorial



New Executive Committee

The 2012 AGM held in October resulted in some major changes to the PIA Executive Committee with some great industry stalwarts stepping down to concentrate on their businesses.

I would like to thank our outgoing President Joe Nemeth, who has served the association throughout my entire time as Executive Officer. Joe will be sadly missed.

Michael Rice, who has also been on the committee for over 5 years, and has contributed greatly with the Eco-smartplumber program and many other initiatives, and Ken Hall for all his efforts.

New faces on the executive include; David Hurst from Smith Brothers, Nathan Wundke and Steve Adams, who all bring a level of experience and expertise that will be hugely beneficial to the association in going forward.

Congratulations to Dale Anderton as the newly appointed President and Rob Pavan as the new Deputy. Also, I will also like to thank Louis Visintin, Damon Hammond and Natasha Hemmerling for their continual support and commitment to the various roles within the committee.

Training for the Industry

The PIA will be focusing heavily on offering the plumbing / gas industry a wider scope of training opportunities in the future, as there is an increasing requirement for knowledge of more advanced products and installation techniques.

Some of these initiatives have been long overdue as the industry is facing greater pressure from the Work Health and Safety Legislation that requires that all employees who work on product / equipment have a sound knowledge on what is required.

The PIA is gearing up to meet with all the manufacturers to ensure there are programs available to educate the trade.

There are questions why any licensed trade doesn't have a requirement to undertake a certain level of training (continuous professional development) to retain the license and although there are those "die hards" who say they know everything about everything – times change and so do plumbing standards / products.

Develop a passion for learning. If you do, you will never cease to grow.
Anthony J. D'Angelo

PIA Surveys

The PIA will be continuing with the push to survey members to gain greater feedback and information to further improve the services and benefits to members.

We thank those who have given their time to completing some of the earlier surveys, we really need your support in helping us shape the future direction of the association.

The staff at the PIA are working extremely hard to develop new initiatives and your assistance is crucial in forming the future strategies of the association.

Lastly, it has been a very difficult year for many businesses, and 2013 is going to be challenging for all. I would like to thank you for your continued support and wish you all a wonderful and safe Christmas and New Year. See you again in 2013.

Andrew Clarke
Executive Officer



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Hon Paul Holloway presenting Michael Przibilla
with his award

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PIA apprentices are an investment in your industry



PIA Gala Awards Dinner

The Annual PIA Gala Awards Dinner for 2012 was held on Saturday night, 20th October 2012 at the Adelaide Convention Centre.

Guests walked the red carpet and gathered in the foyer for pre-dinner drinks and networking prior to dinner.

The Master of Ceremonies for the event was Australian comedian and personality Elliot Goblet, who hosted the event whilst adding humorous references relating to the plumbing and construction industry.

Following a warm welcome from the MC and recognition of the event's sponsors, the night kicked off with a welcome speech by the President of PIA – Mr Joe Nemeth.

Joe touched on PIA's proactive approach to National Licensing, regulation and the overall protection of our industry. He also thanked SA Water and Employers Mutual for their contributions to the industry in their respective industries, as well as PIA Staff and the Executive Committee for their dedication.

The Award presentations began with the PEER Apprentices. Dillon Lock took home the Award for Plumbing Encouragement, whilst Addison Ellis was awarded the Most Outstanding Apprentice Award.

The 2012 PIA Hip Pocket Work Wear Awards for High Achievement went to Ben Van Tienen (1st / 2nd Year) and Martin Ramm (3rd / 4th Year).

Finally for the Apprentice Awards was the announcement of the 2012 PIA Gold Medal and CITB Award for Training Excellence. There were three finalists in the running for this award, who were Alex Barrett, Addison Ellis and Alex Pennino. The Award was won by Alex Barrett.

We congratulate all Apprentice Award winners and finalists for their outstanding work in the industry.

Prior to the PIA Awards, Robert Beard (SA Water) spoke on behalf of the PIA Awards judging panel. Robert explained that the number of entrants for this year's awards has been less than in previous years. This is believed to be due to the economic environment and also for the fact that many developments did not qualify as they are still in construction.

Robert thanked and congratulated all winners and all involved.

Hindmarsh Plumbing went home with 2 Awards – 2012 Safework Award and 2012 Commercial Plumbing & Gas Award – Over \$1 million.

Another plumbing company to leave with multiple awards was Adelaide 5 Star Plumbing. They won awards for The 2012 Residential Plumbing & Gas Award Under \$50,000 and The 2012 Maintenance Plumber Award.

Other Award winners included Commercial Plumbing SA – 2012 Residential Plumbing & Gas Award over \$50,000, and Jordan Plumbing – 2012 Commercial Plumbing & Gas Award under \$1 million.

Crystal Balazs



Elliot Goblet - Master of Ceremonies at the PIA Gala Awards Dinner



Back row L - R, Daniel Richards, James Farrelly, Taryn Warnes, Bronlyn Warnes, Greg Warnes.
Front row L - R, Ingrid Richards, Sarah Farrelly, Ann Truman, Gary Richards, Bob Whitehead.



L-R Kin Tham, Alan Gent, Herman Lanzendorfer, Jess Smith, Craig Brown, Leonie Brown, Kelly Frost, Matt Kirkbride, Jay Frost, Sophie Grovenhorst

PIA Awards Winners

2012 Safework Plumber of the Year



L-R Chris Martin, Hindmarsh Plumbing, Jodie Bischoff, Employers Mutual & Alicia Cirillo, Hindmarsh Plumbing

2012 Residential Plumber of the Year under \$50,000



L-R Omar Raslan, Quantum Energy Technologies congratulates Richard Jesse, Adelaide 5 Star Plumbing, winner of the Best Residential Plumbing under \$50,000

2012 Residential Plumber of the Year over \$50,000



L-R Jim Sloane from Reece Plumbing Centres congratulating winner Rod Farrow Commercial Plumbing for Best Residential Plumber over \$50,000

2012 Commercial Plumber of the Year over \$1,000,000



L-R Russell Tonkins, Hindmarsh Plumbing, winner of the Best Commercial Plumbing over \$1,000,000 congratulated by Paul Batty, Northern Plumbing Supplies

2012 Commercial Plumber of the Year under \$1,000,000



L-R Sarah Falziel & Jeff Sawade from QHSE congratulating Stephen Campbell & Ainsley Brettig, Jordan Plumbing, winner of the Best Commercial Plumber under \$1,000,000

2012 Maintenance Plumber of the Year



L-R Matthew Minagall, SA Water congratulates Richard Jesse, Adelaide 5 Star Plumbing, winner of the Best Maintenance Plumbing Award

PIA Gala Awards Dinner



L-R Alex Barrett PIA Gold Medal Winner & PIA President, Joe Nemeth



L-R Ben Van Tienen, PIA High Achievement Award (1st / 2nd Year) & PIA Field Officer, Marilyn Sheffield



Martin Ramm
PIA High Achievement Award (3rd / 4th Year)



L-R PEER's Michael Kriticos & Addison Ellis, PEER Most Outstanding Apprentice Award



L-R PEER Apprenticeship Coordinator, Heath Anthony with Dillon Lock, PEER Plumbing Encouragement Award

L-R Robert & Jane Paternoster

In 2012 Robert and Jane are celebrating 100 years of operation for their family business. Robert's grandfather joined the Master Plumbers Association in 1918 and we are looking forward to celebrating 100 years of membership with the Paternoster family in 2021.



Milestone Awards



L-R Don and Margaret Faulkhead, Bruce and Judy Harris, Bronwyn Tonkin, Anne and Derek Harris



Back row L-R Alyssa Burford, Ben Hall, Helen & Warren Hall, and Julie Irwin
Front Row L-R Grantley McKenzie, Kelly Badcock, Glenys & David Noble

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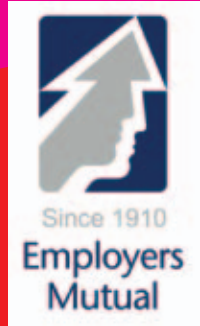
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Gas plumbing

Are Faulty Gas Heaters Killing Victorian Children?



Fears have arisen over a potentially lethal combination of faults with gas heating, insulation and ventilation in homes built during the 1990s, in a case which may impact landlords, tenants and property owners and the state's building codes. The coroner looking into the death of eight-year-old Chase Robinson and his six-year-old brother, Tyler in May, 2010. She indicated her intention to examine a number of factors with regard to home gas heating. The two died from poisoning following a carbon monoxide leak from a bedroom heater in their home near Shepparton in Central Victoria.

A Coroners Court directions hearing for an inquest into the deaths heard that the home's gas heater was covered in soot, dramatically raising carbon monoxide levels. The hearing also heard the home lacked adequate ventilation with well-sealed doors and windows, and that exhaust fans intended to vent the deadly gas actually made the situation worse by creating negative pressure and trapping air inside. It was also revealed that such features are common in many other homes across the

state, built throughout the 1990s, and State Coroner Jacinta Heffey says it is likely that a significant number of properties – especially those built within the same estate – would have the same difficulties.

Heffey wants to examine a combination of factors, including the heater, fan and ventilation in order to come up with a fail-safe system that is not susceptible to human error. "I want to make this as thorough and wide-ranging as possible so that it doesn't happen again," she says.

Council assisting the inquiry, Sara Hinchey, says testing on the heater in question found it emitted 3,000 parts per million of carbon monoxide, but when cleaned of soot it performed reasonably well. Following the incident, the two boys' parents, Vanessa and Scott Robinson, have led a state-wide campaign to install carbon monoxide alarms in homes. The four day inquest is scheduled to begin in Shepparton on March 18 2013.

By Andrew Heaton



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My name is Vince Monsigneur the Director of Gastrain Pty Ltd and I have been asked by the PIA to write articles relating to gas for this publication.

Over the next few issues of this publication, I intend to provide information to assist gas fitters with a better understanding of the fundamentals of fuel gases and gas safety awareness.

This basic knowledge is paramount in being able to provide cost efficient, compliant and most importantly safe gas fitting practices. Natural Gas and LPG (Propane) are widely used for domestic, commercial and industrial applications.

Although both gases provide energy, the properties of each of the gases are very different.

For example, Natural gas is lighter than air, where Propane is far heavier. The relevance of this is important when attending a gas leak.

If you are called to a customers house that has a gas leak of (LPG) Propane you need to be aware that the gas has potentially leaked and collected in low lying areas such as drains, basements etc.

You will need to decide how to ventilate this gas and also to be aware when the area is safe.

A good option may be to invest in a quality gas detector for locating leaks and to determine the presence of hazardous pockets of fuel gas.

Tip: Make sure that the detector you purchase is able to detect Natural Gas (Methane) and LPG (Propane). **Note:** Some gas detectors on the market are only designed to locate refrigerant gas leaks.

Propane has approximately 2.5 times more energy for the same volume of Natural Gas. As you know appliances are designed for specific gases.

This means that the type of appliance has to be matched to the fuel gas intended to be used in the appliance. I will write about the dangers and legal implications of appliance conversion at a later date.

Understanding the flammability limit and the LEL (Lower Explosive Limits) and UEL (Upper Explosive Limits) of fuel gases is also quite important.

Natural Gas has a LEL of 5% and UEL of about 14% gas in air, while Propane has a LEL of 2.2% and UEL of about 10%. This means that the gas will only ignite between the LEL and UEL, which is the flammability range.

If we had a leak of Propane in a room, we only need a concentration of 2.2% gas to 97.8% air to have an explosion; this is not a lot of gas.

Propane compounds the problem because it is heavier than air, so as we walk through the room we may not be aware that propane vapour is present at low level.

We also need to understand this when faultfinding ignition issues with automatic burners.

If the gas to air mixture is not at the correct concentration at the point of ignition (within the flammability limit where the spark occurs) the burner will not light.

If the gas pressure is too high the mixture maybe rich and if the gas pressure is too low then the mixture maybe too lean.

The flammability range is very narrow therefore the setting of the gas pressure during commissioning is critical.

In the next publication I will highlight in more detail Propane (LPG) cylinder safety.



Residential Plumbing

An Innovative Water Treatment System for the Home



Plumbers across South Australia are now recognising the benefits that Ecovortek provides for households.

They include increasing the life of hot water services, replacing salt water softeners and increasing the comfort from using mains water, especially for people with sensitive skin.

Ecovortek has produced a new domestic brochure and in it Shantal tells her story about how she suffered from eczema and dermatitis.

“I can safely say that the Ecovortek unit has done wonders for my skin. My skin has never been so soft and bearable in my entire life.”

Shantal has now moved out of her parents' home and has just fitted a new Ecovortek unit to her new home.

A Queensland customer fitted an Ecovortek unit to his swimming pool. He thought it was clear but was surprised how much clearer it became.

“The water was more pleasant to swim in and I use less chemicals” he said.

Ecovortek customers on Eyre Peninsula are very happy with the results they are experiencing.

The proprietor of the First Landing Motel in Pt Lincoln found that the hot water service, toilets and shower heads required regular maintenance.

After fitting an Ecovortek unit to his mains water supply he said “I knew the water heater element was on its last legs after its normal 9 month period of dealing with the hard Port Lincoln water.

I expected the element to be completely encrusted with scale.

To my absolute amazement the heater element was perfectly clean. My plumber and I could not believe that the Ecovortek unit had achieved this in only 2 weeks.”

He's had maintenance free hot water for over two years – no problems at all.

The Cowell Laundromat had their usual 18 month failure of their salt water softener.

Their plumber suggested fitting an Ecovortek unit over four years ago and they have since had water that shows no sign of hardness and no calcium build up in their appliances.

Ecovortek units have been fitted to schools and Willunga Waldorf School's bursar was so impressed with the results that he had their plumber fit one to his home.

The units are a simple rolling pin look-a-like made from stainless steel. They are fitted in line in the pipe leading from the water meter to the house or business property.

It is easy to fit, does not require maintenance and there are no running costs. In the long term it pays for itself.

Ecovortek is a South Australian company that has designed and manufactured their water treatment units here in this state.

Their technology is patented and WaterMarked. Email them or phone them on (08) 8388 5611 to receive their price structure.

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To celebrate their success they are giving away a free domestic Ecovortek unit. The new Ecovortek brochure, included in this magazine has a word with a missing letter.

Simply email your details and the missing word to info@ecovortek.com and the first correct email wins a free Ecovortek unit.

Advertorial

Residential Plumbing Cont...

Simplification of Hot Water Regulations

Response to our member survey of proposed amendments to the Electric Hot Water Services was quite small with only 19 surveys completed.

Given the heat this matter has generated we were expecting a greater response. We suspect three factors impacted on the number of responses:

1. The time required to complete the survey.
2. A level of surrender, that nothing we do will change the situation.
3. Most country members are now able to install to the reduced standard.

The main issues around the regulations include:

1. Reticulated Natural Gas is the most cost efficient means of heating water
2. Those without access to reticulated Natural Gas and who must meet the full standard need to install either LPG gas, heat pump or solar
3. This policy has a significant cost impact on those in the metropolitan area with no access to Natural Gas. Approximately 33,000 homes in the Adelaide Hills area, the Fleurieu Peninsula and an area around the Barossa Valley – Hamley Bridge are required to meet the full standard. All other country areas are able to comply with the reduced standard. This seems to be inequitable.
4. Less than 10% of metropolitan consumers do not have access to Natural Gas because it does not run through their suburb or street.

The PIA also believes that the more complicated the regulations, the more likely they will be abused.

Implementing regulations that you are not prepared to provide the resourcing to police and that have a significant impact on low income homes, South Australia has over 1/3 of the population on some level of welfare support, is poor public policy.

A simple requirement that you must meet the full standard if you have access to reticulated Natural Gas and if you do not, you can meet the reduced standard is the most logical change required.

LIFE MEMBERS

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S. B. HALL	R. R. FARNHAM

Consideration could be made to require commercial properties with access to Natural Gas being required to meet the Full Standard.

In most instances there would be a significant cost benefit. This would also give an even greater boost to meeting greenhouse gas reduction targets.

We would not be suggesting small volume commercial users of hot water should be captured by such a change.

Minimise all other regulations. If you do this then the need on the one hand to control the sale of EHWS by retailers becomes largely irrelevant, although the survey showed a majority of plumbers want better control.

We can't see retailers or politicians agreeing to this and electricians have argued this for years.

It seems legislation can control the sale of firearms and pharmaceuticals to licensed or approved people but not electrical, gas and plumbing products which can also kill.

Politicians have selective views as to what they will agree to being relugated. Whatever the outcome of the review of the EHWS regulations we must acknowledge that DMITRE is listening.

The problem is that DMITRE know they will not be able to back off with the legislation very much because it is government policy or be able to resource the policing of what is currently bad public policy.

It is not bad because it seeks to reduce greenhouse gas emissions. It is bad policy because it creates an environment that encourages consumers and tradies to break the law.

Good public policy is policy that everyone can see the benefit of and does not impose harsh financial penalties on people, especially those least able to afford it.

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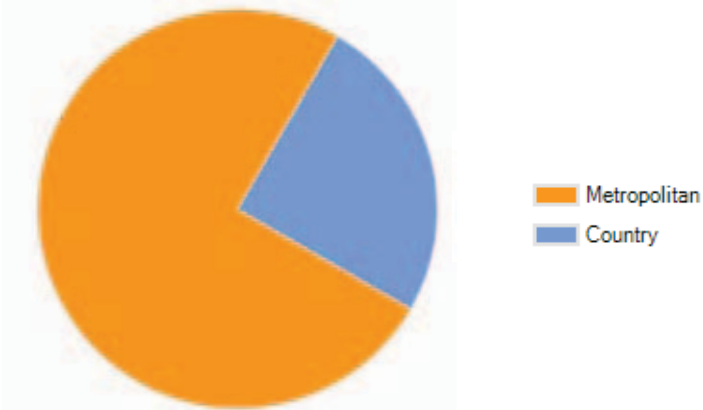
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Residential Plumbing Cont...

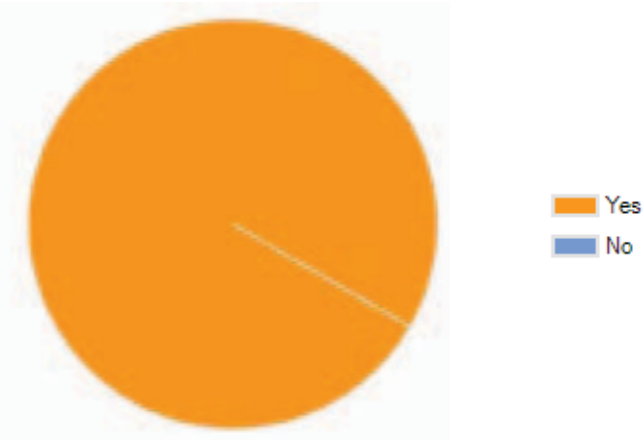
Simplification of Hot Water Regulations

Below is a brief collation of the survey. Questions have been abbreviated and written responses from members not included. The entire survey can be read at www.piasa.com.au

Question 1 - Are you a metropolitan or country member?



Question 2 - DMITRE to work with the technical regulator of the Water Industry Act and the plumbing industry to develop and implement a proactive and cost-effective compliance and enforcement program for the requirements.



Question 3 Regulations for the control of sales of unauthorised installations.



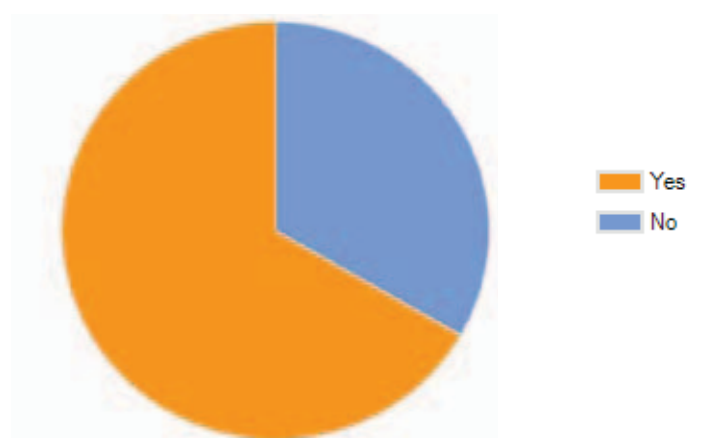
Question 4 - Establish laws to track the sales of conventional electric storage water heaters in South Australia and undertake compliance auditing to ensure that units sold are installed by licensed installers in permitted circumstances.



Question 5 - Remove geographical criteria from the regulations so that the full standard applies to all locations for water heater replacements, as it currently does for new installations.



Question 6 - Apply the requirement to all SA dwellings, not only those connected to an SA Water supply. Question: Do you support this option?



Residential Plumbing Cont...

Simplification of Hot Water Regulations

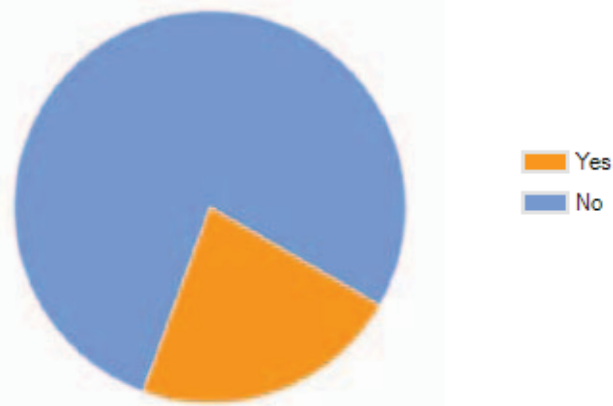
Question 7 – Remove the 3-metre rule, so that in situations where it currently applies, any replacement of an external conventional electric storage water heater will need to be a low-emission type system



Question 10 - Allow for temporary installations to cover the 'emergency replacement' needs for a period of up to 60 days.



Question 8 - Remove the "internal water heater" provisions that allow for like-for-like replacement of conventional electric storage water heaters located within a dwelling or its roof-space.



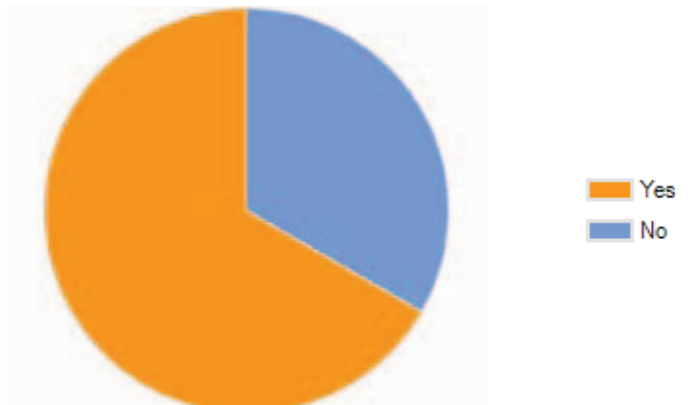
Question 11 - Re-word the exemptions clause to ensure compatibility with the new Water Industry Act and provide guidance on the broad grounds upon which exemptions may be granted.



Question 9 - Extend the exemptions from the requirements to include water heaters that are under 70 litres storage capacity, or are small capacity continuous flow gas or instantaneous electric types, and which are not the main water heater on a property.



Question 12 - Under the current requirements, when water heaters are installed in dwellings, shower outlets connected to the water heaters need to have flow rates not exceeding 9 litres per minute. Should the water flow-rate requirements remain unchanged?



Residential Plumbing Cont...

Simplification of Hot Water Regulations

Question 13 - Review the deemed to satisfy method for the Full Standard so that it better aligns with recent reductions in the greenhouse gas intensity of the SA electricity supply and with technology improvements in water heaters. Question: Do you support this option? Are there particular considerations that should be taken into account in reviewing the deemed to satisfy method?



Question 15 - That the plumbing industry, energy suppliers and government collaborate on developing a simple, easy-to-use, publicly available comparison tool that provides reliable information on the likely operating and lifecycle costs of different water heater technologies under a range of usage scenarios and fuel costs?



Question 14 - Deem that all current water heater types meet the Reduced Standard. Question: Do you support this option?



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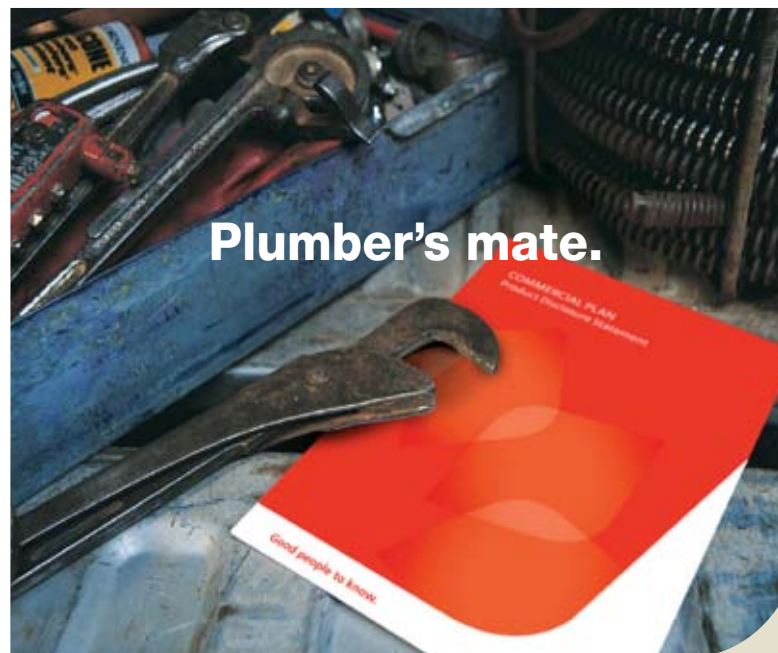
Above L-R: Julie, Jack & Pauline Holder, Lorraine Scattergood and Raelene Howse

The PIA would like to congratulate Jack Holder on his Queen's Birthday Honours. Jack was awarded the Order of Australia Medal and we invited Jack to the PIA Gala Awards Dinner but he was unable to attend on the night due to health reasons.

Jack donated a copy of his autobiography "I Nearly Missed You" to the PIA Gold Medal Finalists and the PIA Group Training Apprentice Award recipients.




Above: SA Governor, Admiral Kevin Scarce and Jack Holder



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NAWIC

NEW NETWORK FOR NT'S WOMEN IN CONSTRUCTION

The National Association of Women in Construction (NAWIC) launched a Northern Territory chapter, and hosted its first networking event on Wednesday 21 November. "Many women in the Northern Territory are forging careers in the construction industry, and we've established NAWIC's NT chapter to support their career development and encourage more women to enter this challenging and dynamic industry," says NT committee chair, Pauline Halse.

"We've actively engaged with women in the NT construction industry this year, and they've told us that they want support, networking, mentoring and information sharing. We are grateful for the backing of NAWIC's Queensland chapter, which is currently assisting with us to attract members and sponsorship," Ms Halse adds. "We have signed up almost 20 local members in just a few months, have established an active committee, and are delighted that many local companies have provided time for staff to develop the chapter council," Ms Halse says. NAWIC has introduced a membership reward program to encourage growth of the

new NT chapter. When a company nominates three staff in the Top End to join NAWIC, the association will donate two student memberships to local apprentices or students, and they'll gain automatic access to NAWIC's mentoring program. The nominated staff members also gain free access to this service, plus discounts to any future NAWIC NT events. "We would like to express our appreciation for all the corporate members for their ongoing support, as this has enabled us to implement awards, mentoring programs and events around Australia. We will be looking to extend these programs and events to the Northern Territory, so that more women can enjoy careers in construction," Ms Halse concludes.

Established in 1995, the National Association of Women in Construction (NAWIC) is a not-for-profit organisation with a mission to raise the profile of women in the construction industry. NAWIC hosts networking events and education seminars, runs an annual awards program, funds scholarships, and works with both government and industry to advance opportunities for women in Australia's construction industry. See: www.nawic.com.au



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Northern Territory

Transitional Arrangements for Construction Work

A range of transitional arrangements under the Work Health and Safety (National Uniform Legislation) Regulations (the Regulations) will expire on 1 January 2013 and a Person Conducting a Business or Undertaking (PCBU) will need to comply with the new provisions of the Regulations.

These transitional arrangements were included in the Regulations to provide duty holders with a period of adjustment to enable them to gain an understanding of the Regulations, assess their current practices against changed or new requirements and make changes as necessary. This Bulletin will assist a PCBU in the construction industry to consider current practices and assess whether changes are required to meet the Regulations.

Transitional Arrangements – Construction Work

There are a number of Chapters within the Regulations that impact on construction work. The following transitional arrangements will finish on 1 January 2013, and if a PCBU has not already done so, now is the time to assess whether a change is required to meet the transitioned Regulations.

Principal Contractor Duties – Chapter 6

A principal contractor is defined by Regulation 293 and can be:

- the PCBU who commissions a construction project; or
- where the person who commissions a construction project engages and authorises another PCBU as principal contractor, that person so engaged, or
- if the owner of a residential premises is an individual who directly or indirectly engages a PCBU to undertake the construction project in relation to the premises, the PCBU so engaged is the principle contractor.

A construction project can only have one (1) principal contractor at any specific time.

While the duties of a principal contractor are the same as under the previous legislation, the trigger for those duties has changed from a construction project that requires five (5) permanent workers to be on the site, to a construction project that involves construction work where the cost of the construction work is \$250,000 or more.

This new trigger for principal contractor duties has been transitioned to commence on 1 January 2013 and now is the time for PCBUs who undertake construction work and may find themselves as a principal contractor, to consider what steps they need to take to meet their obligations by that date.

Requirements when trenching being undertaken – Regulation 306

Regulation 306 provides specific control measures that must be taken into account when trenching is being undertaken. Given the mandated controls in Regulation 306, a transitional arrangement has been put in place which finishes on 1 January 2013.

PCBUs who undertake trenching work should now consider whether their current practices will meet the requirements relating to the prevention of unauthorized access to the trench work and shoring the sides of the trench. If not, changes will need to be made to ensure compliance by 1 January 2013.

Duty to provide first aid – Regulation 42

Regulation 42 requires that a PCBU at a workplace must ensure they provide first aid equipment and access to facilities for the administration of first aid. The regulation also requires the PCBU to ensure that an adequate number of workers are trained or have access to adequate numbers of people who have been trained to administer first aid. This is a change from previous requirements under Regulation 52 of the now repealed Workplace Health and Safety Regulations where only one first aid officer was required at a workplace.

The *Code of Practice for First Aid in the Workplace* has been approved under the *Work Health and Safety (National Uniform Legislation) Act* (WHS Act) and is available on the website to assist a PCBU in assisting compliance with the new requirements by 1 January 2013.

Duty to prepare, maintain and implement emergency plan – Regulation 43

Regulation 43 requires a PCBU at a workplace to ensure that an emergency plan is prepared for the workplace. The requirements under this regulation are more detailed compared to the requirements under the repealed Workplace Health and Safety Regulations, where the development of an evacuation procedure which was practiced at reasonable intervals was sufficient.

The *Code of Practice for Managing the Work Environment and Facilities* has been approved under the WHS Act and is available on the website to assist a PCBU in complying with this regulation by 1 January 2013.

Inspection of Scaffolding – Regulation 225

Regulation 225 requires a competent person to inspect scaffolding:

- when the scaffolding is erected and before its use;
- after an incident that may have affected the stability of the scaffolding;
- after any repairs to the scaffolding; and
- every 30 days from the date of erection.

A competent person is a person who has acquired through training, qualification or experience the knowledge and skills to carry out the inspection.

This requirement will commence on 1 January 2013 and now is the time for a PCBU to consider incorporating this requirement into their normal procedures when working with scaffold.

For further information please contact NT WorkSafe on 1800 019 115 or go to www.worksafe.nt.gov.au

Workplace Surveillance

Up Close and Personal

It is both appropriate and necessary for employers to monitor the performance and behaviour of their workers. Workplace surveillance is certainly not a new concept.

However, with increasingly sophisticated technology available to employers, it is important to give consideration to the extent to which an employer can and should monitor its workers on a day-to-day basis.

It would come as no surprise to employees that their employer may monitor their use of email and internet access, particularly where there is an acknowledgement on the employer's part and/or a relevant policy (which we recommend).

However, if employers have the benefit of using technology to monitor the performance and behaviour of staff, one must ask how far can an employer go?

Many employers are installing global positioning systems (GPS) in company vehicles as a means of, on the one hand, ensuring staff safety and, on the other, monitoring their property. Similar technology can be accessed by employers in relation to smart phones, such as iPhones.

In fact, in many cases the location of smart phones can be tracked, even where those phones are not the employer's property. Surveillance of this kind may be useful to an employer, but care must be taken.



This kind of employer accessibility, including at times when an employee might not be working, raises serious questions as to the extent to which employers can, and should, subject their staff to surveillance.

Whilst there are obvious philosophical arguments that should be considered, from an industrial perspective, it is important for employers to understand how the use of workplace surveillance may impact on employee relations and their capacity to manage staff.

Listening and Surveillance Devices Act 1972 (SA)

In South Australia, the Listening and Surveillance Devices Act 1972 deals with the manner in which persons can apply listening and surveillance devices.

A 'listening device' is defined to include 'an electronic or mechanical device capable of being used to listen to or record a private conversation or words spoken to or by any person in private conversation' and 'associated equipment'.

In essence, persons are prohibited from using listening and surveillance devices to overhear, record, monitor or listen to private conversations without the express or implied consent of the parties to that conversation.

The legislative scheme in South Australia is quite broad and far less restrictive than similar schemes in other Australian states and territories. At present, there is no restriction on the use of tracking devices.

Adverse Action?

Employers in the federal sphere need to understand the possible risk of adopting and relying upon surveillance techniques due to the breadth of the general protection provisions in the Fair Work Act 2009 (the Act). That is, there may be circumstances when the use of surveillance may constitute adverse action.

For example, if an employer were to apply specific surveillance measures to those workers who it knew to be union members, and no others, there could be an argument that the employer is infringing on the workplace rights of those individuals on the basis of their union membership.

It must be remembered that the courts have applied a broad interpretation of the concept of adverse action such that an action need only 'alter the position of the employee to the employee's prejudice'.

Workplace Surveillance

Up Close and Personal

Therefore, whilst the surveillance may not be an infringement in legal terms, it may contravene the Act because that act subjects the employee to a disadvantage.

As with all adverse action claims, the employer bears the onus of disproving that act. Therefore, if such a claim is mounted against your business, it is incumbent upon you to demonstrate that the surveillance was undertaken for a reason other than the employee's workplace right.

Again, given the broad interpretation given by the courts to this provision of the Act, this may be a difficult threshold to meet.

Take Home Messages

Generally speaking, we recommend that workplace surveillance is conducted in a transparent manner. We encourage employers to enter into dialogue with employees and, if necessary, their representatives, to communicate the existence of workplace surveillance and the reason(s) for its use.

This can be achieved by the introduction of a relevant policy and, if necessary, training. Taking this open approach is likely to

garner greater acceptance and understanding from your employees and, possibly, minimise industrial disruption.

If your business does not have a surveillance policy or similar, we recommend that you give serious consideration to the introduction of one.

Not only does this have the effect of demystifying the concept of surveillance in the workplace, it also acts to bolster the employer's position when reliance on surveillance is required in disciplinary matters.

For more specific information on any of the material contained in this article please contact Amanda Green on 8217 1306 or agreen@normans.com.au



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Anything to save money

A member recently sent us an email of some DIY repairs and renovations. This is just a small sample. We particularly liked the guy undertaking electrical wiring with his feet in the water. His time as a DIY'er may be quite short. Sorry couldn't help using the pun.



Sunday Mail

The Sunday Mail picked up on an article in the last issue of Plumbing SA and not only published an article on the 11th November 2012 but also devoted two thirds of their editorial to the issue of shonky plumbing.

The editorial called upon the State Government to act quickly to raise standards and to ensure the competence of trades entering their homes.

What we will be seeking is an agreed timeline for the merging of licensing and regulation back into one body and for adequate teeth for the OTR to protect consumers and the vast majority of trades who do the right thing.

It's okay to slam a motorist a great big fine for a minor offence but it's okay to let a shonky operator work unlicensed and receive a limp wristed slap on the hand for repeatedly breaking the law. As one member recently said.

"Why do you need to have a licence to buy a gun but you don't need a licence to buy a plumbing product that you can install incorrectly and kill a person?"

Electricians have been saying the same thing for thirty years.

It may sound like a broken record but we'll keep on saying this until someone decides to act.





Roadshows

There will be a change to the Gas Roadshows in 2013. Plumbing regulations enforcement is now the responsibility of the Office of the Technical Regulator (OTR). The roadshows will become the PIA Gas & Plumbing Roadshows. Below is the list of locations and dates so please block out an applicable date in your diary for the nearest roadshow.

- Tues 19th March – Mt Gambier
- Tues 26th March – Berri
- Tues 9th April – Moonta
- Tues 30th April – Victor Harbor
- Tues 7th May – Murray Bridge
- Tues 14th May – Port Lincoln
- Wed 15th May – Whyalla
- Thurs 16th May – Port Pirie
- Tues 21st May – PIA
- Thurs 23rd May – Seaford
- Tues 28th May – Gawler
- Tues 4th June – PIA
- Thurs 6th June - PIA



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You Are Not Alone

Members have called over other matters in the last 12 months and have gone on to ask how other members are finding business. In the early months our response was that it is really patchy. Some in each sector were travelling well, others okay and yet others were really struggling.

In recent months, it has clearly become far tougher but it must still be described as patchy. Some regional areas are struggling whilst others remain busy.

Commercial plumbing has been down for two years now and has hopefully bottomed at about 50% of the work volume of two years ago. There are some small signs that we may have reached the bottom of the trough.

New tenders have increased a small amount and a number of new multi storey projects appear likely to start in 2013, along with a number of supermarkets and Masters Stores.

New housing starts are projected to be 6,800 this financial year, down on the 11,000 starts or approximately 40% on two years ago. The State Government stimulus appears to be working but it is only due to run until July 2013.

This sector has really suffered, with a number of plumbers choosing to exit the industry. The saving grace for them until recently is that a number of plumbers found employment in the mining industry but this now appears to have slowed significantly.

Maintenance appears to have suffered less this time from plumbers moving into maintenance from construction but more from consumers opting to reduce spending and save.

Even here, different members report busy weeks or months, whilst others in the same period have a very quiet time. There appears little rhyme or reason to the level of activity.

If you have experienced these scenarios then you are not alone.

For many members we are in a recession. Some are steady and a few are still busy. One member from the country who recently did a Build a Better Business Course had been losing quotes to competitors. He decided to take Philip Arnfield's advice and review his pricing.

On his next few quotes he increased his pricing and was very pleased to win all of the quotes. So even in this case, pricing very competitively to win a job was not working.

There has certainly been grumbling within the industry at the pricing structure some in the industry have adopted. Interestingly some of them are no more. Economists call this an adjustment.

A sanitised description for businesses, that are not efficient, systematic, structured and with sound financial processes, that are forced out of existence with all the human pain and suffering that causes.

How much longer will the pain last? Peter Switzer an economist said recently, "economists, financial journalist and politicians have a few more tools to read the economy than everyone else to predict what is going to happen but it is a guess because they are basing their opinion on historical data. There are 6 billion people on the planet and all are pulling on the levers of the economy to varying degrees."

At present many Australian ordinary citizen economists have decided to save and not spend. What we have is a crisis in confidence.

China is focussing on internal infrastructure development; they are planning to spend trillions of dollars.

Once people can see this and the European debt crisis is moving back into the positive, and that those communities have bitten the austerity bullet and the US fiscal cliff is resolved then Australians are likely to regain their confidence and spending will increase.

If you as a member are experiencing financial difficulty please talk to our accounts team.

We can offer monthly instalments and various strategies to ease the cost of membership. We have kept membership the same for two years in recognition of the pain out there.

If we know, we can help. You are not alone.



Financial Advice

Make sure you get the best deal – regardless of the interest rate!

The \$5000 rebate from the Federal Government and the attractive marketing campaigns from car dealers may be encouraging you as a business owner to upgrade your vehicle(s). The strong Aussie dollar has made imported vehicles particularly attractive as nearly all commercial vehicles and equipment are imported.

There are several ways vehicle and equipment resellers can pass on these lower prices. Traditionally, resellers apply a discount to the price of the asset and have run special promotions based on that. Over the last few years, there has been a trend amongst resellers to offer low interest rates instead of passing on reduced prices.

Some car finance rate offers in the market are as low as 0%. But with mortgage rates sitting at around 6.60%, the likely result is that resellers or manufacturers are subsidising the rate. Whilst low interest rates look attractive, they do not necessarily deliver lower repayments for you. We are definitely seeing a trend in the market where resellers are offering low interest finance deals. Many of these are based on financing the Recommended Retail Price (RRP) which can be higher than if the customer was paying cash.

There may be loan establishment fees and other charges attached to a loan so it is very important to compare apples with apples. Customers may find that they are better off dealing with their bank for their asset finance and negotiating a discount on the actual cash price of their asset purchase.

So, if you are in the market to purchase a new car or equipment for your business, we suggest the following tips to help you get a good deal:

- Allow time to hunt around for the best offer.
- Discuss / negotiate the purchase price of the asset separate from financing. This will make sure you get the lowest possible repayment.
- Read all the terms and conditions of any finance offers – including low rate offers.
- Check to make sure the amount financed is the best cash price you can get on the market. A great way to compare is looking at some of the online classifieds to see what new vehicles or equipment is advertised at without finance offers.
- Ask what establishment fees or any other fees apply to the loan
- All interest rate calculations are not necessarily the same. Compare repayments and the amount financed.

At the very least we recommend you contact Jon Kieboom at the Commonwealth Bank and ask for someone from the bank to see you and compare what the bank can offer compared to the other offers you have received.

Jon Kieboom

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m: 0434 321 900

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Almost without exception, contracts for the sale and purchase of a business include provisions whereby the seller transfers its interests in ongoing business contracts to the buyer at completion. In many of these cases, the provisions don't differentiate between "assignments" and "novations" of business contracts or where they provide for an assignment, they don't expressly deal with an assignment of the obligations under the transferring business contract and as a result, unintended consequences may arise. In most cases, this is due to a misunderstanding as to the meaning of the terms "assignment" and "novation".

In other cases, no consideration is given to whether the consent of the other party to the contract is required for the transfer of the contract from the seller to the buyer.

Assignment

"Assignment" refers to a party to a contract transferring all or part of its rights under the contract but not its obligations or liabilities under the contract to a third party.

It is important to note that the original contract remains valid and although the assignee (the buyer) will be entitled to the assignor's (buyer's) benefits under the contract, the assignor remains liable to discharge its obligations under the contract.

Novation

"Novation" refers to the parties to a contract agreeing to effectively terminate the contract and to enter into a new contract on the same terms with a new party standing in the place of one of the original contracting parties.

In that case, the party that has "novated" the contract (the seller) has effectively transferred its rights and its obligations under the contract to the new party (the buyer).

Requirement for Consent

It is important to note that the consent of the other party to the contract will always be required for a novation of a contract. This is understandable given that the novation involves a transfer of the obligations and liabilities under the contract.

On the other hand, whether the consent of the other contracting party is required in the case of an assignment of a contract will depend upon the terms of the contract.

Where such consent is required, failure to obtain the required consent for an assignment will in most cases entitle the other contracting party to terminate the contract and take action against the assignor for breach of contract.

Where the consent of the other party to an assignment is given and the assignment is separately documented, it is possible to effectively achieve a novation of the contract provided that all parties including the other party to the contract agree that the seller's obligations under the contract are transferred to the buyer in addition to the transfer of the seller's rights under the contract.

Drafting Transfer Provisions

In light of the above, the provisions dealing with the transfer of business contracts should:

- Require the parties to obtain any necessary consent from the other party to a contract for the assignment of the benefit of that contract to the buyer;
- Provide that subject to the above consent being obtained, the seller assigns and the buyer accepts both the benefit and the burden of the contract with effect from completion;
- Provide that the seller may at its option, and subject to the other party to the contract agreeing, require the buyer to join the seller in a novation of the business contract with effect from completion.

It is also prudent to include a provision stating that where these assignments or novations cannot be made or are not made prior to completion, completion will not be delayed and the seller will hold all its interests in the contract for the benefit of the buyer who will assume responsibility for the performance of that contract as from completion.

Obviously this will not apply to critical contracts such as leases of business premises or key licences. The assignment or novation of these contracts should be dealt with as a pre-condition to completion so that completion is delayed until such time as these contracts are assigned or novated or alternatively, the sale and purchase does not proceed at all.

The PIA has been made aware of several members purchasing businesses without an exchange of contract. We strongly recommend that both parties seek legal advice and draw up a contract that adequately defines the rights, responsibilities and financial arrangements clearly.

One member recently was left responsible for residual maintenance without receiving the retentions for the a commercial projects completed but not out of the warranty period.

For more specific information on any of the material contained in this article please contact Johanna Churchill on 8210 1236 or jchurchill@normans.com.au.

Legal Advice Cont...

Lodging a Minor Civil Claim

Minor civil claims

In the minor civil jurisdiction, matters are dealt with less formality and parties are not entitled to legal representation except in special circumstances. This court deals with small claims, which include recovering debts of up to \$6,000 and minor neighbourhood and fencing disputes.

Lodging a claim

Before issuing proceedings, some questions you will need to consider include:

- Who is to be the defendant and/or defendants?
- Is there a guarantor and/or guarantors?
- Will you sue guarantors in the same action as the main debt claim?
- Do you have a credit application and is it duly completed?
- Has the legal entity been correctly identified and verified by ASIC, business name or ABN searches?

Once a decision has been made to file a Claim, you will fill out the applicable claim form (Form 3) and lodge it at a Civil Registry at any Magistrates Court.

The Claim will need to particularize details such as the parties (if it is a company or sole trader include ABN, ACN numbers), the contract between the parties (credit application, guarantee etc) and the debt owed (invoices outstanding, due dates etc).

A fee of \$127 is payable to file the Claim but this is added to the amount you are claiming from the defendant. If you are successful with your claim, you are entitled to get that money back from the defendant. The fee is regarded as 'costs', which is separate to the amount you are claiming is owed to you.

Serving a claim

Once formal legal action has been initiated, the defendant must be notified of the claim. A Claim must be served on the defendant so that they are officially notified of the action that you are taking. The defendant has 21 days from the date of service to respond. The defendant may:

- pay you the amount that you have claimed
- agree to settle out of court for some other amount
- defend the claim
- defend the claim and lodge a counterclaim
- do nothing

You must wait the 21 days before taking further action. If the Defendant does nothing, you are able to request that the Registrar at the Court to sign Default Judgment against the Defendant.

Matter is Defended

If a defendant decides to contest the Claim, they will file a Defence. The Defence will contain statements as to why the defendant disagrees with your Claim.

A defence should particularize what the Defendant's position is so that the matter can proceed with both parties knowing what the other intends to say about the issue. A date will then be assigned by the Court and the matter will be heard before either a Registrar or Magistrate.

Important points for you to consider include:

- Does the defence contain an acknowledgement of liability?
- Does the defence actually disclose a defence?
- In defending the matter, is the debtor simply seeking time to pay? If so are you prepared to enter a scheme of repayment?
- Consider the grounds of defence and how you would rebut/counter the issues raised in the Defence.

Potential Pitfalls

- A Defendant may file a bogus Defence in order to delay payment.
- A Defendant may do nothing in the 21 days following service of the Claim and you rightfully request that Default Judgment be entered. However, weeks down the track, the Defendant may resurface with an Application to set aside the Judgment, which will mean a return to Court and a further delay in obtaining any payment
- Service of the Claim may never be effected on the Defendant because they are no longer residing at their last known address.
 - This may also be the case when looking to enforce a Judgment – a Defendant may have moved addresses or may avoid service which will make it difficult for you to obtain any payment.

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Editor's Note: Legislation passed State Parliament in the past sitting week in 2012, increasing the minor civil matters limit from \$6000 to \$25,000. We will advise members when this comes into force.

Legal Advice Cont...

Private Planning Consents

Private Planning Consents: Development (Private Certification) Amendment Bill 2012.

The Government has introduced a Bill into Parliament to amend the Development Act 1993 to provide for private certification of development plan consents.

The Bill proposes to:

1. delete s89(3) in the Act, which currently restricts private certifiers granting development plan consent;
2. introduce new s35(6) to provide that a relevant authority must accept that a proposed development “complies with the provisions of the appropriate development plan” to the extent that such compliance is certified by a private certifier; and
3. introduce an audit system for councils and private certifiers undertaking development plan assessments.

The Bill, if passed, will require complimentary regulations to prescribe additional functions which may be performed by private certifiers. Currently, those functions are limited to the assessment of Building Rules related matters.

The Government’s stated intention is that private certifiers will be able to certify “residential code” development only.

In other words, their role in the planning area would be limited to the assessment of whether a development meets the residential code criteria and, therefore, whether it must be granted planning consent as a complying kind of development.

The Government does not intend to create a new class of private certifiers; current certifiers will be able to exercise these powers.

Having said this, the proposed changes may open the door for private certifiers to deal with other applications for development plan consent.

The regulations will control whether this occurs, or whether the Government’s stated intention is realised.

In time, will private certifiers be able to assess applications that involve minor variation from the residential code criteria, or that meet all but one of those criteria?

If so, will currently registered private certifiers – who must have building, but not necessarily planning, qualifications – have the capability to undertake a proper assessment?

Questions may also arise about the capability of currently registered private certifiers to make an assessment about some of the “non-quantitative” residential code criteria, for example:

- the potential for site contamination arising from a previous use - Schedule 4, clause 2B(4)(b); and
- whether a site that does not comprise an entire allotment will satisfy the relevant requirements of the definitions of “detached dwelling” and/or “semi-detached dwelling” which require “...a site that is held exclusively with that dwelling and has a frontage to a public road...”: Schedule 4, clause 5(a).

Other questions requiring clarification include:

- whether private certifiers will be given power to issue development approval under s35(4), or whether the relevant authority will retain this function;
- whether private certifiers will be given power to extend or vary a development plan consent previously granted;
- whether the relevant authority will have any ability to question a private certifier’s assessment that a proposed development is a “residential code” development.

One of the key objectives of this legislation is to reduce red tape and speed up the approval of buildings that comply with the development plans of a council. Any reduction of red tape will hopefully lower costs, reduce stress on those seeking to build and will help in a small way in stimulating the construction industry. It is hope that there will be adequate controls and enforcement to protect consumers and the trades from the unscrupulous and corrupt.



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SAFE WORK



Following Parliamentary debate, the Work Health and Safety Act 2011 will commence operation on 1 January 2013. South Australia joined other States in approving the harmonised laws. The amendments, approved by Parliament, were moved by the Hon John Darley MLC in the Legislative Council. The amendments of significant note to employers are as follows:

- Section 17 – Requires that businesses eliminate risks, or, if it is not reasonably practicable to do so, the business take steps to minimise risks. Officers, as defined by the Bill, will only bear responsibility in the elimination/minimisation of risks insofar as they have the capacity to control and influence the risk.
- Section 117 – Union officials must contact SafeWork SA before entering premises to investigate suspected workplace health and safety contraventions. Union officials must also provide a report of their findings to SafeWork SA if an inspector is not present with them during their visit. If a SafeWork SA inspector is present, the union official is obliged to follow any directions given by the inspector.
- Section 172 – Originally, the Bill provided that a person was not excused from answering a question posed by a SafeWork SA inspector, even if doing so would incriminate him/her or expose him/her to a penalty. This reflected the model legislation. This section has been removed to ensure that a person need not answer a question if doing so would incriminate them.

The Bill will, for the most part, become operational as of 1 January 2013, however, some provisions will be subject to a 12-month transitional period. This is to enable employers to familiarise themselves with the legislation, and take steps to implement systems and procedures that will ensure compliance.

When the Bill is enacted, businesses and officers will have a greater responsibility to ensure the safety of employees. Failure to adhere to responsibilities prescribed by the Bill may result in significant penalties.

What it means for your business

It will have minimal if any effect on companies with sound policies procedures and management systems. What the legislation does do is clearly sets out obligations and expectations that were somewhat muddly for a small business, which has enabled them to pay minimal heed to the OHS Act until something went wrong.

The following are key obligations

- health and safety policies and procedures and whether they are implemented at a practical level;
- risk assessment processes;

Did you know that tradies who employ and train apprentices may get financial support?



Even in challenging times we still need to hire and train apprentices in the building and construction industry. If you have an apprentice, or are looking to take one on, you may be eligible for a training grant. The Construction Industry Training Board provides funding support for apprentice training and employment within the industry to reduce costs to employers. This is in addition to any Commonwealth funding for apprentices. Employers must apply and there are conditions, but call CITB for full details.

CITB 5 Greenhill Road, Wayville SA 5034 | T 8172 9500 | E citb@citb.org.au | www.citb.org.au



**Construction Industry
Training Board**

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Work Health and Safety Act Coming Into Operation

- 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.

Sole traders need to have policies and systems of managing WHS risk, if other workers are present, home owners, members of the public, work experience students or employees at a location where you are working. In other words you need to demonstrate through written policies that you have considered all of these people and have procedures and systems to protect them from risk. Sure, you can take the risk that nothing will happen but if it does do you have a spare \$100,000 plus to cover the cost? Declare yourself bankrupt? This will not remove your responsibility or potential fines.

How do you do all this stuff and know you're doing it right? And how do you make sure you can still do your work?

The simple answer is spend a maximum of \$3.00/working day and about 20 hours to set yourself up and you will be fully compliant with the legislation and will have little disruption to your work. That's \$15.00/week. It's called BusinessMate and has been developed by the PIA to ensure compliance by you, your employees and to systematically document your compliance. The more employees the less it costs /employee.

Training

One of the key factors is "controlling risk." There are three areas that you will need to consider training yourself and employees. Whilst a maintenance plumber working alone is not required to hold a White Card. If you work in an environment where other trades are present we recommend that because you have a duty of care towards them, and they to you, that you undertake White Card Training. If you are working above 3m that you undertake Working at Heights Training and if you are working in roof spaces in commercial premises or other types of confined space that you undertake Confined Space Training.

You have a duty of care towards yourself and your employees that you are able to assess the risks of such tasks and plan effective strategies to manage that risk. All residential construction plumbing will require Safe Work Method Statements (SWMS), the old JSA, if you are trenching or excavating, working at height or in a confined space. A trench can be defined as a confined space. Again, BusinessMate can deliver you a SWMS and Standard Work Procedures, where these are appropriate.

We make no apology to members if this all sounds a bit scary but if you want a business and a home if an incident occurs then you need to put in place, policies and systems to protect your business. So is \$15.00 /week or less compared to a fine of \$100,000 for an individual, plus legal costs too expensive? So far this year, over 80 Australians have died in industrial accidents, including two in SA from falls of under 3 metres. The message from government is that more needs to be done to stop preventable deaths and injuries. To learn more about your obligations under the new harmonised WHS Act and how BusinessMate can ensure your compliance with little pain contact Paul Worthington at the PIA.

18 NEWS 24-hour news updates adelaide.now.com.au

Safety laws too complex, says business

LAUREN NOVAK
POLITICAL REPORTER

BUSINESSES will struggle to meet new workplace safety standards when they come into force on January 1, industry groups say.

New occupational health and safety laws, which passed Parliament on Thursday night, put more responsibility on every member of an organisation to ensure safety in the workplace.

Industrial Relations Minister Russell Wortley says the laws aim to prevent workplace deaths like the 16 that have occurred during the 19 months MPs debated the legislation.

However, business and industry groups warn the new standards will be too complex and will increase red tape and costs.

"The January 1 start date is unachievable and will put too much pressure on businesses

Workplace safety laws finally pass

The Advertiser yesterday

in this state," Housing Industry Association SA regional director Robert Harding said.

"Our members are now going to be faced with something like 45 new codes (of practice) and how they, as small businesses, are going to come to grips with that defies contemplation."

Mr Wortley has said that businesses complying with the current laws should have no difficulty meeting the new standards. And Business SA chief executive officer Nigel McBride said he believed the laws were "overly complex and difficult to understand".

"The volume and complexity of the new codes ... appear unworkable," he said.

Law experts and the Opposition had warned the new rules would require householders hiring nannies, cleaners, tradespeople and other regular visitors to be responsible for ensuring their homes are free of hazards.

However, Mr Wortley said this was "scaremongering".

"There's no evidence throughout the country of anywhere where a mum or dad has been prosecuted by occupational health and safety laws for breaches of safety in hiring a nanny," Mr Wortley said.

Western Australia has budgeted for the changes while all other states, except Victoria, have passed similar workplace legislation.

O'Neill, Swan the PM's top buddies

IT'S a question most kids would deem an important one - who is your best friend?

When it is asked about the playground of politics, and when you are the prime minister, your answer can be somewhat loaded.

But Julia Gillard took it in her stride when asked the question by a student of St Joseph's and St Andrews primary schools during a visit to the NSW central coast.

"Well I have to say (Labour backbencher) Deb (O'Neill)," she told the packed auditorium.

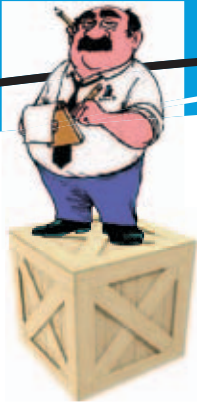
"We communicate by text and frequently when things aren't going quite so well, I look down and get a text from Deb who's clearly feeling my pain and sends me a supportive text."

Ms O'Neill a former teacher at St Andrews, was with the Prime Minister during her visit.

Another best buddy, Ms Gillard confided, was Deputy Prime Minister, Wayne Swan.

HELPING HAND: Deborah O'Neill and Julia Gillard in Parliament.

JB'S SOAP BOX



Over the years, JB's Soap Box has presented a seemingly endless stream of issues around the plumbing industry. The topics raised have included, materials, work practices, old and new technologies and ways to improve one's business image to existing and potential clients.

The somewhat over stated cliché of; “plumbers charge like wounded bulls”, or in today's colloquial terms: “Plumbers charge more than lawyers”, was well described in the last edition of Plumbing SA”under the title; Business Advice — Robot Plumbers, so we won't dwell on that. Did you read it? If you didn't, you should.

For the majority of us finding the time to read up on the latest product information or changes to the regulatory regime is getting harder by the day.

Much reliance is placed on the plumber, on a day to day basis, to make important decisions on behalf of clients in matters of general advice, product selection and the best methods of installation so as to comply with the regulatory requirements.

Add in compliance with the client's budget restraints without compromising the ultimate objectives, many wonder why they are running a business. The process of decision making and or giving advice is not to be taken lightly. Bad decisions often result in dissatisfied customers and a risk of litigation.

From the perspective of regulatory requirements, it would be fair to say that the average plumber relies on AS/NZS 3500 to ensure installation compliance. On this point it may well be an eye opener to the majority if they were to look beyond AS/NZS 3500 to its parent document, the Plumbing Code of Australia (PCA), where the principals are set out for manufacturers as well as plumbers.

In the interests of health and safety the Australian plumbing industry as a whole is dependent on the enforcement of standards and procedures in accordance with the PCA. Indeed one has only to remember the SARS outbreak in 2001 that killed over 3000 people and brought the airline and travel industries to their knees, costing billions of dollars, to have some understanding of a plumber's responsibility. It is so often the perception that only electricity and gas kill but a lack of, and bad plumbing still kill more people across the world today.

Moving on, people assume that retail outlets only sell products that can be legally used in all situations eg, it is illegal to smoke marijuana but for many years it was not illegal to sell smoking implements. The same is true for plumbing products. It is not illegal to sell a product that is not Watermarked. It is only illegal to

connect them to an authority's infrastructure. The “WaterMark” is a registered design owned by Standards Australia Pty Ltd. Conformity Assessment Bodies (CABs), undertake the granting of licences to manufacturers in order that they can place the WaterMark on their authorised products.

The granting of the licence is subject to the manufacturer complying with the appropriate procedures to the satisfaction of the CAB. It is the general practice that the “WaterMark” on a plumbing item is accompanied by the number of the Standard or Australian Technical Specification (ATS) that the item is alleged to comply, along with the licence number of the manufacturer.

Be aware that a product, fixture, pipe and or fitting bearing the WaterMark may not be proof that the item complies with the relevant standard or ATS and will perform the same way in every application. The final assessment of whether or not the item in question is fit for the purpose and application rests with the installer, the plumber. So despite all the weight of plumbing codes, standards and a plethora of bureaucrats it is the ultimate responsibility of you the plumber.

With the introduction of new materials and technologies it is not uncommon for trades people to stay within their comfort zone and work solely with what they know best. It must also be borne in mind by all those engaged in the plumbing industry that Australian standards and technical specifications for plumbing fixtures, pipe and fittings are the minimum requirements as drafted by a committee.

The members of the committee generally comprise representatives from water authorities, manufacturing organisations and the like as applicable to the products being reviewed. The outcome of such standards committees is slow at best and the end result is often seen as a compromise of opinions.

A degree of transparency exists with the development of Australian Standards for plumbing products, in as much as they are exposed to public comment towards the final stages of drafting prior to publication. By contrast draft Australian Technical Specifications (ATS's) lack transparency and public comment is not invited. ATS documents are regarded as ‘lower consensus’ documents.

They are developed by manufacturers, with the aid of the respective CAB and a Committee within the precinct of Standards Australia, when it is deemed that there is no appropriate Australian Standard available to align a product for assessment. The philosophy of creating ATS documents is that such documents can be fast tracked. In other words rather than to go down the rather laborious road of the item in question being merged into an existing standard or

JB'S SOAP BOX

developed into a standard in its own right the processes are said to be reduced. Such 'short cuts' are not always to the benefit of the consumer for it is not uncommon for serious omissions to be made in the preparation of the documentation.

The respective CAB's have the powers to ride over the shortfalls in both Australian Standards and Australian Technical Specifications. Whether or not the individuals making the decisions have the technical skills to make such decisions without bias is a matter for others to judge.

The life of an ATS is set down as a maximum of two years by which time it was expected that the document would have been merged into an existing standard or developed into a standard in its own right. However such does not occur very often and the life of ATS documents are continuously being extended.

From the consumer's perspective it could be said that the authorities should do more to draw in these wayward documents (ATS's) which are regarded as being equal in legal status to "standards" in their own right.

Much more could be said about the development of Australian Standards and Australia Technical Specifications by way of observations and technical opinion. However such could only be absorbed in small doses.

For the present, and it cannot be over emphasised, a plumber shoulders much responsibility to the health and well being of his/her clients and the selection of the right products, (fixtures, pipe or fittings), for the job in hand.

Certainly price comes into the equation. The old adage: "you get what you paid for", implies that the cheapest is not always the best. As stated previously:

"The process of decision making and or giving advice is not to be taken lightly. Bad decisions often result in dissatisfied customers and a risk of litigation."

Editor's Note: The PIA believes the legislation should impose more responsibility on manufacturers and importers that the products they sell must be compliant on an ongoing basis. Retailers should have an obligation to sell only products that are compliant and plumbers should have an obligation to install compliant products to the appropriate Standards.

This is a national issue that needs to be addressed by all of the MPAs, as is the uniformity of state legislation for the installation of plumbing and the licensing of plumbers.



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Apprentices

Rheem celebrates 75 years with 75 Rheem Plumber Apprentice Grants

As part of its 75 year celebration, early in 2012, Rheem Australia launched its Rheem Apprentice Plumber Grants, a scheme designed to thank the Australian plumbing industry for its ongoing support and to invest in its skills future. Seventy five \$1,000 grants were available last year for apprentice plumbers most in need of some additional financial assistance.

“It goes without saying that young people entering the plumbing profession at apprentice level really are the future of the industry,” says Matt Sexton, CEO Rheem Australia. “We know it can be tough financially, especially for apprentices just starting out, and many do not go on to complete their training. We therefore encouraged all current plumbing apprentices across Australia to apply for these grants and hope they will make a real difference for those who were selected.”

There were no restrictions placed on the grant; successful recipients can decide how and when they use it – e.g. on tools, education, bills, or fuel to get to or from work. Applications for the Rheem Apprentice Plumber Grants opened on 15 May and closed on 15 August 2012, with the recipients announced 28 September 2012.

Apprentices could nominate themselves or their employer could do so. As part of the process, TAFE and Registered Training Organisation teachers were contacted as a reference check. In order to ensure the grants are awarded fairly, a panel of independent industry experts judged

all applications, facilitated by Rheem’s National Product Training Manager, Tony Djodan. “These grants are a token of Rheem’s appreciation for all the young people entering the industry,” says Tony. “Each application was assessed on its own merit and Rheem were delighted to announce the recipients in late September.”

Dolton Curtis	Hindmarsh Plumbing	Adelaide	TAPS
Christopher Day	Hindmarsh Plumbing	Adelaide	TAPS
Ben Loy	Hindmarsh Plumbing	Adelaide	PEER
Jordan Sturges	Hirth Plumbing	Mount Gambier	Group Training Employment
Nathan Roach	Hirth Plumbing	Mount Gambier	Group Training Employment
Troy Johnson	Laser Plumbing	Naracoorte	Own
Dylan Gordge	Doherty Plumbing	Adelaide	Own
Ben Blackall	Doherty Plumbing	Adelaide	Own
Tim Cameron	Adelaide Plumbing & Civil	Adelaide	PIA
Brandon Hoffman	Adelaide Plumbing & Civil	Adelaide	PIA
Allison Holland	Baldwins Plumbing	Port Lincoln	Training Prospects
Cameron Jacob	Haig & Menzel Plumbing	Murray Bridge	Murray Lands Training & Employment
Skipp Rothe	Haig & Menzel Plumbing	Murray Bridge	Murray Lands Training & Employment

Editor’s Note: The PIA congratulates all of the winners, their employers and hosts.



Above: Dolton Curtis, Christopher Day, Ben Loy (Greg Taylor from Rheem presenting award)



Above: Nathan Roach, Hirth Plumbing and Brad Warner from Rheem



Above: Roger Stainer and Alex Barrett from Adelaide Plumbing & Civil



Above L-R: David Butcher from PIA, Tim Cameron, Roger Stainer from Adelaide Plumbing & Civil, Brandon Hoffmann and Wayne Margitich from Rheem

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Jon Kieboom

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