

SOUTH AUSTRALIA

PLUMBERS, GAS FITTERS AND ELECTRICIANS REGULATIONS 1995

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**REGULATIONS UNDER THE PLUMBERS, GAS FITTERS AND ELECTRICIANS
ACT 1995**

Plumbers, Gas Fitters and Electricians Regulations 1995

being

No. 131 of 1995: *Gaz.* 29 June 1995, p. 3085¹

as varied by

No. 92 of 1996: *Gaz.* 30 May 1996, p. 2664²

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262³

No. 80 of 1997: *Gaz.* 13 May 1997, p. 1864⁴

No. 75 of 1998: *Gaz.* 28 May 1998, p. 2332⁵

No. 123 of 1998: *Gaz.* 28 May 1998, p. 2455⁶

No. 60 of 1999: *Gaz.* 27 May 1999, p. 2808⁷

No. 159 of 1999: *Gaz.* 29 July 1999, p. 626⁸

No. 211 of 1999: *Gaz.* 28 October 1999, p. 2121⁹

- ¹ Came into operation 1 July 1995: reg. 2.
- ² Came into operation 1 July 1996: reg. 2.
- ³ Came into operation 3 February 1997: reg. 2.
- ⁴ Came into operation 1 July 1997: reg. 2.
- ⁵ Came into operation 1 July 1998: reg. 2.
- ⁶ Came into operation 28 May 1998: reg. 2.
- ⁷ Came into operation 1 July 1999: reg. 2.
- ⁸ Came into operation 29 July 1999: reg. 2.
- ⁹ Came into operation 28 October 1999: reg. 2.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Plumbers, Gas Fitters and Electricians Regulations 1995*.

Commencement

2. These regulations will come into operation on 1 July 1995.

Interpretation

3. (1) In these regulations—

"**Act**" means the *Plumbers, Gas Fitters and Electricians Act 1995*;

"**contract of training**" means a contract of training under the *Industrial and Commercial Training Act 1981*.

(2) For the purposes of these regulations, a reference to a qualification, course or subject conferred or offered by a particular institution includes a reference to a qualification, course or subject of a different name conferred or offered by that institution and certified by that institution to be an equivalent qualification, course or subject.

Exemptions

4. (1) Until 1 July 1996, an apprentice or other trainee under a contract of training who carries out plumbing or gas fitting work under the terms of the contract of training is exempt from the requirement to be registered under the Act as a worker subject to the condition that—

(a) in the case of plumbing—the work is supervised by a registered plumbing worker authorised by registration to carry out plumbing of that kind without supervision;

(b) in the case of gas fitting—the work is supervised by a registered gas fitting worker authorised by registration to carry out gas fitting of that kind without supervision.

(2) Until 1 July 1997, a person who was not (immediately before the commencement of these regulations) required under the former provisions to hold a licence, registration or other authority to perform or carry out plumbing in an area outside of a drainage area is exempt from the requirement to be licensed or registered under the Act as a plumbing contractor or plumbing worker subject to the condition that the person does not perform or carry out plumbing within a drainage area.

(3) A person who—

(a) carries on business as a builder, building contractor or architect; or

(b) carries on another business the principal purpose of which is the construction, installation, alteration, repair or maintenance of a building, structure, plant or equipment,

3.

is exempt from the requirement to be licensed under the Act as a contractor subject to the condition that any plumbing, gas fitting or electrical work performed by the person is performed in the ordinary course of the business by a person authorised by licence or registration under the Act to perform or carry out work of that kind.

(4) An employee of a designated electricity entity who is carrying out work in the course of his or her employment by the designated electricity entity is exempt from the requirement to be registered under the Act as an electrical worker.

(5) A person or body that supplies electricity to the public is exempt from the application of this Act in respect of any electrical work relating to its own electrical installation.

(5a) An employee of *The Smith's Snackfood Company Ltd* (the **Company**) is exempt from the requirement to be registered under the Act as a plumbing worker in respect of cold water plumbing carried out in the course of his or her employment in relation to any food processing plant or associated pipes or equipment downstream from a secondary testable backflow prevention device that is downstream from the primary testable backflow prevention device connecting the Company's pipes and equipment at the Company's site at 553-567 South Road, Regency Park, 5010 to the public water supply system.

(6) The following work is exempt from the application of the Act:

(a) plumbing—

- (i) consisting of the installation, alteration, repair, maintenance or disconnection of a cold water pipe not exceeding 25mm in diameter except where the pipe is in or on a building;
- (ii) consisting of the installation, alteration, repair, maintenance or disconnection of a non-testable backflow prevention device;
- (iii) consisting of the replacement, alteration, repair, maintenance or disconnection of domestic tapware;
- (iv) consisting of the clearing of blockages in pipes not exceeding 50 mm in diameter (or associated traps) installed to convey wastewater to sanitary drains;
- (v) relating to stormwater drainage pipes—
 - (A) consisting of work on pipes not exceeding 90mm in diameter; or
 - (B) consisting of work carried out under the supervision of a professional civil engineer;

(b) gas fitting consisting of connecting or disconnecting a gas cylinder and portable equipment that utilises gas contained in the cylinder;

- (c) electrical work—
- (i) consisting of the oiling, greasing, cleaning or painting of an electrical installation;
 - (ii) consisting of the installation, alteration, repair or maintenance of an electrical installation—
 - (A) that is situated outside of a municipality or township if the installation is used in connection with the carrying on of the business of primary production;
 - (B) the purpose of which is to transmit television or radio programs from a television or radio station;
 - (iii) consisting of the installation, alteration, repair or maintenance of any system or equipment connected or intended to be connected to and beyond an electrical outlet socket at which fixed wiring terminates, but not including the alteration, repair or maintenance of an electrical connection of a rating above low voltage (as defined in Australian Standard AS 3000 "SAA Wiring Rules");
 - (iv) consisting of the replacement of a fuse, switch or two-point outlet socket other than any such equipment or device belonging to a person or body that supplies electricity to the public;
 - (v) involved in the manufacture or assembling of new equipment;
 - (vi) consisting of the repair of used equipment for resale when carried out at a workshop of a retailer or wholesaler of equipment of that kind under the supervision (which must include personal checking and approval of each item before resale) of a registered electrical worker authorised by registration to carry out electrical work of that kind without supervision;
- (d) any work involved in educational courses or in scientific research or experiments.

(7) In this regulation—

"business of primary production" has the same meaning as in the *Land Tax Act 1936*;

"designated electricity entity" means—

- (a) an electricity corporation within the meaning of the *Electricity Corporations Act 1994*;
- (b) a State-owned company (within the meaning of the *Electricity Corporations (Restructuring and Disposal) Act 1999*) that holds a licence under the *Electricity Act 1996*;

"drainage area" has the same meaning as in the *Sewerage Act 1929*;

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"former provisions" has the same meaning as in schedule 2 of the Act;

"municipality" and **"township"** have the same meanings as in the *Local Government Act 1934*.

PART 2
LICENSED CONTRACTORS

Entitlement to be licensed as contractor—qualifications

5. For the purposes of section 9(1) of the Act—

- (a) to be entitled to be granted a plumbing contractors licence (not subject to conditions limiting the work that may be performed under the authority of the licence) a natural person must—
- (i) hold a Certificate of Competency in Sanitary Plumbing or a Certificate of Competency—Advanced Plumbing issued by the Sanitary Plumbers Examining Board and have completed—
 - (A) six years of plumbing including at least two years as—
 - the holder of a certificate of registration as a sanitary plumber issued by the Sanitary Plumbers Examining Board; or
 - a registered plumbing worker; or
 - (B) seven years of plumbing including at least 18 months as—
 - the holder of a certificate of registration as a sanitary plumber issued by the Sanitary Plumbers Examining Board; or
 - a registered plumbing worker; or
 - (ii) hold a Certificate of Proficiency and a Certificate of Competency in Sanitary Plumbing, Draining and Water Plumbing issued by the Regency Institute of TAFE and have successfully completed subjects relating to business administration approved by the Commissioner;
- (b) to be entitled to be granted a gas fitting contractors licence (not subject to conditions limiting the work that may be performed under the authority of the licence) a natural person must—
- (i) hold a Certificate of Competency in Gas Fitting issued by the Gas Fitters Examining Board; or
 - (ii) hold a Certificate of Proficiency and a Certificate of Competency in Gas Fitting issued by the Regency Institute of TAFE, including successful completion of subjects relating to business administration approved by the Commissioner;
- (c) to be entitled to be granted an electrical contractors licence (not subject to conditions limiting the work that may be performed under the authority of the licence) a natural person must hold a Certificate in Electrical Stream 3212 issued by a training provider approved by the Commissioner (including passes in modules required by the Commissioner) and—

7.

- (i) a Certificate of Competency in Electrical Mechanics; or
- (ii) a Certificate of Competency in Electrical Fitting; or
- (iii) a Certificate of Competency in Engineering Tradesperson (Electrical/Electronic),

issued by the Industrial and Commercial Training Commission and have successfully completed subjects relating to business administration approved by the Commissioner.

Periodic fees and returns

6. (1) For the purposes of section 11(2) of the Act, the fee must be paid and a return lodged on or before the last day of the month in each year that is the same month as the month in which the licence was granted or, if the contractor holds more than one licence under the Act, the month in which the contractor was granted the first of those licences.

(2) For the purposes of section 11(3) of the Act, the penalty for default in paying the fee or lodging the return is as set out in the Schedule.

Notification of changes in circumstances

7. (1) If there is any change in—

- (a) the residential address of a licensed contractor; or
- (b) the business or trading name under which a licensed contractor carries on business; or
- (c) the address at which a licensed contractor carries on business; or
- (d) the address of the registered corporate office of a licensed contractor that is a body corporate,

the contractor must, within 14 days after that change, give written notice to the Commissioner of the new address or name (as the case may be).

Maximum penalty: \$2 500.
Expiation fee: \$160.

(2) A licensed contractor must, within 14 days after ceasing to carry on business as a contractor, give written notice to the Commissioner of that fact.

Maximum penalty: \$2 500.
Expiation fee: \$160.

(3) A licensed contractor must, within 14 days after entering into partnership to carry on business as a contractor or ceasing to be in such a partnership, give written notice to the Commissioner of that fact, together with the names of the members of the new or former partnership.

Maximum penalty: \$2 500.
Expiation fee: \$160.

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(4) A licensed contractor that is a body corporate must, within 14 days after a person becomes a director of the body corporate, give written notice to the Commissioner of the name and residential address of the new director.

Maximum penalty: \$2 500.

Expiation fee: \$160.

Return of licence

8. If a contractor's licence is suspended or cancelled, the contractor must, at the direction of the Court or the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

**PART 3
REGISTERED WORKERS**

Entitlement to be registered as worker—qualifications

9. (1) For the purposes of section 16 of the Act—

- (a) to be entitled to be granted plumbing workers registration (not subject to conditions limiting the work that may be carried out under the authority of the registration) a person must—
- (i) hold a Certificate of Competency in Sanitary Plumbing or a Certificate of Competency in Advanced Plumbing issued by the Sanitary Plumbers Examining Board and have completed—
 - (A) six years of plumbing including at least two years as—
 - the holder of a certificate of registration as a sanitary plumber issued by the Sanitary Plumbers Examining Board; or
 - a registered plumbing worker; or
 - (B) seven years of plumbing including at least 18 months as—
 - the holder of a certificate of registration as a sanitary plumber issued by the Sanitary Plumbers Examining Board; or
 - a registered plumbing worker; or
 - (ii) hold a Certificate of Proficiency and a Certificate of Competency in Sanitary Plumbing, Draining and Water Plumbing issued by the Regency Institute of TAFE;
- (b) to be entitled to be granted gas fitting workers registration (not subject to conditions limiting the work that may be carried out under the authority of the registration) a person must—
- (i) hold a Certificate of Competency in Gas Fitting issued by the Gasfitters Examining Board; or
 - (ii) hold a Certificate of Proficiency and a Certificate of Competency in Gas Fitting issued by the Regency Institute of TAFE;
- (c) to be entitled to be granted electrical workers registration (not subject to conditions limiting the work that may be carried out under the authority of the registration) a person must hold a Certificate in Electrical Stream 3212 issued by a training provider approved by the Commissioner (including passes in modules required by the Commissioner) and—
- (i) a Certificate of Competency in Electrical Mechanics; or
 - (ii) a Certificate of Competency in Electrical Fitting; or

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- (iii) a Certificate of Competency in Engineering Tradesperson (Electrical/Electronic),

issued by the Industrial and Commercial Training Commission.

Periodic fees and returns

10. (1) For the purposes of section 18(2) of the Act, the fee must be paid and a return lodged on or before the last day of the month in every third year that is the same month as the month in which the registration was granted or, if the worker holds more than one registration under the Act, the month in which the worker was granted the first of those registrations.

(2) The following persons are exempt from the requirement to pay a fee or lodge a return as referred to in subregulation (1):

- (a) a natural person who is a licensed contractor;
- (b) a person who only carries out plumbing, gas fitting or electrical work as an apprentice or other trainee under a contract of training.

(3) For the purposes of section 18(3) of the Act, the penalty for default in paying the fee or lodging the return is as set out in the Schedule.

Notification of changes in circumstances

11. If there is any change in the name or residential address of a registered worker, the worker must, within 14 days after that change, give written notice to the Commissioner of the new name or address (as the case requires).

Maximum penalty: \$1 250.

Expiation fee: \$80.

Return of certificate of registration

12. If registration of a person as a worker is suspended or cancelled, the worker must, at the direction of the Court or the Commissioner, return the certificate of registration to the Commissioner.

Maximum penalty: \$1 250.

Expiation fee: \$80.

**PART 4
ADVISORY PANELS**

Establishment of advisory panel—plumbing and gas fitting

13. (1) The *Plumbing and Gas Fitting Advisory Panel (PGFAP)* is established.

(2) PGFAP is to consist of at least eight members appointed by the Minister after consulting the following:

- (a) the Master Plumbers and Mechanical Services Association of SA Inc;
- (b) the South Australian Gas Company Limited;
- (c) the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union of Australia—Plumbing Division—SA Branch;
- (d) the Federated Gas Employees Industrial Union;
- (e) the Minister for Employment, Training and Further Education;
- (f) the South Australian Water Corporation;
- (g) the Minister for Mines and Energy;
- (h) the Commissioner.

(3) One member will be appointed by the Minister to chair meetings of PGFAP.

(4) The appointment of a member will be for a term, not exceeding three years, specified in the term of appointment and a member will, at the expiration of a term of appointment, be eligible for reappointment.

(5) The Minister may appoint an appropriate person to be a deputy of a member of PGFAP and that person, while acting in the absence of that member, has all the powers, rights and duties of that member.

(6) The Minister may remove a member of PGFAP from office on the grounds of—

- (a) mental or physical incapacity; or
- (b) dishonourable conduct; or
- (c) neglect of duty.

(7) The office of a member of PGFAP becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office; or

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- (c) resigns by notice in writing to the Minister; or
- (d) is removed from office by the Minister under subsection (6).

(8) A quorum of PGFAP consists of a number of members equal to half of the members (ignoring any fraction) plus one and no business may be transacted at a meeting of PGFAP unless a quorum is present.

(9) The member appointed to chair PGFAP will preside at meetings of PGFAP or, in the absence of that member, a member chosen by those present.

(10) Subject to these regulations, PGFAP may determine its own procedures.

(11) PGFAP must have accurate minutes kept of its proceedings.

Prescribed functions—PGFAP

14. For the purposes of section 26(2)(e) of the Act, the following functions of PGFAP are prescribed:

- (a) advising the Commissioner in relation to the recognition of overseas and interstate qualifications and the adoption of national and international standards and agreements;
- (b) advising the Commissioner in respect of—
 - (i) the classes of licences or registration that should be established by conditions limiting the work that can be performed or carried out under the authority of licences or registration;
 - (ii) the qualifications, assessment procedures, training and other requirements for the various classes of licences or registration.

Establishment of advisory panel—electrical

15. (1) The *Electrical Advisory Panel (EAP)* is established.

(2) EAP is to consist of at least six members appointed by the Minister after consulting the following:

- (a) the National Electrical Contractors Association—SA Chapter;
- (b) the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing & Allied Services Union of Australia—Electrical Division—SA Branch;
- (c) the Electrical Electronic Industry Training Advisory Board (SA) Inc.;
- (d) the Minister responsible for the administration of the *Electricity Act 1996*;
- (e) the Minister for Mines and Energy;
- (f) the Commissioner.

(3) One member will be appointed by the Minister to chair meetings of EAP.

(4) The appointment of a member will be for a term, not exceeding three years, specified in the term of appointment and a member will, at the expiration of a term of appointment, be eligible for reappointment.

(5) The Minister may appoint an appropriate person to be a deputy of a member of EAP and that person, while acting in the absence of that member, has all the powers, rights and duties of that member.

(6) The Minister may remove a member of EAP from office on the grounds of—

- (a) mental or physical incapacity; or
- (b) dishonourable conduct; or
- (c) neglect of duty.

(7) The office of a member of EAP becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office; or
- (c) resigns by notice in writing to the Minister; or
- (d) is removed from office by the Minister under subsection (6).

(8) A quorum of EAP consists of a number of members equal to half of the members (ignoring any fraction) plus one and no business may be transacted at a meeting of EAP unless a quorum is present.

(9) The member appointed to chair EAP will preside at meetings of EAP or, in the absence of that member, a member chosen by those present.

(10) Subject to these regulations, EAP may determine its own procedures.

(11) EAP must have accurate minutes kept of its proceedings.

Prescribed functions—EAP

16. For the purposes of section 26(3)(e) of the Act, the following functions of EAP are prescribed:

- (a) advising the Commissioner in relation to the recognition of overseas and interstate qualifications and the adoption of national and international standards and agreements;
- (b) advising the Commissioner in respect of—
 - (i) the classes of licences or registration that should be established by conditions limiting the work that can be performed or carried out under the authority of licences or registration;

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- (ii) the qualifications, assessment procedures, training and other requirements for the various classes of licences or registration.

SCHEDULE
Fees

A. FEE AMOUNTS

| | | |
|-----|---|-------|
| 1. | Application fee for licence (s. 8(1)(b) of the Act) | \$113 |
| 2. | Licence fee—payable before the grant of a licence under Part 2 of the Act— | |
| | (a) for a natural person | \$200 |
| | (b) for a body corporate | \$298 |
| 3. | Periodic fee for licence (s. 11(2)(a) of the Act)— | |
| | (a) for a natural person | \$200 |
| | (b) for a body corporate | \$298 |
| 4. | Default penalty fee (s. 11(3) of the Act) | \$103 |
| 5. | Application fee to vary or revoke a licence condition (s. 7(2)(b) of the Act) | \$159 |
| 6. | Application fee for registration (s. 15(b) of the Act) | \$113 |
| 7. | Registration fee—payable before the grant of registration under Part 3 of the Act) | \$82 |
| 8. | Periodic fee for registration (s. 18(2)(a) of the Act) | \$82 |
| 9. | Default penalty fee (s. 18(3) of the Act) | \$36 |
| 10. | Application fee to vary or revoke a condition of registration (s. 14(2)(b) of the Act) | \$67 |

B. PROVISIONS RELATING TO FEES

1. The Commissioner may waive, reduce or refund a fee (or part of a fee) payable under these regulations if satisfied that it is appropriate to do so in a particular case.

2. A contractor who applies at any one time for more than one licence under the Act is required to pay only one application fee regardless of the number of applications.

3. A licensed contractor under the Act who applies for a further licence under the Act must pay the application fee in respect of each such application.

4. A contractor who holds more than one licence under the Act is required to pay only one periodic fee regardless of the number of such licences held.

5. A worker who applies at any one time for more than one registration under the Act is required to pay only one application fee regardless of the number of applications.

6. A registered worker under the Act who applies for a further registration under the Act must pay the application fee in respect of each such application.

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7. A worker who holds more than one registration under the Act is required to pay only one periodic fee regardless of the number of such registrations held.

APPENDIX**LEGISLATIVE HISTORY****Transitional Provisions**

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

Legislative History

| | |
|------------------------|---|
| Regulation 4(4): | varied by 159, 1999, reg. 4(b) (Sched. 2 cl. 5) |
| Regulation 4(5a): | inserted by 211, 1999, reg. 3 |
| Regulation 4(7): | definition of "designated electricity entity" inserted by 159, 1999, reg. 4(b) (Sched. 2 cl. 5) definition of "electricity corporation" revoked by 159, 1999, reg. 4(b) (Sched. 2 cl. 5) |
| Regulation 6(2): | varied by 92, 1996, reg. 3; 80, 1997, reg. 3; 75, 1998, reg. 3 |
| Regulation 7(1) - (3): | varied by 259, 1996, reg. 3 (Sched. cl. 19); 123, 1998, reg. 4(1) |
| Regulation 7(4): | inserted by 123, 1998, reg. 3 |
| Regulation 8: | varied by 259, 1996, reg. 3 (Sched. cl. 19); 123, 1998, reg. 4(1) |
| Regulation 10(3): | varied by 92, 1996, reg. 4; 75, 1998, reg. 4 |
| Regulation 11: | varied by 259, 1996, reg. 3 (Sched. cl. 19); 123, 1998, reg. 4(2) |
| Regulation 12: | varied by 259, 1996, reg. 3 (Sched. cl. 19); 123, 1998, reg. 4(2) |
| Regulation 15(2): | varied by 159, 1999, reg. 4(b) (Sched. 2 cl. 5) |
| Schedule | |
| Part A: | varied by 92, 1996, reg. 5; 80, 1997, reg. 4; substituted by 75, 1998, reg. 5; 60, 1999, reg. 3 |