



Australian Capital Territory

Gas Safety Act 2000 No 67

Republication No 3

Republication date: 31 May 2002

Last amendment made by Act 2002 No 11

Amendments incorporated to 28 May 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Gas Safety Act 2000* as in force on 31 May 2002. It includes any amendment, repeal or expiry affecting the republished law to 28 May 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
28 May 2002



Australian Capital Territory

Gas Safety Act 2000

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Australian Capital Territory

Gas Safety Act 2000

An Act about safety in relation to the use of gas and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Gas Safety Act 2000*.

2 Commencement

- (1) Division 2.2 and part 4 commence on a single day fixed by the Minister by notice.
- (2) If division 2.2 and part 4 have not commenced before 20 December 2001, they automatically commence on that date.
- (3) The *Legislation Act 2001*, section 79 (Automatic commencement of postponed law) does not apply to this section.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*gas network*—see the *Utilities Act 2000*, dictionary.' means that the expression 'gas network' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

5 Meaning of *gas safety legislation*

This Act is the *gas safety legislation*.

Note A reference to an Act or statutory instrument includes a reference to the statutory instruments made or in force under the Act or statutory instrument (see *Legislation Act 2001*, s 104).

Part 2 Work safety and standards

Division 2.1 Gasfitting work

7 Work to be done by qualified people

- (1) A person must not do gasfitting work unless—
- (a) the person is a gasfitter; or
 - (b) the person holds a licence under the *Plumbers, Drainers and Gasfitters Board Act 1982* that is prescribed under the regulations and the work is done under the general supervision of a gasfitter.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not do gasfitting work on a high pressure consumer piping system unless—
- (a) the person is an advanced gasfitter; or
 - (b) the person holds a licence under the *Plumbers, Drainers and Gasfitters Board Act 1982* that is prescribed under the regulations and the work is done under the general supervision of an advanced gasfitter.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

8 Standard of work

The responsible gasfitter must ensure that—

- (a) the gasfitting work is done safely and in accordance with the gas safety legislation; and

- (b) the examinations and tests required under the gas safety legislation are done in accordance with the legislation.

Maximum penalty: 50 penalty units.

9 Compliance indicators and certificates

- (1) As soon as practicable after gasfitting work is completed in accordance with section 8, the responsible gasfitter must, in accordance with the regulations—
 - (a) attach a compliance indicator to the relevant consumer piping system; and
 - (b) give a certificate of compliance for the work to each person prescribed under the regulations.

Maximum penalty: 50 penalty units.

- (2) For the gas safety legislation, a compliance indicator for gasfitting work is a plate, label, badge or mark that, when attached to the relevant consumer piping system—
 - (a) complies with the gas safety legislation; and
 - (b) indicates that the system is safe to use and complies with the gas safety legislation.
- (3) For the gas safety legislation, a certificate of compliance for gasfitting work is a written statement by the responsible gasfitter that, when given in relation to the relevant consumer piping system—
 - (a) complies with the gas safety legislation; and
 - (b) certifies that—
 - (i) the work complies with the gas safety legislation; and
 - (ii) the system, including appliances, is safe to use and complies with the gas safety legislation.

10 Misuse of compliance indicators etc

- (1) A person must not attach a compliance indicator to a consumer piping system except in accordance with section 9.

Maximum penalty: 50 penalty units.

- (2) A person must not attach to a consumer piping system anything that falsely purports to be a compliance indicator.

Maximum penalty: 50 penalty units.

11 False certificates of compliance

A person must not give a certificate that falsely purports to be a certificate of compliance.

Maximum penalty: 50 penalty units.

12 Unsafe systems

- (1) This section applies if gasfitting work is done in accordance with section 7 (Work to be done by qualified people) and there are reasonable grounds for believing that—

- (a) the relevant consumer piping system is unsafe; and
- (b) action under this section is necessary to ensure the safety of the system.

- (2) The responsible gasfitter must, as soon as practicable and in accordance with the regulations—

- (a) deal with the system to ensure its safety; and
- (b) give notice of the circumstances to each person prescribed under the regulations.

Maximum penalty: 50 penalty units.

Division 2.2 Appliance work

13 Work to be done by accredited people

A person must not do appliance work of a particular kind unless accredited to do work of that kind.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

14 Standard of work

A person who does appliance work for which the person is accredited must ensure that—

- (a) the work is done safely and in accordance with the gas safety legislation; and
- (b) the examinations and tests required under the gas safety legislation are done in accordance with the legislation.

Maximum penalty: 50 penalty units.

Part 3 **Responsibilities of owners and users**

15 Consumer piping system—owner’s responsibility

- (1) The owner of premises on which there is a consumer piping system must take reasonable steps to ensure that the system is—
- (a) in good condition and repair; and
 - (b) safe to use.

Maximum penalty: 20 penalty units.

- (2) Without limiting the operation of subsection (1), a person complies with that subsection if—
- (a) the person relies on, and acts in accordance with, the advice of a gasfitter; and
 - (b) it is reasonable in the circumstances to do so.
- (3) For this section, the advice of a gasfitter includes—
- (a) a compliance indicator attached to the consumer piping system by the gasfitter; and
 - (b) a certificate of compliance given by the gasfitter in relation to the consumer piping system.

16 Appliances—owner’s responsibility

- (1) The owner of an appliance must take reasonable steps to ensure that the appliance is—
- (a) in good condition and repair; and
 - (b) safe to use.

Maximum penalty: 20 penalty units.

- (2) Without limiting the operation of subsection (1), a person complies with that subsection if—
- (a) the person relies on, and acts in accordance with—
 - (i) the manufacturer's instructions; or
 - (ii) the advice of a gasfitter or a person accredited to do appliance work; and
 - (b) it is reasonable in the circumstances to do so.

17 Appliances—user's responsibility

- (1) A person who uses an appliance must take reasonable steps to ensure that the appliance is used safely.

Maximum penalty: 20 penalty units.

- (2) Without limiting the operation of subsection (1), a person complies with that subsection if—
- (a) the person relies on, and acts in accordance with—
 - (i) the manufacturer's instructions for safe use; or
 - (ii) the advice of a gasfitter or a person accredited to do appliance work; and
 - (b) it is reasonable in the circumstances to do so.

Part 4 Regulation of appliances

Division 4.1 General

18 Definitions for pt 4

In this part:

sell includes—

- (a) barter or exchange; and
- (b) let on hire; and
- (c) offer, expose or advertise for sale, barter, exchange or letting on hire.

trader means a person who sells appliances in the course of a trade or business.

19 Public access to records of approved appliances etc

- (1) For this section, the chief executive must keep a record of—
 - (a) the appliances approved; and
 - (b) any cancellations of approvals; and
 - (c) any appliances prohibited;under this part.
- (2) The chief executive must make the record available for public inspection during ordinary office hours at the office of the chief executive and any other place decided by the chief executive.

Division 4.2 Approved appliances

20 Approval declared by regulations

- (1) The regulations may declare appliances of a stated kind to be approved.
- (2) For subsection (1), the regulations may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

21 Approval by chief executive

- (1) The chief executive may, on application, approve appliances of a stated kind if satisfied that—
 - (a) the relevant examinations and tests required under the gas safety legislation have been done; and
 - (b) appliances of that kind comply with the relevant requirements of the gas safety legislation.
- (2) The chief executive may not approve appliances of a kind prohibited under this Act, another law of the Territory or a corresponding law.

22 Applications for approval

- (1) An application for approval must be made to the chief executive.

Note If a form is approved under s 68 (Approved forms) for an application, the form must be used.

- (2) The chief executive may, by written notice given to an applicant, require the applicant to—
- (a) give the chief executive further stated information or documents; or
 - (b) make available to the chief executive stated material, including an appliance typical of the kind to which the application relates;
- that the chief executive reasonably requires to decide the application.

23 Cancellation etc

- (1) The chief executive may cancel an approval under section 21 (Approval by chief executive) for appliances of a particular kind if satisfied that—
- (a) information supplied with the application for approval was false or misleading in a material particular; or
 - (b) appliances of that kind have been found—
 - (i) not to comply with the gas safety legislation; or
 - (ii) to be unsafe to use.
- (2) The chief executive must give the applicant for approval written notice of the cancellation, setting out the reasons for the cancellation.
- (3) An approval under section 21 for appliances of a particular kind ceases to have effect if—
- (a) appliances of that kind become prohibited; or
 - (b) a direction under section 29 (2) (Directions about unsafe appliances) is in force in respect of appliances of that kind.

24 Unapproved appliances not to be sold or used

- (1) A person must not, without reasonable excuse, sell an appliance that is not approved.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not (whether directly or by an agent), without reasonable excuse, connect an appliance that is not approved to a consumer piping system.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, use an appliance that is not approved for a purpose that involves the use of gas.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) This section does not apply in circumstances prescribed under the regulations.

25 Compliance indicators to be attached

- (1) A trader must not, without reasonable excuse, sell an appliance if a compliance indicator is not attached to the appliance in accordance with the regulations.

Maximum penalty: 50 penalty units.

- (2) For the gas safety legislation, a compliance indicator for an appliance is a plate, label, badge or mark that, when attached to an appliance—

- (a) complies with the gas safety legislation or a corresponding law; and
- (b) indicates that the appliance is safe to use and complies with the gas safety legislation or a corresponding law.

- (3) Subsection (1) does not apply if—
 - (a) the trader believed on reasonable grounds that the appliance was not capable of being used as an appliance; and
 - (b) the sale was made on the basis that the appliance could not be used as an appliance.
- (4) Subsection (1) does not apply to—
 - (a) a second-hand appliance; or
 - (b) an appliance within 6 months after it becomes an approved appliance.

26 Misuse of compliance indicators etc

- (1) A person must not attach a compliance indicator to an appliance except in accordance with the regulations.
Maximum penalty: 50 penalty units.
- (2) A person must not attach a compliance indicator to an appliance that is not approved.
Maximum penalty: 50 penalty units.
- (3) A person must not attach to an appliance anything that falsely purports to be a compliance indicator.
Maximum penalty: 50 penalty units.

Division 4.3 Prohibited and unsafe appliances

27 Prohibited appliances

- (1) The chief executive may, in writing, prohibit the sale or installation of appliances of a stated kind.
- (2) The chief executive may act under subsection (1) only if satisfied that—

- (a) appliances of that kind are, or are likely to become, unsafe to use because of their design or construction; and
 - (b) the use of an appliance of that kind involves, or would involve, a risk of death or injury to a person or damage to property.
- (3) A prohibition is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) The chief executive must also publish notice of each prohibition in a daily newspaper.
- (5) If an appliance approved under section 20 (Approval declared by regulations) or section 21 (Approval by chief executive) becomes prohibited, the approval ceases to have effect when the prohibition takes effect.

28 Prohibited appliances not to be sold or used

- (1) A person must not, without reasonable excuse, sell an appliance that is prohibited.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not (whether directly or by an agent), without reasonable excuse, connect an appliance that is prohibited to a consumer piping system.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, use an appliance that is prohibited for a purpose that involves the use of gas.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) This section does not apply in circumstances prescribed under the regulations.

29 Directions about unsafe appliances

- (1) This section applies if the chief executive is satisfied that—
 - (a) a trader has for sale, or may have sold, an appliance; and
 - (b) the appliance is prohibited, does not comply with the gas safety legislation or is, for any reason, unsafe.
- (2) The chief executive may give the trader a written direction to do any of the following:
 - (a) advertise, in a manner specified in the direction, warnings approved by the chief executive about the risks associated with the use of the appliance;
 - (b) refrain from selling the appliance;
 - (c) recall an appliance sold and—
 - (i) take action stated in the direction to make the appliance safe to use and compliant with the gas safety legislation; or
 - (ii) if it is not practicable to act in compliance with subparagraph (i) or the trader chooses not to take such action—refund to the purchaser the purchase price of the appliance.
- (3) A direction to recall an appliance may require the trader—
 - (a) to give written notice of the recall to people to whom the trader sold, or may have sold, an appliance to which the direction relates; or
 - (b) to publish a notice of the recall in a daily newspaper.
- (4) A trader must not, without reasonable excuse, contravene a direction given to the trader under this section.

Maximum penalty: 200 penalty units.

30 Publication of safety warnings

- (1) The chief executive may publish warnings or information to increase public awareness about risks associated with the use of appliances.
- (2) Without limiting the operation of subsection (1), the chief executive may publish statements containing advice about the use of—
 - (a) a prohibited appliance; or
 - (b) an appliance to which a direction under section 29 applies.
- (3) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.
- (4) Subsection (3) does not affect any liability that the Territory would have, but for the operation of subsection (3), in relation to the act or omission.

Part 5 Serious gas accidents

31 Meaning of *relevant utility*

In this part:

relevant utility, in relation to a serious gas accident, means—

- (a) the utility licensed to supply gas to the premises at which the accident occurred; or
- (b) the utility licensed to distribute gas for supply to the premises.

32 Reporting by occupiers and gasfitters etc

- (1) The occupier of premises at which a serious gas accident occurs must tell each relevant utility about the accident, by telephone, immediately after becoming aware of it.
- (2) If a serious gas accident occurs in relation to a consumer piping system, or an appliance, on which a person is working, the person must tell each relevant utility about the accident, by telephone, immediately after becoming aware of it.
- (3) A person must not, without reasonable excuse, contravene subsection (1) or (2).

Maximum penalty: 50 penalty units.

- (4) Without limiting the operation of subsection (3), it is a reasonable excuse for a contravention of subsection (1) or (2) to believe on reasonable grounds that the relevant utility had been told about the accident.

33 Reporting by relevant utility

A relevant utility that becomes aware of the occurrence of a serious gas accident must not fail, without reasonable excuse, to tell the chief executive about the accident, by telephone, immediately after becoming aware of it.

Maximum penalty: 500 penalty units.

34 Interference with site of serious gas accident

- (1) A person must not, without reasonable excuse, disturb or interfere with the site of a serious gas accident before it has been inspected by an inspector, except—
 - (a) to make it safe; or
 - (b) with the permission of an inspector.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to disturbance or interference by the person—
 - (a) except where paragraph (b) applies—more than 24 hours after the accident; or
 - (b) if, within the 24 hours, the chief executive extends the period and tells the person of the extension—after the extended period expires.

35 Publication of report of serious gas accident

- (1) The chief executive may publish a report about a serious gas accident in the interest of public safety.
- (2) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.

Part 5 Serious gas accidents

Section 35

- (3) Subsection (2) does not affect any liability that the Territory would have, but for the operation of subsection (2), in relation to the act or omission.

Part 6 **Enforcement**

Division 6.1 **General**

36 **Definitions for pt 6**

In this part:

business premises means premises in which a business, trade, profession or calling is carried on, other than a part used for residential purposes.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

37 **Things connected with offences**

For this part, a thing is *connected* with a particular offence if—

- (a) the offence has been committed with respect to it; or
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, for the purpose of committing the offence.

38 **Chief executive may require information and documents**

- (1) If the chief executive is satisfied that a person is capable of providing information or producing a document that the chief executive reasonably requires for the gas safety legislation, the chief executive may, by written notice given to the person, require the person—
 - (a) to give the information to the chief executive in writing signed by the person or, in the case of a corporation, by an officer of the corporation; or
 - (b) to produce the document to the chief executive.

- (2) The notice must state—
 - (a) the place at which the information or document is to be given or produced to the chief executive; and
 - (b) the time at which, or the period within which, the information or document is to be given or produced.
- (3) If a document is produced in accordance with a requirement under subsection (1), the chief executive—
 - (a) may—
 - (i) take possession of, and may make a copy of, or take extracts from, the document; and
 - (ii) retain possession of the document for such period as is necessary for the gas safety legislation; and
 - (b) must, during that period, allow a person who would be entitled to inspect the document, if it were not in the possession of the chief executive, to inspect the document at any reasonable time.

39 Contravention of requirement by chief executive

A person must not, without reasonable excuse, contravene a requirement under section 38.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

40 Appointment of inspectors

- (1) The chief executive may, in writing, appoint a person to be an inspector for the gas safety legislation.
- (2) An inspector must perform his or her functions in accordance with the conditions of appointment.

- (3) A person must not be appointed under subsection (1) unless—
- (a) the person is an Australian citizen or a permanent resident of Australia; and
 - (b) the chief executive has certified in writing that, after appropriate inquiry, the chief executive is satisfied that the person is a suitable person to be appointed, having regard in particular to—
 - (i) whether the person has any criminal convictions; and
 - (ii) the person's employment record; and
 - (c) the chief executive has certified in writing that the chief executive is satisfied that the person—
 - (i) has satisfactorily completed adequate training; and
 - (ii) is competent;
- to exercise the powers of an inspector proposed to be given to the person.

41 Identity cards

- (1) The chief executive must give to each inspector an identity card that specifies the inspector's name and appointment as an inspector, and on which appears a recent photograph of the inspector.
- (2) A person must, within 7 days after ceasing to be an inspector, return the identity card to the chief executive.

Maximum penalty (subsection (2)): 1 penalty unit.

Division 6.2 Inspectors' powers

42 General power to enter premises

- (1) For the gas safety legislation, an inspector may—
 - (a) enter any premises at any time with the consent of the occupier; or

- (b) enter premises when open to the public; or
 - (c) enter business premises during business hours at the premises;
or
 - (d) enter premises in accordance with a warrant under this
division.
- (2) An inspector may, without the occupier's consent or a warrant, enter the land around premises to ask the occupier for consent to enter the premises.

43 Production of identity card

An inspector may not remain on premises entered under this part if, on request by the occupier, the inspector does not produce his or her identity card.

44 Consent to entry

- (1) When seeking the consent of an occupier for entering premises under this part, an inspector must—
- (a) produce his or her identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and
 - (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment—
- (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything found and seized under this part may be used in evidence in court; and

- (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time, and day, when consent was given.
- (3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.
- (4) Unless the contrary is proven, a court must presume that an occupier of premises did not consent to an entry to the premises by an inspector under this part if—
 - (a) the question whether the occupier consented to the entry arises in proceedings in the court; and
 - (b) an acknowledgment under this section is not produced in evidence for the entry; and
 - (c) it is not proved that the occupier consented to the entry.

45 Warrants

- (1) An inspector may apply to a magistrate for a warrant to enter premises.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the inspector gives to the magistrate all the information the magistrate requires about the application in the way the magistrate requires.
- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
 - (a) there is a particular thing or activity (the *evidence*) connected with an offence against the gas safety legislation; and
 - (b) the evidence is, or may be within the next 14 days, at the premises.

- (5) The warrant must state—
- (a) that an inspector may, with necessary help and force, enter the premises and exercise the inspector's powers under this part; and
 - (b) the offence for which the warrant is sought; and
 - (c) the evidence that may be seized under the warrant; and
 - (d) the hours when the premises may be entered; and
 - (e) the date, within 14 days after the warrant's issue, the warrant ends.

46 Warrants—application made other than in person

- (1) An inspector may apply for a warrant by phone, fax, radio or other form of communication if the inspector considers it necessary because of—
- (a) urgent circumstances; or
 - (b) other special circumstances.
- (2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.
- (3) The inspector may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must immediately fax a copy to the inspector if it is reasonably practicable to do so.
- (5) If it is not reasonably practicable to fax a copy to the inspector—
- (a) the magistrate must—
 - (i) tell the inspector what the terms of the warrant are; and
 - (ii) tell the inspector the date and time the warrant was issued; and

- (b) the inspector must complete a form of warrant (warrant form) and write on it—
 - (i) the magistrate's name; and
 - (ii) the date and time the magistrate issued the warrant; and
 - (iii) the warrant's terms.
- (6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the inspector's powers under this part.
- (7) The inspector must, at the first reasonable opportunity, send to the magistrate—
 - (a) the sworn application; and
 - (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) Unless the contrary is proven, a court must presume that a power exercised by an inspector was not authorised by a warrant under this section if—
 - (a) the question arises in a proceeding before the court whether the exercise of power was authorised by a warrant; and
 - (b) the warrant is not produced in evidence.

47 General powers on entry to premises

- (1) An inspector who enters premises under this part may, for the gas safety legislation—
 - (a) inspect, measure, photograph or film the premises or anything on the premises; or
 - (b) copy a document on the premises; or
 - (c) test or take samples of or from anything on the premises; or

- (d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under the gas safety legislation; or
 - (e) require the occupier, or a person on the premises, to give to the inspector reasonable help to exercise a power under the gas safety legislation.
- (2) Without limiting the operation of subsection (1), an inspector who enters premises under this part may—
- (a) check whether any consumer piping system or appliance on the premises—
 - (i) is safe; or
 - (ii) complies with the gas safety legislation; or
 - (iii) has a compliance indicator attached as required under the gas safety legislation; or
 - (iv) in the case of an appliance—is prohibited; or
 - (b) check whether any work done on a consumer piping system or an appliance—
 - (i) is safe; or
 - (ii) has been, or is being, done in accordance with the gas safety legislation.
- (3) A person must not, without reasonable excuse, contravene a requirement under subsection (1) (e).

Maximum penalty: 50 penalty units.

48 Powers in relation to serious gas accidents

- (1) This section applies if an inspector believes on reasonable grounds that a serious gas accident has occurred on premises.
- (2) The inspector may enter the premises at any reasonable time to investigate the accident, ensure the premises are safe and prevent the

concealment, loss or destruction of anything reasonably relevant to the investigation.

- (3) The inspector may do anything necessary and reasonable for a purpose mentioned in subsection (2).
- (4) If an inspector acts under this section in the absence of the occupier, the inspector must, when leaving the premises, leave a written notice, secured in a conspicuous place, setting out—
 - (a) the inspector's name; and
 - (b) the time and date of the entry; and
 - (c) the purpose of the entry; and
 - (d) particulars of how to contact the inspector.
- (5) The power to enter premises under this section is additional to the powers under section 42 (General power to enter premises).

49 Power to inspect gasfitting work and appliance work

- (1) An inspector may enter and remain on premises to conduct a test or inspection required in order to ascertain whether gasfitting work or appliance work has been done in accordance with part 2 (Work safety and standards).
- (2) An inspector may enter and remain on the premises under subsection (1)—
 - (a) at any reasonable time; and
 - (b) with the people, equipment or material that the inspector reasonably needs to conduct the test or inspection.
- (3) However, the inspector may not, under this section—
 - (a) enter or remain on premises if, on request by the occupier, the inspector does not produce his or her identity card; or
 - (b) without the consent of the occupier, enter or remain on any part of the premises used for residential purposes.

- (4) The power to enter premises under this section is additional to the powers under section 42 (General power to enter premises).

50 Powers in relation to consumer piping systems

- (1) This section applies if an inspector believes on reasonable grounds that—
- (a) a consumer piping system does not comply with the gas safety legislation or is unsafe; or
 - (b) gasfitting work has been done otherwise than in accordance with the gas safety legislation.
- (2) The inspector may give the occupier of the premises where the consumer piping system is situated a written direction not to use any appliance connected to the system until the system is made safe and compliant with the gas safety legislation.
- (3) The inspector may give the owner of the consumer piping system a written direction to arrange for the system to be isolated or disconnected until the system is made safe and compliant with the gas safety legislation.
- (4) If the inspector believes on reasonable grounds that a consumer piping system is unsafe because work done or supervised by a gasfitter was not done in accordance with the gas safety legislation, the inspector may give the gasfitter a written direction to take stated action to make the system safe and compliant with the gas safety legislation.
- (5) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

51 Powers in relation to appliances

- (1) This section applies if an inspector believes on reasonable grounds that—
 - (a) a person has an appliance that is—
 - (i) connected to a consumer piping system; or
 - (ii) for sale; and
 - (b) the appliance is not safe or compliant with the gas safety legislation.
- (2) The inspector may give the person a written direction—
 - (a) not to use the appliance; or
 - (b) to arrange for it to be disconnected from the consumer piping system; or
 - (c) not to sell the appliance;unless it is made safe and compliant with the gas safety legislation.
- (3) If the inspector believes on reasonable grounds that an appliance is unsafe because work done on it by an accredited person was not done in accordance with the gas safety legislation, the inspector may give the accredited person a written direction to take stated action to make the appliance safe and compliant with the gas safety legislation.
- (4) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

52 Defective equipment—disconnection etc

- (1) If an inspector enters premises under this part and finds a consumer piping system or an appliance that the inspector believes on reasonable grounds is unsafe, the inspector may—
 - (a) isolate or disconnect the consumer piping system and label it conspicuously to indicate the danger; or
 - (b) disconnect the appliance and label it conspicuously to indicate the danger.
- (2) A person must not—
 - (a) use an appliance labelled under subsection (1) until it has been repaired or otherwise made safe to use; or
 - (b) without reasonable excuse, remove or interfere with a label mentioned in subsection (1) (a) or (b).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

53 Power to require name and address

- (1) An inspector may require a person to state the person's name and address if the inspector—
 - (a) finds a person committing an offence against the gas safety legislation; or
 - (b) has reasonable grounds for believing that a person has committed an offence against the gas safety legislation.
- (2) In exercising a power under subsection (1), an inspector must—
 - (a) inform the person of the reasons for the requirement; and
 - (b) as soon as practicable thereafter, record those reasons.
- (3) A person is not required to comply with a requirement under subsection (1) if, on request by the person, the inspector does not produce his or her identity card.

- (4) Subject to this section, a person must not, without reasonable excuse, contravene a requirement under subsection (1).

Maximum penalty (subsection (4)): 5 penalty units.

54 Power to seize evidence

- (1) An inspector who enters premises under a warrant under this part may seize the evidence for which the warrant was issued.
- (2) An inspector who enters premises under this part with the consent of the occupier may seize a thing on the premises if—
- (a) the inspector is satisfied the thing is connected with an offence against the gas safety legislation; and
 - (b) seizure of the thing is consistent with the purpose of the entry as told to the occupier when seeking the occupier's consent.
- (3) An inspector may also seize anything on premises entered under this part if the inspector is satisfied that—
- (a) the thing is connected with an offence against the gas safety legislation; and
 - (b) the seizure is necessary to prevent the thing from being—
 - (i) concealed, lost or destroyed; or
 - (ii) used to commit, continue or repeat the offence.
- (4) Having seized a thing, an inspector may—
- (a) remove the thing from the premises where it was seized (the place of seizure) to another place; or
 - (b) leave the thing at the place of seizure but restrict access to it.
- (5) A person must not, without the chief executive's approval, interfere with a thing to which access has been restricted under subsection (4).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

55 Receipt for things seized

- (1) As soon as practicable after a thing is seized by an inspector under this part, the inspector must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously at the place of seizure.

56 Access to things seized

A person who would, but for the seizure, be entitled to a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

57 Return of things seized

- (1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, if—
 - (a) a prosecution for an offence relating to the thing is not instituted within 90 days of the seizure; or
 - (b) the court does not find the offence proved in a prosecution for an offence relating to the thing.
- (2) A thing seized under this part is forfeited to the Territory if a court—
 - (a) finds an offence relating to the thing to be proved; and
 - (b) orders the forfeiture.
- (3) If subsection (2) (a) applies, but a court does not order forfeiture of the thing seized, the chief executive must return the thing to its owner or the Territory must pay reasonable compensation to the owner for the loss of the thing.

Division 6.3 Miscellaneous

58 Selfincrimination etc

- (1) A person is not excused from providing information or producing a document when required to do so under this part on the ground that the information or document may tend to incriminate the person.
- (2) However—
 - (a) the provision of the information or document; or
 - (b) any other information, document or thing obtained as a direct or indirect consequence of providing the information or document;is not admissible in evidence against the person in criminal proceedings.
- (3) Subsection (2) does not apply to proceedings for—
 - (a) an offence under this part; or
 - (b) any other offence relating to the falsity of the information or document.

Note 1 A reference to an offence against a Territory law includes a reference to an offence against the *Crimes Act 1900*, pt 9 (Aiding and abetting, accessories, attempts, incitement and conspiracy) that relates to the law (see *Legislation Act 2001*, s 189).

Note 2 The *Legislation Act 2001*, s 171 deals with the application of client legal privilege.

60 Providing false or misleading information

A person must not, in purported compliance with a requirement under this part, knowingly give information that is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

61 Providing false or misleading documents

A person must not, in purported compliance with a requirement under this part, produce a document (or a copy of a document) that the person knows is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

62 Obstruction of inspectors

A person must not, without reasonable excuse, hinder or obstruct an inspector in the exercise of a function under the gas safety legislation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

63 Damage etc to be minimised

- (1) In the performance, or purported performance, of a function under this part, an inspector must take all reasonable steps to ensure that the inspector, and any person assisting the inspector, causes as little inconvenience, detriment and damage as is practicable.
- (2) If an inspector, or a person assisting an inspector, damages anything in the performance or purported performance of a function under this part, the inspector must give written notice of the particulars of the damage to the person whom the inspector believes on reasonable grounds is the owner of the thing.
- (3) If the damage occurs on premises entered under this part in the absence of the occupier, the notice may be given by securing it in a conspicuous place on the premises.

64 Compensation

- (1) A person may claim reasonable compensation from the Territory if the person suffers loss or expense because of the performance, or purported performance, of a function under this part by an inspector or a person assisting an inspector.
- (2) Compensation may be claimed and ordered in a proceeding for—
 - (a) compensation brought in a court of competent jurisdiction; or
 - (b) an offence against the gas safety legislation brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (4) The regulations may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

66 Review of decisions

- (1) Application may be made to the administrative appeals tribunal for review of any of the following decisions:
 - (a) a decision by the chief executive—
 - (i) to refuse to approve appliances of a particular kind under section 21 (1) (Approval by chief executive); or
 - (ii) to cancel an approval in relation to appliances under section 23 (Cancellation etc) ; or
 - (iii) to prohibit the sale or installation of appliances of a particular kind under section 27 (Prohibited appliances); or
 - (iv) to give a direction under section 29 (Directions about unsafe appliances);
 - (b) a decision by an inspector—
 - (i) to give a direction under section 50 (Powers in relation to consumer piping systems); or
 - (ii) to give a direction under section 51 (Powers in relation to appliances).
- (2) If a decision referred to in subsection (1) is made, the decision-maker must give written notice of the decision to the person affected by the decision.
- (3) A notice under subsection (2) must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

67 Determination of fees, charges and other amounts

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) In this section:

fee includes—

- (a) a fee that is a tax; and
- (b) a charge or other amount (whether or not it is a tax).

68 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

69 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) the construction, installation or positioning of consumer piping systems or appliances; and
 - (b) the safety of people who own, or are likely to be near, a consumer piping system or an appliance; and
 - (c) the doing, inspecting and testing of gasfitting work or appliance work, including requirements for related notices; and
 - (d) compliance indicators, including their attachment to consumer piping systems or appliances and their removal; and

- (e) certificates of compliance, including their provision and safekeeping; and
 - (f) the accreditation of people for appliance work, including—
 - (i) the qualifications and practical experience required for accreditation; and
 - (ii) the imposition of conditions on accreditation; and
 - (iii) the duration and renewal of accreditation; and
 - (iv) the suspension or cancellation of accreditation; and
 - (g) meters.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Dictionary

(see s 3)

accredited, in relation to appliance work of a particular kind, means accredited under the regulations for work of that kind.

advanced gasfitter means a person who holds an advanced gasfitter's licence under the Plumbers, Drainers and Gasfitters Board Act 1982.

appliance means a gas burning appliance that is manufactured, adapted or designed for connection to a consumer piping system, whether by means of a gas outlet, socket or otherwise.

appliance work means the maintenance, repair or service of an appliance other than—

- (a) gasfitting work; or
- (b) work done in accordance with the manufacturer's instructions for performance by an unaccredited person.

approved, in relation to an appliance—see section 20 (Approval declared by regulations) and section 21 (Approval by chief executive).

certificate of compliance, for gasfitting work—see section 9 (Compliance indicators and certificates).

code means a code of practice approved under section 65 (Codes of practice) as varied and in force from time to time.

compliance indicator—

- (a) for gasfitting work or in relation to a consumer piping system—see section 9 (Compliance indicators and certificates); and
- (b) for an appliance—see section 25 (Compliance indicators to be attached).

consumer piping system means a system of pipes, fittings, flexible hoses, components and equipment that conveys gas from the outlet of a meter to the inlet of an appliance.

corresponding law means a law of another jurisdiction declared by the regulations to be a corresponding law.

daily newspaper means a daily newspaper that circulates generally in the Territory.

equipment includes items such as pressure control devices, excess flow valves, control valves and filters.

gas—see the *Utilities Act 2000*, section 8 (Gas—terminology).

gasfitter means a person who holds a gasfitter's licence, or an advanced gasfitter's licence, under the *Plumbers, Drainers and Gasfitters Board Act 1982*.

gasfitting work means—

- (a) work on a consumer piping system or a proposed system, including the connection or disconnection of an appliance other than an appliance designed to be portable by users; or
- (b) the inspection or testing of a consumer piping system and the connection of an appliance to which paragraph (a) applies; or
- (c) work declared under the regulations to be gasfitting work;

but does not include work declared by the regulations not to be gasfitting work.

gas network—see the *Utilities Act 2000*, dictionary.

gas safety legislation—see section 5 (Meaning of gas safety legislation).

high pressure consumer piping system means a consumer piping system that conveys gas at a pressure greater than 21 kPa.

inspector means a person appointed under section 40 (Appointment of inspectors).

meter means a meter for measuring the quantity of gas supplied to premises from a gas network.

occupier, of premises, includes—

- (a) a person who appears to be at least 18 years of age and is believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

owner, of premises, means—

- (a) for premises where the land is held in fee simple—the person in whom the fee simple is vested for the time being; and
- (b) for leased premises—the lessor.

premises means a building, structure or place (whether built on or not and whether enclosed or not) and includes an aircraft, a vessel and a vehicle.

prohibited, in relation to an appliance—see section 27 (Prohibited appliances).

responsible gasfitter means—

- (a) for gasfitting work (other than gasfitting work on a high pressure consumer piping system)—the gasfitter who does the work, or supervises the work in accordance with section 7 (1); or
- (b) for gasfitting work on a high pressure consumer piping system—the advanced gasfitter who does the work, or supervises the work in accordance with section 7 (2).

serious gas accident means an accident in which gas causes, or contributes to—

- (a) the death of a person; or
- (b) injury to a person that requires medical attention; or

(c) damage to property where the reasonable cost of repair or replacement exceeds the amount prescribed under the regulations for this definition; or

(d) a fire.

utility—see the *Utilities Act 2000*, dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Gas Safety Act 2000

notified 20 December 2000 (Gaz 2000 No S68)

s 1, s 2 commenced 20 December 2000 (IA s 10B)

ss 3-12, 15-17, 31-72 commenced 20 June 2001 (IA s 10E)

remainder (div 2.2 (s 13, s 14) and pt 4) commenced 20 December 2001 (s 2 (2))

Note LA s 70 does not apply to s 2

Legislation (Consequential Amendments) Act 2001 No 44 pt 166

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 166 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Legislation Amendment Act 2002 No 11 pt 2.24

notified LR 27 May 2002

s 1, s 2 commenced 27 May 2002 (LA s 75)

pt 2.24 commenced 28 May 2002 (s 2 (1))

4 Amendment history

Commencement

s 2 sub 2001 No 44 amdt 1.1941

Meaning of *gas safety legislation*

s 5 sub 2001 No 44 amdt 1.1942

References to parts of *gas safety legislation*

s 6 om 2001 No 44 amdt 1.1943

Approval declared by regulations

s 20 am 2001 No 44 amdt 1.1944

Applications for approval

s 22 am 2001 No 44 amdt 1.1945, amdt 1.1946

Prohibited appliances

s 27 am 2001 No 44 amdt 1.1947-1.1950

Miscellaneous

pt 7 hdg orig pt 7 hdg om 2001 No 44 amdt 1.1951
(prev pt 8 hdg) renum 2001 No 44 amdt 1.1952

Selfincrimination etc

s 58 am 2002 No 11 amdt 2.47

Endnotes

4 Amendment history

Legal professional privilege

s 59 om 2002 No 11 amdt 2.48

Codes of practice

s 65 orig s 65 om 2001 No 44 amdt 1.1951
ins 2001 No 44 amdt 1.1953

Review of decisions

s 66 orig s 66 om 2001 No 44 amdt 1.1951
(prev s 70) renum 2001 No 44 amdt 1.1954

Determination of fees, charges and other amounts

s 67 orig s 67 om 2001 No 44 amdt 1.1951
ins 2001 No 44 amdt 1.1955

Approved forms

s 68 orig s 68 om 2001 No 44 amdt 1.1951
ins 2001 No 44 amdt 1.1955

Miscellaneous

pt 8 hdg renum as pt 7 hdg

Regulation-making power

s 69 orig s 69 om 2001 No 44 amdt 1.1953
(prev s 72) am 2001 No 44 amdt 1.1956, amdt 1.1957
renum 2001 No 44 amdt 1.1958

Review of decisions

s 70 renum as s 66

Approved forms

s 71 om 2001 No 44 amdt 1.1955

Regulation-making power

s 72 renum as s 69

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 2001 No 44	12 September 2001
2	Act 2001 No 44	20 December 2001

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