

Occupational Licensing (Restricted Roof Drainage Endorsement) Determination – June 2018

I, Dale Edward Webster, in my capacity as Administrator of Occupational Licensing, and acting pursuant to sections 27, 30 and 31 of the *Occupational Licensing Act*, hereby make the following Determination.

Determination title	Occupational Licensing (Restricted Roof Drainage Licence Endorsement) Determination 2018
Description	This Determination specifies requirements for making applications for, and continuing to hold, a licence endorsement for restricted roof drainage work.
Version	Version 1.0 July 2018
Application	This Determination applies from the date of the notification of its publication in the Gazette until its amendment or revocation.
Date of Director's approval	29 June 2018
Commencement date	Gazetted on 4 July 2018



Dale Edward Webster

Administrator of Occupational Licensing
Consumer, Building and Occupational Services
Department of Justice

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Document Development History

Version	Application Date	Sections amended
1.0	4 July 2018	Original release

Definition of terms used in this Determination

“**Act**” means the *Occupational Licensing Act 2005*

“**Administrator**” has the same meaning given by the Act

“**Associated building work**” means work for which the endorsed licensee as the responsible builder has entered a building work contract with an owner; and the performance on premises of restricted roof drainage work is a consequential or necessary component of the building work

“**Continuing professional development**” (CPD) has the same meaning given by the Act

“**Determination**” means this Determination, unless otherwise specified

“**Eligible builder**” means a building services provider, in the classes of either builder or builder-construction manager, who is eligible to apply for a restricted roof drainage endorsement as they are competent to perform specified work; but does not include:

- licensees in the specialist builder classes of:
 - a) Builder-Fire Protection Work; or
 - b) Builder-Demolisher; or
- the holders of a restricted or conditional builder licence;

and thereby they cannot perform the construction, alteration or repair of a roofed structure

“**Endorsed licensee**” means a licensed builder who has been granted a roof drainage endorsement to perform a restricted scope of prescribed plumbing work as a condition applied under section 40 of the Act

“**Endorsement**” for the purposes of this Determination, means:

- a special condition entered onto an existing building services provider’s licence; and
- the issuing of which has the same effect as granting a plumber practitioner licence under section 22 of the Act to perform prescribed work with conditions

“**Plumber practitioner**” means a person who is the holder of a licence authorising him or her to carry out prescribed plumbing work

“**Plumber practitioner-certifier**” means a person who is the holder of a licence authorising him or her to certify prescribed plumbing work

“**Plumbing system**” has the same meaning given by the Regulations

“**Practitioner**” has the same meaning given by the Act

“**Prescribed plumbing work**” has the same meaning given by the Act and the Regulations

“Regulations” means the *Occupational Licensing (Plumbing Work) Regulations 2010*

“Restricted roof drainage endorsement” means the licence endorsement granted by the Administrator under the authority of this Determination

“Restricted roof drainage work” means the work specified in Clause 2.0.1 of this Determination that is prescribed work on a plumbing system for the drainage of a roof

“Roof decking” means work for the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of roof sheets as part of a plumbing system, for the drainage of a roof

“Roof drainage” means types of prescribed work on a plumbing system for stormwater drainage of a roof, but excluding any work on downpipes and ground surface or subsurface drainage systems.

1.0.0 Eligibility to apply for licence endorsement (restricted roof drainage work)

1.0.1 Eligible builders who may apply for a licence endorsement to perform restricted roof drainage work are:

- a) currently licensed under the Act as a builder (including licensees in the specialist class of builder-construction manager) and are otherwise unrestricted within their scope of work; and
- b) those licensees are competent to perform the types of restricted roof drainage work that is specified in Clause 2.0.1 of this Determination.

1.0.2 Builders who hold a licence upon which the Administrator has imposed a restricted scope of work, or specific conditions on that licensee, including:

- only performing internal work on existing buildings, including kitchens and shop fit outs; or
- only performing the erection of structures such as signs, swimming pools, decks, retaining walls, landscaping structures or similar.

and are not responsible for the construction, alteration or repair of a roofed structure, are deemed not competent to perform roof drainage work and are thereby not eligible to apply for this endorsement.

1.0.3 Notwithstanding clause 1.0.2, a licensed builder who holds a restricted or conditional licence and:

- a) the scope of work in clause 2.0.1 of the restricted roof drainage endorsement is an ordinary part of the performance of the associated building work they usually perform; and
- b) they can demonstrate their competence in roof drainage work;

they may apply to the Administrator on the grounds that there are special circumstances why they should be granted an endorsement for performing restricted roof drainage work.

- 1.0.4** The Administrator has an absolute discretion to consider an application under clause 1.0.3 on the grounds of special circumstances.

1.1.0 Performance of roof draining work must be associated with building work

All roof drainage work undertaken by an endorsed licensee must be directly related to performance of associated building work (other than just for installing roof decking) for which the licensee has been engaged by the owner as the responsible builder, for a new building, or alterations, additions, repairs or reroofing of existing buildings and includes the “like for like” replacement of any roof drainage components.

2.0.0 Restricted scope of work of endorsement – general provisions applicable

A restricted roof plumbing endorsement is applicable to the performance of associated building work that the endorsed licensee may perform on any:

1. building or structure that is already permitted within their individual scope of work as a licensed builder; or
2. Category of Building Work (either as Low Risk, Notifiable Work or High Risk Work) as Determined by the Director of Building Control under the *Building Act 2016*; or
3. National Construction Code Classification of a building or structure, including residential or commercial uses.
 - As an endorsed licensee is a licensed builder, they can contract with the owner for restricted plumbing work (as head contractor for the associated building work). They do not also have to hold an additional licence as a contractor or nominated manager under the *Occupational Licensing Act 2005*.
 - An endorsed licensee can certify their own restricted scope of work and do not need to have it certified or otherwise authorised by licensed plumber practitioner-certifier.
 - An endorsed licensee may sign and issue a Standard of Work Certificate (Approved Form 71B under the *Building Act 2016*) for their restricted roof drainage work, as the plumber practitioner-certifier responsible for that work.

2.0.1 Restricted scope of work of endorsement – specific work types permitted

An endorsed licensee may perform the following types of restricted roof drainage work:

1. Work on a roof drainage system (associated with performance of building work), comprising either:

- (i) an installation of a new system or drainage components; or
- (ii) an alteration or addition to an existing drainage system

including these roof drainage system components:

- a) roof gutter (including box gutters)
 - b) roof valley
 - c) metal roof ridge
 - d) metal roof weathering
 - e) any flashing associated with any such gutter, valley, ridge, or weathering; and
2. The testing, commissioning or certification of work on a roof drainage system that was performed by the endorsed licensee.

2.0.2 Types of roof drainage work not permitted under a restricted roof drainage endorsement

- Repairs of a roof drainage system, that is not associated with building work
- Work on servicing, maintaining or disconnecting an existing roof drainage system, that is not associated with building work
- Decommissioning or removal of an existing roof drainage system (or its components) except as part of “like for like replacement” of similar components, that is part of associated building work

Note regarding demolition of structures: once a plumbing installation has been disconnected from a stormwater management system (onsite or reticulated) a licensed builder or demolisher is entitled to demolish that structure including its plumbing components as part of their scope of work to perform demolition work under a building approval. Those licensed persons are not required to apply for this endorsement to perform any “roof drainage” work associated with that demolition.

2.0.3 Other types plumbing work not permitted under a restricted roof drainage endorsement

For avoidance of doubt, a restricted roof drainage endorsement does not allow the endorsed licensee to perform any:

- design of plumbing work
- installation of downpipes
- work on a surface drainage system that is not for the drainage of a roof surface
- work on a subsurface drainage systems or drainage work that will be below ground when completed

- connection of a roof drainage system to a stormwater management system (e.g. an onsite disposal system, or an offsite system of a network utility operator)
- connection of a roof drainage system to an onsite stored water supply (e.g. drinking water or fire sighting water supply purposes)
- any other work that is prescribed plumbing work under the Act or Regulations (e.g. water supply, drainage, wastewater management work).

2.0.4 Status of ‘like for like’ repairs or replacements

For clarification, performance of “like for like” repairs or replacements of a roof drainage system or components must be:

- associated with the performance of associated building work; and
- have been designed either by:
 - i. a licensed plumber-practitioner-certifier; or
 - ii. a licensed building services provider in a designer class, who has the competence to design roof plumbing work.

2.0.5 Status of roof decking work

For clarification, this Determination does not affect existing rights of a licensed builder or a licensed plumber to perform the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of any roof decking that is part of, or associated with, a roof drainage (stormwater) system.

2.0.6 Licensees must not purport, or advertise, that they are a roof plumber

An endorsement for restricted roof drainage work does not permit an endorsed licensee to:

- Purport or imply that they are a licensed roof plumber; or
- Advertise or proclaim that they are able to contract for, or perform roof plumbing work that is prescribed plumbing work for which an unrestricted plumbing practitioner may perform.

3.0.0 Applications for endorsement

An application for a restricted roof drainage endorsement is to be made to the Administrator.

- Applicants are to provide a Self-Assessment Form containing information detailing:
 - Relevant experience of construction work, emphasising their skills and competence related to roof drainage; and

- Details of qualifications (if any) relating to roof drainage; and
- Sign a declaration that as the responsible licensed builder, they are competent to perform or manage all the types of restricted roof drainage work that are covered by the endorsement's scope of work (e.g. as specified in Clause 2.0.1 of this Determination).

3.0.1 No additional insurance requirements

The amount and type of insurance required to be held by a licensee as a builder is determined to meet the requirements of section 27 of the Act and is appropriate for the work permitted by a restricted roof drainage endorsement.

4.0.0 Licensee requirements after endorsement granted

1. An endorsed licensee is personally responsible for the roof drainage work that is undertaken on site, meaning they must either:
 - perform the work; or
 - supervise the work; and

for any other roof plumbing work that is outside the restricted scope of work of their endorsement, ensure that the person performing that work is a licensed plumber-practitioner in the class of roof (stormwater) plumbing.

2. The endorsed licensee must undertake Continuing Professional Development (CPD) activities that specifically relate to roof drainage as a part of the required overall CPD requirements of a licensed builder (a minimum of 12 CPD points per year). Additional information on CPD requirements may be contained in other Determinations made by the Administrator.

4.0.1 Requirement for notifications of work to Administrator

1. Prior to the first anniversary of the granting of a restricted roof drainage endorsement, the endorsed licensee must notify the Administrator of each building project where they have performed any of the types of roof drainage work permitted by the endorsement.
 - For any Notifiable Building Work or Permit Building Work, the endorsed licensee is to provide a copy of each building surveyor's authorisation to them to start work on the building work project where they are the responsible builder.

Explanatory example: a copy of the Start Work Authorisation signed by the building surveyor (Approved Form 39) is to be sent for each project where the builder will also be performing restricted roof drainage work.

- For any Low Risk Work by the endorsed licensee (e.g. large farm sheds) a copy of the Approved Form 80 (that is required to be sent to the council permit authority once work is finished) is to be forwarded to the Administrator.
2. Copies are to be sent by to this email address: CBOS.info@justice.tas.gov.au

4.0.2 Auditing of work of endorsed licensees

1. Random inspections of roof drainage work and associated building work that have been performed or managed by the endorsed licensee, may be carried out by the Administrator during the first 12 months of any persons holding a restricted roof drainage endorsement.
2. The endorsed licensee is required to cooperate with the Administrator for an audit of their projects.
3. The Administrator may either inspect the work or conduct a desktop audit.

4.0.3 Rectification of defective roof drainage work

The endorsed licensee is responsible for rectifying any defective roof drainage work they have performed or managed that does not comply with either:

1. the standards of the Plumbing Code of Australia; or
2. the requirements of the specific certificate of likely compliance, or other approval for performance of that roof drainage work granted under the *Building Act 2016*.

5.0.0 Cancellation of endorsement for misconduct or poor performance

1. If the Administrator has determined that the endorsed licensee has:
 - performed or managed unsatisfactory or defective roof drainage work; or
 - has not complied with an inspection direction or a plumbing order or building order issued under the *Building Act 2016* to rectify defective roof drainage work or its associated building work; or
 - not undertaken a remedial course in roof plumbing required by the Administrator as a disciplinary action under Part 9 of the Act; or
 - not undertaken CPD activities relevant to the endorsement; or
 - is guilty of improper conduct

then that endorsement may be cancelled by notice in writing to the licensee.

2. The cancellation of an endorsement is an appealable decision under s.82 of the Act to the Magistrates Court (Administrative Appeals Division).