

South Australia

Plumbers, Gas Fitters and Electricians Regulations 2010

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 Regulations 2010*.

3—Interpretation

- (1) In these regulations—

Act means the *Plumbers, Gas Fitters and Electricians Act 1995*.

- (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.

4—Exemptions

- (1) 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,
- 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.
- (2) A person carrying out electrical work relating to electricity infrastructure owned or operated by an electricity entity that is required to have a safety and technical management plan by condition of licence, or by the regulations, under the *Electricity Act 1996* is exempt from the requirement to be registered under the Act as an electrical worker.
- (3) An employee of The Smith's Snackfood Company Ltd (ACN 057 976 940) (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.
- (4) A licensed contractor is exempt from the application of section 12 of the Act in relation to work performed in the course of the contractor's business by a person exempted from the requirement to be registered under the Act in relation to that work.
- (5) 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 25 mm 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—

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- (A) consisting of work on pipes not exceeding 90 mm in diameter; or
 - (B) consisting of work carried out under the supervision of a professional civil engineer;
 - (b) gas fitting—
 - (i) consisting of connecting or disconnecting a gas cylinder and portable equipment that utilises gas contained in the cylinder; or
 - (ii) in respect of which a permit is required under the *Dangerous Substances Regulations 2002* if carried out by the holder of such a permit;
 - (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 AS/NZS 3000:2007 Australian/New Zealand Standard for 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.
- (6) In this regulation—
business of primary production has the same meaning as in the *Land Tax Act 1936*;

electricity entity means—

- (a) the holder of a licence under the *Electricity Act 1996* authorising the generation of electricity or the operation of a transmission or distribution network; or
- (b) a person exempted from the requirement to hold such a licence;

electricity infrastructure has the same meaning as in the *Electricity Act 1996*;

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

Part 2—Licensed contractors

5—Entitlement to be licensed as contractor—qualifications

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) 6 years of plumbing including at least 2 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) 7 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—
- (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.

6—Annual fee and return

- (1) For the purposes of section 11(2) of the Act, a licensed contractor must pay the fee and lodge the return on or before—
- (a) the last day of the month in each year nominated in writing to the contractor by the Commissioner; or
 - (b) if the Commissioner does not nominate a month—the last day of the month in each year that is the same month as the month in which the contractor's licence was granted or, if the contractor holds more than 1 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 set out in Schedule 1.

7—Notification of change in circumstance

- (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.

- (4) If a person is appointed as a director of a body corporate that is a licensed contractor, the contractor must, within 14 days after the appointment—

- (a) notify the Commissioner in the manner and form approved by the Commissioner of the appointment of the new director; and
- (b) provide the Commissioner with any information required by the Commissioner for the purposes of determining whether the new director meets the requirements for directors under section 9(2) of the Act.

Maximum penalty: \$2 500.

Expiation fee: \$160.

8—Return etc of licence

- (1) If a contractor's licence is surrendered, 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.

- (2) If, on an application under section 8 of the Act, a licence has been issued to a contractor but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the contractor must, at the direction of the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) The Commissioner may issue to a licensed contractor a licence in replacement of a current licence if satisfied that—

- (a) the current licence has been lost, destroyed or damaged; or
- (b) any photograph of the contractor on the current licence should be replaced with a more recent photograph of the contractor; or
- (c) any particulars appearing on the current licence are incorrect.

- (4) If the Commissioner issues to a licensed contractor a replacement licence, the contractor must, at the direction of the Commissioner, return the original (or previous duplicate) licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

Part 3—Registered workers

9—Entitlement to be registered as worker—qualifications

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) 6 years of plumbing including at least 2 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) 7 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
 - (iii) a Certificate of Competency in Engineering Tradesperson (Electrical/Electronic),
- issued by the Industrial and Commercial Training Commission.

10—Periodic fee and return

- (1) For the purposes of section 18(2) of the Act, a registered worker must pay the fee and lodge the return in every third year on or before—
 - (a) the last day of the month nominated in writing to the worker by the Commissioner; or
 - (b) if the Commissioner does not nominate a month—the last day of the month that is the same month as the month in which the worker's registration was granted or, if the worker holds more than 1 registration under the Act, the month in which the worker was granted the first of those registrations.
- (2) However, a registered worker who is also a licensed contractor—
 - (a) must, instead of lodging the return as required by subregulation (1), lodge the return in each year at the same time that he or she lodges a return under regulation 6; and
 - (b) is, on payment of a fee under regulation 6, exempt from paying the fee referred to in subregulation (1).
- (3) For the purposes of section 18(3) of the Act, the penalty for default in paying the fee or lodging the return is set out in Schedule 1.

11—Notification of changes in circumstances

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.

12—Return etc of certificate of registration

- (1) If registration of a person as a worker is surrendered, 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.
- (2) If, on an application under section 15 of the Act, a certificate of registration has been issued to a worker but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the worker must, at the direction of the Commissioner, return the certificate of registration to the Commissioner.

Maximum penalty: \$2 500.
Expiation fee: \$160.
- (3) The Commissioner may issue to a registered worker a certificate of registration in replacement of a current certificate of registration if satisfied that—
 - (a) the current certificate has been lost, destroyed or damaged; or
 - (b) any photograph of the worker on the current certificate should be replaced with a more recent photograph of the worker; or

- (c) any particulars appearing on the current certificate are incorrect.
- (4) If the Commissioner issues to a registered worker a replacement certificate of registration, the worker must, at the direction of the Commissioner, return the original (or previous duplicate) certificate to the Commissioner.
Maximum penalty: \$2 500.
Expiation fee: \$160.

Part 4—Miscellaneous

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.

13—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 1 time for more than 1 licence under the Act is required to pay only 1 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 1 licence under the Act is required to pay only 1 periodic fee regardless of the number of such licences held.
- (5) A worker who applies at any 1 time for more than 1 registration under the Act is required to pay only 1 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.
- (7) A worker who holds more than 1 registration under the Act is required to pay only 1 periodic fee regardless of the number of such registrations held.

Schedule 1—Fees

1	Application fee for licence (section 8(1)(b) of the Act)	\$197.00
2	Licence fee—payable before the grant of a licence under Part 2 of the Act—	
	(a) for a natural person	\$359.00
	(b) for a body corporate	\$526.00
	If the period between the grant of the licence and the next date for payment of a fee under section 11 of the Act is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the additional fee by applying the proportion that the length of that period bears to 12 months.	
3	Periodic fee for licence (section 11(2)(a) of the Act)—	
	(a) for a natural person	\$359.00
	(b) for a body corporate	\$526.00
	If the period between a date for payment of a fee under section 11 of the Act and the next date for payment of the fee under that section (as nominated by the Commissioner) is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the length of that period bears to 12 months.	
4	Default penalty (section 11(3) of the Act)	\$168.00
5	Application fee to impose, vary or revoke a licence condition (section 7(2) of the Act)	\$117.00
6	Application fee for registration (section 15(1)(b) of the Act)	\$197.00
7	Registration fee—payable before the grant of registration under Part 3 of the Act	\$245.00
	If the period between the grant of the registration and the next date for payment of a fee under section 18 of the Act is less than or more than 36 months, a pro rata adjustment is to be made to the amount of the additional fee by applying the proportion that the length of that period bears to 36 months.	
8	Periodic fee for registration (section 18(2)(a) of the Act)	\$245.00
	If the period between a date for payment of a fee under section 18 of the Act and the next date for payment of the fee under that section (as nominated by the Commissioner) is less than or more than 36 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the length of that period bears to 36 months.	
9	Default penalty (section 18(3) of the Act)	\$63.00
10	Application fee to impose, vary or revoke a condition of registration (section 14(2) of the Act)	\$117.00
11	Fee for replacement of licence or certificate of registration	\$26.00

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.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Plumbers, Gas Fitters and Electricians Regulations 2010* revoked the following:

Plumbers, Gas Fitters and Electricians Regulations 1995

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2010	187	<i>Gazette 12.8.2010 p4071</i>	1.9.2010: r 2
2011	74	<i>Gazette 9.6.2011 p2097</i>	1.7.2011: r 2
2012	106	<i>Gazette 31.5.2012 p2423</i>	1.7.2012: r 2
2013	99	<i>Gazette 6.6.2013 p2225</i>	1.7.2013: r 2
2014	117	<i>Gazette 19.6.2014 p2609</i>	1.7.2014: r 2
2015	70	<i>Gazette 18.6.2015 p2574</i>	1.7.2015: r 2
2015	222	<i>Gazette 29.10.2015 p4752</i>	21.11.2015: r 2
2016	134	<i>Gazette 23.6.2016 p2357</i>	1.7.2016: r 2
2017	93	<i>Gazette 22.6.2017 p2240</i>	1.7.2017 immediately after 148/2017: r 2
2017	148	<i>Gazette 22.6.2017 p2396</i>	1.7.2017: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2011</i>
Pt 4		
r 12A	inserted by 222/2015 r 4	21.11.2015
Sch 1	substituted by 74/2011 r 4	1.7.2011

	substituted by 106/2012 r 4	1.7.2012
	substituted by 99/2013 r 4	1.7.2013
	substituted by 117/2014 r 4	1.7.2014
	substituted by 70/2015 r 4	1.7.2015
	varied by 222/2015 r 5(1), (2)	21.11.2015
	substituted by 134/2016 r 4	1.7.2016
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2011</i>
Sch 2	inserted by 222/2015 r 6	21.11.2015

Historical versions

1.7.2011
 1.7.2012
 1.7.2013
 1.7.2014
 1.7.2015
 21.11.2015