



compliance

The Office of Consumer and Business Affairs investigates breaches of the *Plumbers, Gas Fitters and Electricians Act 1995*, including unlicensed operators.

SUBSTANTIAL PENALTIES MAY BE IMPOSED

We strongly recommend that you obtain a copy of the *Plumbers, Gas Fitters and Electricians Act 1995* and Regulations from:

Service SA, Government Legislation Outlet,
Lands Titles Office,
101 Grenfell Street,
Adelaide SA 5000
Telephone **13 23 24**
or visit
www.parliament.sa.gov.au

Office of Consumer and Business Affairs

Business and Occupational Services

Level 3, Chesser House
91 - 97 Grenfell Street
Adelaide SA 5000
Telephone (08) 8204 9696

Regional Centres

Berri, Mount Gambier,
Naracoorte, Port Augusta,
Port Lincoln, Port Pirie
Telephone **131 882**

Translating and Interpreting Services (TIS)

Telephone **131 450**

www.ocba.sa.gov.au

May 2006

Plumbers, Gas Fitters & Electricians

Contractors Licence
Workers Registration
Qualifications
Experience
Your Obligations

Business and
Occupational Services



www.ocba.sa.gov.au

The main reason for licensing and registering plumbers, gas fitters and electricians is to provide consumer protection. The Commissioner for Consumer Affairs administers the *Plumbers, Gas Fitters and Electricians Act 1995*. The legislation sets out minimum entry standards and promotes professional and ethical work practices in the building services industry.



Entitlement to a Licence/Registration

You are entitled to hold a contractors licence if you:

- hold the approved qualifications (or one of your business partners is qualified)
- have sufficient business knowledge, experience and financial resources (or together your business partnership does)
- are not suspended or disqualified from practicing or carrying on an occupation, trade or business
- are not an undischarged bankrupt and are not subject to a composition or deed or scheme of arrangement with or for the benefit of creditors
 - have not been, in the last five years, a director of a company wound up for the benefit of creditors
 - are a fit and proper person.



Your company is entitled to hold a licence if:

- it is not suspended or disqualified from carrying on an occupation, trade or business
- it is not being wound up and is not under official management or receivership
- it has sufficient financial resources
- it has a minimum of 5000 shares that can be partly paid to a minimum of one cent in a dollar
- together the directors have sufficient business knowledge and experience
- each director has not been, in the last five years, a director of a company wound up for the benefit of creditors
- each director has not been suspended or disqualified from carrying on an occupation, trade or business
- each director is a fit and proper person.

If the Commissioner refuses your licence/ registration you can appeal to the District Court within one month from the date of refusal.

Licence/Registration Conditions

The Act allows licences and registrations to be granted subject to conditions that limit any aspect of the work that can be performed. An officer from Business and Occupational Services can explain these limitations to you when processing your application. If your licence or registration has a condition, you can apply to have it changed at any time. However the Commissioner may refuse your application if you do not meet the criteria current at the time of application.

Are You Considered a Contractor?

You are considered to be a contractor if you carry on a business that includes the performance (including arranging or subcontracting) of plumbing, gas fitting or electrical work for others. This includes installation, alteration, repair or maintenance work.

Contractors Licence Not Required

You are not required to hold a plumbing, gas fitting or electrical contractors licence if you are conducting a business as a builder, building contractor or architect (other types of licences or registrations must be held to undertake these occupations).

Note: There are a few other minor exemptions, please contact our office if you require advice on these.

Are You Considered a Worker?

Any person (including a builder) who personally carries out plumbing, gas fitting or electrical work (including work on their own home, or for family and friends), must hold the appropriate workers registration. This includes an apprentice or other person undertaking training as part of an on-the-job training contract with their employer.

Please refer to Section 4 of the Act for definitions of plumbing, gas fitting and electrical work and Regulation 4 for a list of exemptions, or contact our Office for further advice.

Penalties

If you are trading as a plumber, gas fitter or electrician without holding a contractors licence and you are convicted by the courts you may be liable for a penalty of up to \$20,000. Similarly, if you perform any plumbing, gas fitting or electrical work or advertise or otherwise hold yourself out as being able to perform this work, without holding the appropriate workers registration, then you may be fined up to \$2,500.

If you are in any doubt about how the Act affects you, please seek independent legal advice.

Qualifications/Experience

To be licensed as a contractor or registered as a worker, you must also hold the prescribed qualifications which are specified in the Plumbers, Gas Fitters and Electricians Regulations 1995, or as approved by the Commissioner. If you intend to operate a contractor's business, you must also demonstrate that you have sufficient business knowledge and experience. Our Office can advise you of these requirements.

If you do not hold the required qualifications but believe your qualifications and/or experience would be equivalent or comparable to having such credentials, you should contact our Office for further advice.

Obtaining a Licence/Registration

To obtain a licence or registration, please contact our office by telephone or in person. A Licencing Officer will take your details and provide you with a completed application form for your checking and lodgement, along with any supporting documents or fees.

Licence/Registration Fees

To maintain the currency of your licence/registration, you must pay a fee (each year if you hold a contractors licence or every three years if you only hold a workers registration) and disclose certain information to the Commissioner. If you hold both a contractors licence and workers registration, then payment of the annual fee for the contractors licence will also cover your workers registration. If you fail to do this, a penalty may be imposed and the licence and/or registration cancelled. In the case of partnerships, all partners are required to pay the relevant fees.

Licence/Registration Card/Licence Certificate

As a licensed contractor and/or registered worker you will be issued with a photographic licence/registration card. If your company is licensed, you will receive a licence certificate, which you can display at your business premises.

Disciplinary Action

Plumbers, gas fitters and electricians can be disciplined under the Act. The forum for disciplinary action is the Administrative and Disciplinary Division of the District Court and any person, including the Commissioner, may lodge a complaint to the court alleging grounds for disciplinary action to be commenced. The types of causes that may constitute this type of action are set out in the Act.

Some of Your Obligations

You must comply with all the requirements of the Plumbers, Gas Fitters and Electricians Act and Regulations, and any building codes, standards and regulations relevant to the type of work you are doing. You must notify the Commissioner in writing (within 14 days) of changes to your personal or business details (e.g. address, directorship, business name, partnerships, etc). Contractors must ensure that the work is performed by appropriately registered plumbing, gas fitting and/or electrical workers.

Mutual Recognition

If you hold a current interstate or New Zealand plumbing, gas fitting or electricians licence and wish to perform similar work in South Australia, you can apply for an SA licence under the Mutual Recognition scheme. This is a quick and simple form of application. Contact our office for advice.

Certificates of Compliance (COCs)

As a licensed contractor you have the responsibility to issue COCs for plumbing, gas fitting or electrical work carried out. COC forms are available from the Office of the Technical Regulator on (08) 8226 5500 (gas fitting and electrical work only) or SA Water on (08) 8207 1402 (plumbing work only). Any enquiries relating to COCs or technical matters can be directed to the relevant telephone numbers above.

Business Name

Under the *Plumbers Gas Fitters and Electricians Act 1995*, you must not carry on business as a contractor under a licence except in the name that appears in your licence or in a business name that has been registered under the *Business Names Act 1996*. The Commissioner must also be advised in writing of your business name before you commence business.

Contractors Must be Licensed

Any person (including a company) who carries on business or holds himself or herself out as a plumber, gas fitter or electrician, must be licensed as a contractor under the *Plumbers, Gas Fitters and Electricians Act 1995*. If a business operates as a partnership then each partner must hold their own licence.

You will not be entitled to any fee or other earnings if you conduct your plumbing, gas fitting or electrical business without a licence.