



Australian Capital Territory

# **Gas Safety Act 2000**

**A2000-67**

**Republication No 11**

**Effective: 22 September 2009 – 6 July 2011**

Republication date: 22 September 2009

Last amendment made by A2009-20

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Gas Safety Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

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](http://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 does not include 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 is—

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



Australian Capital Territory

# Gas Safety Act 2000

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
3	Dictionary 2
4	Notes 2
5	Meaning of <i>gas safety legislation</i> 2
<b>Part 2</b>	<b>Work safety and standards</b>
<b>Division 2.1</b>	<b>Gasfitting work</b>
8	Standard of work 3
9	Compliance indicators and certificates 3
10	Misuse of compliance indicators etc 4
11	False certificates of compliance 4
12	Unsafe systems 4

---

R11  
22/09/09

Gas Safety Act 2000  
Effective: 22/09/09-06/07/11

contents 1

## Contents

---

		Page
<b>Division 2.2</b>	<b>Appliance work</b>	
13	Work to be done by accredited people	5
14	Standard of work	5
<b>Part 3</b>	<b>Responsibilities of owners and users</b>	
15	Consumer piping system—owner's responsibility	6
16	Appliances—owner's responsibility	6
17	Appliances—user's responsibility	7
<b>Part 4</b>	<b>Regulation of appliances</b>	
<b>Division 4.1</b>	<b>General</b>	
18	Definitions for pt 4	8
19	Public access to records of approved appliances etc	8
<b>Division 4.2</b>	<b>Approved appliances</b>	
20	Approval declared by regulations	9
21	Approval by planning and land authority	9
22	Applications for approval	10
23	Cancellation etc	10
24	Unapproved appliances not to be sold or used	11
25	Compliance indicators to be attached	11
26	Misuse of compliance indicators etc	12
<b>Division 4.3</b>	<b>Prohibited and unsafe appliances</b>	
27	Prohibited appliances	12
28	Prohibited appliances not to be sold or used	13
29	Directions about unsafe appliances	14
30	Publication of safety warnings	15
<b>Part 5</b>	<b>Serious gas accidents</b>	
31	Meaning of <i>relevant supplier</i>	16
32	Reporting by occupiers and gasfitters etc	16
33	Reporting by relevant supplier	17
34	Interference with site of serious gas accident	17
35	Publication of report of serious gas accident	17

		Page
<b>Part 6</b>	<b>Enforcement</b>	
<b>Division 6.1</b>	<b>General</b>	
36	Definitions for pt 6	19
38	Planning and land authority may require information and documents	19
39	Contravention of requirement by planning and land authority	20
40	Appointment of inspectors	20
41	Identity cards	21
<b>Division 6.2</b>	<b>Inspectors' powers</b>	
42	General power to enter premises	22
43	Production of identity card	22
44	Consent to entry	22
45	Warrants	23
46	Warrants—application made other than in person	24
47	General powers on entry to premises	26
48	Powers in relation to serious gas accidents	27
49	Power to inspect gasfitting work and appliance work	27
50	Powers in relation to consumer piping systems	28
51	Powers in relation to appliances	29
52	Defective equipment—disconnection etc	30
53	Power to require name and address	31
54	Power to seize evidence	31
55	Receipt for things seized	32
56	Access to things seized	32
57	Return of things seized	33
<b>Division 6.3</b>	<b>Miscellaneous</b>	
58	Selfincrimination etc	33
63	Damage etc to be minimised	34
64	Compensation	35
<b>Part 6A</b>	<b>Notification and review of decisions</b>	
64A	Meaning of <i>reviewable decision</i> —pt 6A	36
64B	Reviewable decision notices	36
64C	Applications for review	36

Contents

---

	Page
<b>Part 7</b>	
<b>Miscellaneous</b>	
65 Codes of practice	37
67 Determination of fees, charges and other amounts	38
68 Approved forms	38
69 Regulation-making power	38
<b>Dictionary</b>	40
<b>Endnotes</b>	
1 About the endnotes	45
2 Abbreviation key	45
3 Legislation history	46
4 Amendment history	47
5 Earlier republications	51



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*.

### 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, 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, 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, s 104).



## **Part 2**                      **Work safety and standards**

### **Division 2.1**              **Gasfitting work**

#### **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) The planning and land authority must keep a record of the following done under this part:
  - (a) the appliances approved;
  - (b) any cancellations of approvals
  - (c) any appliances prohibited.
- (2) The planning and land authority must make the record available for public inspection during ordinary office hours at—
  - (a) the office of the planning and land authority; or
  - (b) another place prescribed under the regulations.
- (3) The planning and land authority may make the record available for public inspection at any other place.

## **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, 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 (see s 47 (2)-(6)).

### **21                      Approval by planning and land authority**

- (1) The planning and land authority 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 planning and land authority 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 planning and land authority.

*Note* If a form is approved under s 68 for an application, the form must be used.

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

*Note* For how documents may be given, see Legislation Act, pt 19.5.

## 23 Cancellation etc

- (1) The planning and land authority may cancel an approval under section 21 (Approval by planning and land authority) 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 planning and land authority 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 planning and land authority may, in writing, prohibit the sale or installation of appliances of a stated kind.

- (2) The planning and land authority 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.
- (4) The planning and land authority 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 planning and land authority) 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 planning and land authority 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 planning and land authority may give the trader a written direction to do any of the following:
- (a) advertise, in a way stated in the direction, warnings approved by the authority 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.

*Note* For how documents may be given, see Legislation Act, pt 19.5.

- (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 planning and land authority 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 planning and land authority 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) A person is not personally liable for conduct done honestly and without recklessness—
- (a) in the exercise of a function under this section; or
  - (b) in the reasonable belief that the conduct was in the exercise of a function under this section.
- (4) Any liability that would, apart from this section, attach to the person attaches instead to the Territory.
- (5) In this section:

***conduct*** means an act or an omission to do an act.

## Part 5 Serious gas accidents

### 31 Meaning of *relevant supplier*

In this part:

*relevant supplier*, in relation to a serious gas accident, means—

- (a) the entity licensed to supply gas to the premises at which the accident occurred; or
- (b) the entity 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 supplier 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 supplier 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 supplier had been told about the accident.

**33 Reporting by relevant supplier**

A relevant supplier that becomes aware of the occurrence of a serious gas accident must not fail, without reasonable excuse, to tell the planning and land authority 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 planning and land authority 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 planning and land authority may publish a report about a serious gas accident in the interest of public safety.
- (2) A person is not personally liable for an honest act or omission in relation to the exercise or purported exercise 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.

*connected*—a thing is *connected* with an offence if—

- (a) the offence has been committed in relation to it; or
- (b) it will provide evidence of the commission of the offence; or
- (c) it was used, or is intended to be used, to commit the offence.

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

#### **38              Planning and land authority may require information and documents**

- (1) If the planning and land authority is satisfied that a person is capable of providing information or producing a document that the authority reasonably requires for the gas safety legislation, the authority may, by written notice given to the person, require the person—
  - (a) to give the information to the authority 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 authority.

*Note*      For how documents may be given, see Legislation Act, pt 19.5.

- (2) The notice must state—
  - (a) the place at which the information or document is to be given or produced to the planning and land authority; 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 planning and land authority —
  - (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 authority, to inspect the document at any reasonable time.

### **39 Contravention of requirement by planning and land authority**

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 planning and land authority may appoint a person as an inspector for the gas safety legislation.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, div 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) An inspector must exercise the inspector's 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 planning and land authority has certified in writing that, after appropriate inquiry, the authority 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 authority has certified in writing that the authority is satisfied that the person—
      - (i) has satisfactorily completed adequate training; and
      - (ii) is competent;
- to exercise the functions of an inspector proposed to be given to the person.

#### **41 Identity cards**

- (1) The planning and land authority 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 planning and land authority.

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 find out 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) Unless the appliance is made safe and compliant with the gas safety legislation, 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.

*Note* For how documents may be served, see Legislation Act, pt 19.5.

- (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) tell the person of the reasons for the requirement; and
  - (b) as soon as practicable after telling the person, 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 planning and land authority'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 planning and land authority 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 a related ancillary offence, eg attempt (see Legislation Act, s 189).

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

### **63 Damage etc to be minimised**

- (1) In the exercise or purported exercise 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 exercise or purported exercise 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.

*Note* For other ways documents may be given, see Legislation Act, pt 19.5.



**64 Compensation**

- (1) A person may claim reasonable compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise 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.

## Part 6A Notification and review of decisions

### 64A Meaning of *reviewable decision*—pt 6A

In this part:

*reviewable decision* means a decision prescribed by regulation.

### 64B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 64C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 7                      Miscellaneous

### 65                      Codes of practice

- (1) The Minister may, in writing, approve codes of practice for this Act.

*Note*                      A power given under an Act to make a statutory instrument (including a code of practice) includes power to amend or repeal the instrument (see Legislation Act, s 46 (1)).

- (2) A code of practice may set out practices, standards and other matters about—

- (a) the safe installation, connection, repair, maintenance or operation of consumer piping systems or appliances; or
- (b) notifications and certifications on completion of any gasfitting work or appliance work.

- (3) An approved code of practice is a disallowable instrument.

*Note 1*                      A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

*Note 2*                      An amendment or repeal of a code of practice is also a disallowable instrument (see Legislation Act, s 46 (2)).

- (4) For the gas safety legislation, a code is relevant to gasfitting or appliance work, a consumer piping system or an appliance if the code purports to apply to it.

- (5) The planning and land authority must make a copy of each code, and any instrument (or provision of an instrument) applied (with or without change) by the code, available for public inspection during ordinary office hours at—

- (a) the office of the chief planning executive; or
- (b) another place prescribed under the regulations.

- (6) In this section:  
*applied* includes adopted and incorporated.

**67 Determination of fees, charges and other amounts**

- (1) The Minister may, in writing, determine fees for this Act.  
*Note* The Legislation Act 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.
- (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.  
*Note* For other provisions about forms, see Legislation Act, s 255.
- (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.

**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.

- (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)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- contravene
- daily newspaper
- disallowable instrument
- document
- magistrate
- National Gas (ACT) Law
- notifiable instrument
- penalty unit (see s 133)
- reviewable decision notice
- State
- the Territory.

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

***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 planning and land authority).

**business premises**, for part 6 (Enforcement)—see section 36.

**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 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).

**connected**, with an offence, for part 6 (Enforcement)—see section 36.

**consumer piping system**—

- (a) means a system of pipes, pipe fasteners, and things connected to the pipes, that is used, or to be used, to carry gas from—
  - (i) the outlet of a meter to measure the consumption of gas on the premises to a gas appliance inlet; or
  - (ii) the outlet of a gas storage tank or cylinder to a gas appliance inlet; but
- (b) does not include something that connects the tank or cylinder outlet to the gas regulator that is closest to the tank or cylinder.

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

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

**gas** means—

- (a) natural gas; or

- (b) a gas (**LPG**) in its vapour phase composed predominantly of 1 or more of the following hydrocarbons:
  - (i) propane;
  - (ii) propene (propylene);
  - (iii) butane;
  - (iv) butene (butylene).

**gasfitter** means a gasfitter licensed in the advanced or general occupation class under the *Construction Occupations (Licensing) Act 2004*.

**gasfitting work**—

- (a) means—
  - (i) work on a consumer piping system, or proposed consumer piping system, including the connection or disconnection of a gas appliance (other than a gas appliance designed to be portable by users) to or from the system; or
  - (ii) the inspection or testing of a consumer piping system; and
- (b) includes the installation of a flue for a type A appliance.

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

**gas safety legislation**—see section 5.

**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.

**natural gas**—see the *National Gas (ACT) Law*, section 2.



**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.

**offence**, for part 6 (Enforcement)—see section 36.

**owner**, of premises, means 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.

**Examples of vehicle**

caravan, campertrailer, motor home, mobile catering vehicle

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

**relevant supplier**, in relation to a serious gas accident, for part 5 (Serious gas accidents)—see section 31.

**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).

**reviewable decision**, for part 6A (Notification and review of decisions)—see section 64A.

**sell**, for part 4 (Regulation of appliances)—see section 18.

***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.

***trader***, for part 4 (Regulation of appliances)—see section 18.

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

## 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.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

---

### 3 Legislation history

#### **Gas Safety Act 2000 No 67**

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 commenced 20 December 2001 (s 2 (2))

as amended by

#### **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 see 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))

#### **Criminal Code 2002 No 51 pt 1.10**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
pt 1.10 commenced 1 January 2002 (s 2 (1))

#### **Statute Law Amendment Act 2003 A2003-41 sch 3 pt 3.13**

notified LR 11 September 2003  
s 1, s 2 commenced 11 September 2003 (LA s 75 (1))  
sch 3 pt 3.13 commenced 9 October 2003 (s 2 (1))

#### **Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 1 pt 1.1, sch 2 pt 2.14**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.1, sch 2 pt 2.14 commenced 1 September 2004 (s 2 and see  
Construction Occupations (Licensing) Act 2004 A2004-12 s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 2 pt 2.41**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.41 commenced 9 April 2004 (s 2 (1))

**National Gas (ACT) Act 2008 A2008-15 sch 2 pt 2.1**

notified LR 30 June 2008  
s 1, s 2 commenced 30 June 2008 (LA s 75 (1))  
sch 2 pt 2.1 commenced 1 July 2008 (s 2 (1) and see National Gas  
(South Australia) Act 2008 (SA), s 7)

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.30**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 3 pt 3.30 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment  
Act 2008 (No 2) A2008-37 sch 1 pt 1.48**

notified LR 4 September 2008  
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))  
sch 1 pt 1.48 commenced 2 February 2009 (s 2 (1) and see ACT Civil  
and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.34**

notified LR 1 September 2009  
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))  
sch 3 pt 3.34 commenced 22 September 2009 (s 2)

## 4 Amendment history

### Commencement

s 2 sub 2001 No 44 amdt 1.1941  
om LA s 89 (4)

### 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

### Work to be done by qualified people

s 7 om A2004-13 amdt 2.50

## Endnotes

4 Amendment history

---

### **Public access to records of approved appliances etc**

s 19 sub A2004-13 amdt 2.51

### **Approval declared by regulations**

s 20 am 2001 No 44 amdt 1.1944

### **Approval by planning and land authority**

s 21 hdg am A2004-13 amdt 2.59

s 21 am A2004-13 amdt 2.59

### **Applications for approval**

s 22 am 2001 No 44 amdts 1.1945, amdt 1.1946; A2003-41  
amdt 3.277; A2004-13 amdt 2.59, amdt 2.60

### **Cancellation etc**

s 23 am A2004-13 amdt 2.59

### **Prohibited appliances**

s 27 am 2001 No 44 amdts 1.1947-1.1950; A2004-13 amdt 2.59

### **Directions about unsafe appliances**

s 29 am A2003-41 amdt 3.278, amdt 3.279; A2004-13 amdt 2.59,  
amdt 2.60

### **Publication of safety warnings**

s 30 am A2003-41 amdt 3.280; A2004-13 amdt 2.59, A2008-28  
amdt 3.95

### **Meaning of *relevant supplier***

s 31 sub A2004-13 amdt 1.1

### **Reporting by occupiers and gasfitters etc**

s 32 am A2004-13 amdt 1.2

### **Reporting by relevant utility**

s 33 am A2004-13 amdt 1.2, amdt 2.59

### **Interference with site of serious gas accident**

s 34 am A2004-13 amdt 2.59

### **Publication of report of serious gas accident**

s 35 am A2003-41 amdt 3.281; A2004-13 amdt 2.59

### **Definitions for pt 6**

s 36 def *connected* ins A2003-41 amdt 3.282

### **Things connected with offences**

s 37 om A2003-41 amdt 3.283

### **Planning and land authority may require information and documents**

s 38 hdg am A2004-13 amdt 2.59

s 38 am A2003-41 amdt 3.284; A2004-13 amdt 2.59, amdt 2.60

**Contravention of requirement by planning and land authority**

s 39 hdg am A2004-13 amdt 2.59

**Appointment of inspectors**s 40 am A2003-41 amdts 3.285-3.287; A2004-13 amdt 2.59,  
amdt 2.60**Identity cards**

s 41 am A2004-13 amdt 2.59

**Power to inspect gasfitting work and appliance work**

s 49 am A2003-41 amdt 3.288

**Powers in relation to appliances**

s 51 am A2003-41 amdt 3.289

**Power to require name and address**

s 53 am A2003-41 amdt 3.290, amdt 3.291

**Power to seize evidence**

s 54 am R7 LA (see A2004-13 amdt 2.59)

**Return of things seized**

s 57 am A2004-13 amdt 2.59

**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; 2002 No 51 amdt 1.21

**Legal professional privilege**

s 59 om 2002 No 11 amdt 2.48

**Providing false or misleading information**

s 60 om A2004-15 amdt 2.93

**Providing false or misleading documents**

s 61 om A2004-15 amdt 2.93

**Obstruction of inspectors**

s 62 om A2004-15 amdt 2.93

**Damage etc to be minimised**

s 63 am A2003-41 amdts 3.292-3.294

**Compensation**

s 64 am A2003-41 amdt 3.295

**Notification and review of decisions**

pt 6A hdg ins A2008-37 amdt 1.217

## Endnotes

4 Amendment history

---

### **Meaning of *reviewable decision*—pt 6A**

s 64A ins A2008-37 amdt 1.217

### **Reviewable decision notices**

s 64B ins A2008-37 amdt 1.217

### **Applications for review**

s 64C ins A2008-37 amdt 1.217

### **Codes of practice**

s 65 orig s 65 om 2001 No 44 amdt 1.1951  
ins 2001 No 44 amdt 1.1953  
am A2004-13 amdt 2.52

### **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  
am A2004-13 amdt 2.59  
om A2008-37 amdt 1.218

### **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  
am A2003-41 amdt 3.296

### **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



**Dictionary**

dict

am A2003-41 amdt 3.297; A2004-13 amdt 2.53; A2008-15 amdt 2.1; A2008-37 amdt 1.219, amdt 1.220; A2009-20 amdt 3.81

def **advanced gasfitter** om A2004-13 amdt 2.54

def **approved** sub A2004-13 amdt 2.55

def **business premises** ins A2003-41 amdt 3.298

def **code** am A2003-41 amdt 3.299

def **connected** ins A2003-41 amdt 3.300

def **consumer piping system** sub A2004-13 amdt 1.3

def **daily newspaper** am A2003-41 amdt 3.301

om A2009-20 amdt 3.82

def **gas** sub A2004-13 amdt 1.4; A2008-15 amdt 2.2

def **gasfitter** sub A2004-13 amdt 2.56

def **gasfitting work** sub A2004-13 amdt 2.57

def **natural gas** ins A2008-15 amdt 2.3

def **offence** ins A2003-41 amdt 3.302

def **owner** sub A2003-41 amdt 3.303

def **premises** am A2004-13 amdt 2.58

def **relevant supplier** ins A2004-13 amdt 1.5

def **relevant utility** ins A2003-41 amdt 3.304

om A2004-13 amdt 1.5

def **reviewable decision** ins A2008-37 amdt 1.221

def **sell** ins A2003-41 amdt 3.304

def **trader** ins A2003-41 amdt 3.304

**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. 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
3	Act 2002 No 11	31 May 2002
4	A2002-51	1 January 2003

## Endnotes

5 Earlier republications

---

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
5	A2003-41	9 October 2003
6	A2004-15	9 April 2004
7	A2004-15	1 September 2004
8	A2008-15	1 July 2008
9	A2008-28	26 August 2008
10	A2008-37	2 February 2009

© Australian Capital Territory 2009