

South Australia

# **Plumbers, Gas Fitters and Electricians Variation Regulations 2015**

under the *Plumbers, Gas Fitters and Electricians Act 1995*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Plumbers, Gas Fitters and Electricians Variation Regulations 2015*.

### **2—Commencement**

These regulations will come into operation on the day on which section 29 of the *Statutes Amendment (Occupational Licensing) Act 2013* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Plumbers, Gas Fitters and Electricians Regulations 2010***

### **4—New regulation 12A**

Before regulation 13 insert:

#### **12A—Requirements for contracts for domestic plumbing, gas fitting or electrical work that contain a charging clause**

- (1) For the purposes of section 33B(1)(d) of the Act, a contract entered into to perform plumbing, gas fitting or electrical work on domestic property that contains a charging clause must include the following information:
  - (a) that the clause seeks to establish an interest in the property to which the contract relates for which a right to lodge a caveat over the property will exist;
  - (b) that, in the event that a caveat is lodged over the property, the rights of the owner of the property to deal with the property and have such dealings registered in the Lands Titles Office will be restricted;
  - (c) that the interest in the property created by the clause entitles the contractor to apply to a court for the sale of the property for the purposes of recovering any debt that may be outstanding in relation to the contract;
  - (d) that the person entering into the contract is advised to seek independent legal advice in relation to the clause.
- (2) For the purposes of section 33B(1)(f) of the Act, the form and information of Form 1 in Schedule 2 are prescribed.

### **5—Variation of Schedule 1—Fees**

- (1) Schedule 1, item 5—delete "vary or revoke a licence condition (section 7(2)(b) of the Act)" and substitute:

impose, vary or revoke a licence condition (section 7(2) of the Act)
- (2) Schedule 1, item 10—delete "vary or revoke a condition of registration (section 14(2)(b) of the Act)" and substitute:

impose, vary or revoke a condition of registration (section 14(2) of the Act)

## 6—Insertion of Schedule 2

After Schedule 1 insert:

### **Schedule 2—Forms**

#### **Notice of charging clause—section 33B(1)(f) of *Plumbers, Gas Fitters and Electricians Act 1995***

This notice contains important information about the charging clause contained in the contract entered into to perform plumbing, gas fitting or electrical work on your domestic property by a contractor. You should read it carefully and keep it for future reference.

A charging clause in a contract gives your contractor the right to lodge a caveat over the property on which the contractor is performing work under the contract. If a caveat is lodged over the property, you (as owner of the property) may be restricted from dealing with and registering dealings with the property at the Land Titles Office.

The interest created by the clause would entitle your contractor to apply to the court for the sale of the property to recover any debt owed by you for work performed under the contract.

Check your contract carefully, and, if you are not certain about the implications of a charging clause, you should seek independent legal advice.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 29 October 2015

No 222 of 2015

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