

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Gas Safety Legislation Amendment Bill 2014

Contents

		Page
Part 1	Preliminary	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
4	Legislation repealed	2
Part 2	Construction Occupations (Licensing) Act 2004	
5	New section 12A	3

J2013-701

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

	Page	
6	Construction occupations registrar New section 103 (2) (ha)	3
7	New part 21	4
Part 3	Construction Occupations (Licensing) Regulation 2004	
8	Term of licences generally—Act, s 24 New section 7 (1) (g)	10
9	New section 31B	10
10	Considerations for endorsing under s 30 and s 31 etc Section 32 (1)	11
11	New section 41A	11
12	Schedule 1, new part 1.7A	11
13	Gasfitters licence demerit grounds for occupational discipline—Act, s 55 (1) (a) Schedule 2, part 2.5, item 2.5.1, column 2	12
14	Schedule 2, part 2.5, item 2.5.26	13
15	Schedule 2, part 2.5, item 2.5.27, column 2	14
16	Reviewable decisions Schedule 4, new item 28A	14
Part 4	Gas Safety Act 2000	
17	New division 1.1 heading	15
18	Section 5	15
19	Section 8	20
20	Section 9	21
21	Misuse of compliance indicators etc Section 10	22
22	Section 12	22
23	Division 2.2 heading	23
24	Work to be done by accredited people Section 13	23
25	Section 14	23
26	Consumer piping system—owner’s responsibility Section 15 (3)	24
27	Section 16 heading	25

Contents

	Page	
28	Section 16 (1)	25
29	Section 16 (2) (a) (ii)	25
30	Section 17 heading	25
31	Section 17 (1)	25
32	Section 17 (2) (a) (ii)	26
33	Part 4 heading	26
34	Definitions for pt 4	
	Section 18, new definitions	26
35	Section 18, definition of <i>trader</i>	27
36	Section 19	27
37	Division 4.2 heading	27
38	Sections 20 to 24	27
39	Compliance indicators to be attached	
	Section 25 (1)	32
40	Section 25 (2)	32
41	Section 25 (3)	32
42	Section 25 (3)	33
43	Section 25 (4)	33
44	Misuse of compliance indicators etc	
	Section 26	33
45	Division 4.3 heading	33
46	Section 27 heading	34
47	Section 27 (1)	34
48	Section 27 (1)	34
49	Section 27 (2)	34
50	Section 27 (4)	35
51	Section 27 (5)	35
52	Section 28 heading	35
53	Section 28 (1) to (3)	35
54	Section 29 heading	36
55	Section 29	36
56	Section 29	36
57	Section 29	36
58	Section 29	37

Contents

	Page	
59	Publication of safety warnings etc	
	Section 30 (1)	37
60	Section 30 (1)	37
61	Section 30 (2)	37
62	Section 30 (2) (a)	38
63	Section 30 (2) (b)	38
64	Reporting by occupiers and gasfitters etc	
	Section 32 (2)	38
65	Sections 33 to 35	38
66	Section 38 heading	39
67	Section 38	39
68	Section 38	39
69	Section 39 heading	39
70	Appointment of inspectors	
	Section 40	40
71	Section 40	40
72	Identity cards	
	Section 41	40
73	General powers on entry to premises	
	Section 47 (2) (a)	40
74	Section 47 (2) (a) and (b)	41
75	Section 49 heading	41
76	Section 49 (1)	41
77	Powers in relation to consumer piping systems	
	Section 50 (2)	41
78	New section 50 (4A) to (4C)	42
79	Section 51 heading	43
80	Section 51 (1) (a)	43
81	Section 51 (1) (b)	43
82	Section 51 (2)	43
83	Section 51 (3)	44
84	Defective equipment—disconnection etc	
	Section 52 (1)	45
85	Section 52 (1) (b)	45
86	Section 52 (2)	45

Contents

	Page	
87	Power to seize evidence	
	Section 54 (5)	45
88	Return of things seized	
	Section 57 (3)	46
89	Codes of practice	
	Section 65 (2) (b) (i)	46
90	Section 65 (2) (b) (ii)	46
91	Section 65 (4)	46
92	Approved forms	
	Section 68	47
93	Regulation-making power	
	Section 69 (2) (a)	47
94	Section 69 (2) (b)	47
95	Section 69 (2) (c)	47
96	Section 69 (2) (d)	48
97	Section 69 (2) (f)	48
98	New section 69 (2) (h) and (i)	48
99	New section 69 (2A) and (2B)	49
100	Section 69 (3), penalty	49
101	Dictionary, definitions of <i>accredited</i> , <i>appliance</i> and <i>appliance work</i>	49
102	Dictionary, definition of <i>approved</i>	49
103	Dictionary, new definitions	50
104	Dictionary, definition of <i>certificate of compliance</i>	50
105	Dictionary, definition of <i>compliance indicator</i>	50
106	Dictionary, definition of <i>corresponding law</i>	50
107	Dictionary, new definitions	50
108	Dictionary, definitions of <i>gasfitter</i> and <i>gasfitting work</i>	51
109	Dictionary, definition of <i>gas safety legislation</i>	51
110	Dictionary, definition of <i>prohibited</i>	51
111	Dictionary, new definition of <i>relevant standard</i>	51
112	Dictionary, definition of <i>responsible gasfitter</i>	51
113	Dictionary, definitions of <i>sell</i> and <i>trader</i>	52
114	Dictionary, new definitions	52

	Page	
Part 5		
	Gas Safety Regulation 2001	
115	Offences against regulation—application of Criminal Code etc Section 4AA, note 1	53
116	New section 5	53
117	Testing gasfitting work on consumer piping system—Act, s 8 Section 6	53
118	Section 6 (a)	54
119	Testing gas connection service Section 7 (1)	54
120	Section 7 (2)	54
121	Section 7 (2)	54
122	Section 7 (2)	55
123	Section 7 (3)	55
124	Section 9 heading	55
125	Section 9 (1) and (2)	55
126	Section 9 (3)	56
127	Section 10 heading	56
128	Section 10 (1) (a)	56
129	Section 10 (1) (c)	57
130	Section 10 (3)	57
131	Compliance indicators Section 11	57
132	Certificates of compliance Section 12 (2)	57
133	Section 12 (4)	58
134	Interfering with compliance indicators Section 13	58
135	Unsafe consumer piping system—Act, s 12 Section 15	58
136	Section 17 heading	58
137	Section 17 (1) and (2)	58
138	Division 2.2 heading	59
139	Accreditation to do appliance work Section 17A	59
140	Sections 17B and 17C	59

Contents

	Page	
141	Section 17D heading	60
142	Section 17D (1)	60
143	Section 17D (1) (a)	60
144	Section 17D (2)	61
145	Section 17D (2) (a)	61
146	Section 17D (2) (c) (iv)	61
147	Section 17D (3) and (4)	61
148	Section 17D (5)	62
149	Section 17D (6) and (7)	62
150	Interfering with defect tag Section 17E	63
151	Part 3 heading	63
152	Consumer piping system not to be used unless certified safe Section 18 (2) (a)	63
153	Section 18 (3)	63
154	New section 18 (4)	64
155	Part 3A heading	64
156	Sections 18B and 18C	64
157	Sections 18D to 18H	64
158	Sections 19 and 19A	68
159	Section 20A	69
160	Reviewable decisions—Act and regulation Schedule 1, part 1.1 heading	69
161	Schedule 1, part 1.1, items 1 and 2	69
162	Schedule 1, part 1.1, item 3, column 3	69
163	Schedule 1, part 1.1, item 6, column 4	69
164	Schedule 1, part 1.1, items 11 to 13, column 3	70
165	Reviewable decisions—code approved under s 17A Schedule 1, part 1.2	70
166	Dictionary, note 3	70
167	Dictionary	70
168	Dictionary, definitions of <i>type A appliance</i> and <i>type B appliance</i>	70

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Gas Safety Legislation Amendment Bill 2014

A Bill for

An Act to amend legislation about gas safety, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Gas Safety Legislation Amendment Act 2014*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see [Legislation](#)
11 [Act](#), s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see [Legislation Act](#), s 79).

15 **3 Legislation amended**

16 This Act amends the following legislation:

- 17
- 18 • [Construction Occupations \(Licensing\) Act 2004](#)
 - 19 • [Construction Occupations \(Licensing\) Regulation 2004](#)
 - 20 • [Gas Safety Act 2000](#)
 - 21 • [Gas Safety Regulation 2001](#).

22 **4 Legislation repealed**

23 The [Gas Safety \(Appliance Worker Accreditation Code\) Approval 2007](#) (DI2007-33) is repealed.

1 **Part 2** **Construction Occupations**
2 **(Licensing) Act 2004**

3 **5** **New section 12A**

4 *insert*

5 **12A** **What is a *gas appliance worker*?**

6 (1) A *gas appliance worker* is an entity that provides, has provided or
7 proposes to provide a gas appliance service.

8 (2) A *gas appliance service* is the doing or supervising of type A gas
9 appliance work or type B gas appliance work.

10 (3) In this section:

11 *type A gas appliance work*—see the [Gas Safety Act 2000](#),
12 section 6B.

13 *type B gas appliance work*—see the [Gas Safety Act 2000](#),
14 section 6C.

15 **6** **Construction occupations registrar**
16 **New section 103 (2) (ha)**

17 *insert*

18 (ha) gas appliance work;

1 **7 New part 21**

2 *insert*

3 **Part 21 Transitional—Gas Safety**
4 **Legislation Amendment Act 2014**

5 **182 Definitions—pt 21**

6 In this part:

7 *code* means the *Gas Safety (Appliance Worker Accreditation Code)*
8 *Approval 2007* (repealed).

9 *commencement day* means the day the *Gas Safety Legislation*
10 *Amendment Act 2014*, part 2 commences.

11 **183 Validation of code**

12 The code is taken to be, and always to have been, valid as if the
13 purported subdelegation of power to approve a code in relation to
14 the accreditation of people to do appliance work under the *Gas*
15 *Safety Regulation 2001*, section 17A (1) had been a valid delegation
16 of power under the *Gas Safety Act 2000*.

17 **184 Accreditation under code**

18 (1) This section applies to a person if—

19 (a) immediately before the commencement day, the person was
20 accredited to do appliance work under the code; and

21 (b) section 187 (Pending suspension or cancellation of
22 accreditation) does not apply to the person.

23 (2) The person is taken to be licensed as a gas appliance worker under
24 section 19.

- 1 (3) The registrar must—
- 2 (a) if the person was accredited under the code to do appliance
- 3 work that is directly equivalent to an occupation class of gas
- 4 appliance worker under this Act—issue a licence to the person
- 5 in that occupation class; or
- 6 (b) if the person was accredited under the code to do appliance
- 7 work that is not directly equivalent to an occupation class of
- 8 gas appliance worker under this Act—do one of the following:
- 9 (i) issue a licence in an occupation class under this Act with
- 10 a condition that the person undertake stated training to
- 11 become fully eligible for a licence in that occupation
- 12 class;
- 13 (ii) issue a licence in an occupation class for which the
- 14 person would be eligible under this Act.
- 15 (4) The licence issued to the person ends when the person’s
- 16 accreditation under the code would have ended.
- 17 (5) A licence issued to the person under subsection (3) is—
- 18 (a) if the person’s accreditation under the code is subject to a
- 19 condition—taken to have been issued under this Act subject to
- 20 that condition; and
- 21 (b) if the person’s accreditation under the code was in suspension
- 22 on the commencement day—taken to have been suspended
- 23 until the time when the suspension would have ended under the
- 24 code.
- 25 (6) The registrar must enter in the register the particulars mentioned in
- 26 the *Construction Occupations (Licensing) Regulation 2004*,
- 27 section 9 in relation to the person.

- 1 (7) In this section:
2 *directly equivalent*—an accreditation under the code is *directly*
3 *equivalent* to a gas appliance worker licence if the appliance work
4 that the person was accredited to do under the code corresponds to
5 the gas appliance work to which the licence applies.

6 **185 Certain information to be given to registrar**

- 7 (1) This section applies if a licensee has not given the registrar the
8 licensee's mobile telephone number and email address (the *required*
9 *information*).
10 (2) The licensee must give the registrar the required information within
11 6 months after the day this section commences.
12 *Note* If a form is approved under s 128 for this provision, the form must be
13 used.
14 (3) If the licensee's licence is due for renewal within 6 months after the
15 day this section commences, the licensee may include the required
16 information in the application for renewal instead of an approved
17 form for this provision (if any).

18 **186 Pending applications for accreditation**

- 19 (1) This section applies if, before the commencement day—
20 (a) a person applied to the chief executive for accreditation or
21 renewal of accreditation under the code; and
22 (b) the chief executive has not decided the application.
23 (2) The application is taken to be an application for a licence as a gas
24 appliance worker under this Act.
25 (3) However, the eligibility of the person for the licence must be
26 assessed against the eligibility criteria in the code.

-
- 1 **187 Pending suspension or cancellation of accreditation**
- 2 (1) This section applies to a person if, on the commencement day—
- 3 (a) the chief planning executive has taken action under the code to
- 4 suspend or cancel the person’s accreditation; and
- 5 (b) the chief planning executive has not made a final decision on
- 6 the suspension or cancellation action.
- 7 (2) The chief planning executive must proceed to make a final decision
- 8 in relation to the person following the process stated in the code.
- 9 (3) If the chief planning executive’s final decision is to suspend the
- 10 person’s accreditation—
- 11 (a) the person is taken to be licensed as a gas appliance worker
- 12 under section 19 (Decision on licence application); and
- 13 (b) the person’s licence is taken to be suspended under part 8
- 14 (Demerit points system); and
- 15 (c) the registrar must serve a notice of licence suspension on the
- 16 person in accordance with section 97 (Licence suspension).
- 17 (4) If the chief planning executive’s final decision is to cancel the
- 18 person’s accreditation—
- 19 (a) the person is taken to have been disqualified under part 8 from
- 20 holding a gas appliance worker’s licence; and
- 21 (b) the registrar must serve a notice of licence disqualification on
- 22 the person in accordance with section 98 (Licence
- 23 disqualification).
- 24 (5) If the chief planning executive’s final decision is to not suspend or
- 25 cancel the person’s accreditation, section 184 applies to the person.

1 (6) In this section:

2 *final decision*, of the chief planning executive, means a decision
3 made by the chief planning executive after completing the process
4 stated in the code for suspending or cancelling an accredited
5 appliance worker's accreditation.

6 **188 Review rights preserved**

7 (1) This section applies if—

8 (a) the chief planning executive has made a decision under the
9 code; and

10 (b) a right to review of the decision existed immediately before the
11 commencement day.

12 (2) The decision is taken to be a decision made by the construction
13 occupations registrar under this Act on the day the decision was
14 made by the chief planning executive.

15 **189 Conduct engaged in before commencement day**

16 (1) Part 4 (Rectification orders and other obligations on licensees),
17 part 5 (Automatic licence suspension and occupational discipline),
18 part 6 (Enforcement), part 8 (Demerit points system) and part 11
19 (Complaints) apply to conduct engaged in before the
20 commencement day as if—

21 (a) a reference to a construction occupation included a reference to
22 gas appliance worker; and

23 (b) a reference to a licensee or former licensee included a
24 reference to a person who was an accredited appliance worker
25 under the code (whether or not the person is also a licensee or
26 former licensee for this Act); and

27 (c) all other necessary changes were made; and

28 (d) any changes prescribed by regulation were made.

1 (2) This section expires 10 years after the day it commences.

2 *Note* Transitional provisions are kept in the Act for a limited time.
3 A transitional provision is repealed on its expiry but continues to have
4 effect after its repeal (see [Legislation Act](#), s 88).

5 **190 Expiry—pt 21**

6 This part (other than section 189) expires 3 years after the day it
7 commences.

8 *Note* Transitional provisions are kept in the Act for a limited time.
9 A transitional provision is repealed on its expiry but continues to have
10 effect after its repeal (see [Legislation Act](#), s 88).

1 **Part 3** **Construction Occupations**
2 **(Licensing) Regulation 2004**

3 **8** **Term of licences generally—Act, s 24**
4 **New section 7 (1) (g)**

5 *insert*

6 (g) gas appliance worker.

7 **9** **New section 31B**

8 *insert*

9 **31B** **Endorsing licences for gas appliance work—Act, s 22**

10 (1) This section applies to—

11 (a) an advanced gasfitters licence; and

12 (b) a general gasfitters licence.

13 (2) The registrar may, on application, endorse the licence to authorise
14 the licensee to do type B gas flue work, if satisfied that the licensee
15 is competent to do the work.

16 *Note* In deciding whether to endorse a licence under this section, the registrar
17 must consider the considerations in s 32.

18 (3) In this section:

19 *type B gas flue work* means work on the flue of a type B gas
20 appliance, including the connection of the flue to, and disconnection
21 of the flue from, the appliance.

1 **10 Considerations for endorsing under s 30 and s 31 etc**
 2 **Section 32 (1)**

3 *omit*

4 or section 31A

5 *substitute*

6 , section 31A or section 31B

7 **11 New section 41A**

8 *insert*

9 **41A Classes of gas appliance worker**

10 The construction occupation of gas appliance worker is divided into
 11 the classes in schedule 1, part 1.7A, column 2.

12 **12 Schedule 1, new part 1.7A**

13 *insert*

14 **Part 1.7A Gas appliance worker**

column 1 item	column 2 construction occupation class	column 3 construction work
1	unrestricted type A	type A gas appliance work without supervision
2	restricted type B	type A gas appliance work under the supervision of a licensee with an unrestricted type A licence
3	unrestricted type B	type B gas appliance work without supervision

column 1 item	column 2 construction occupation class	column 3 construction work
4	restricted type B–level 2	(a) without supervision—type B gas appliance work on— (i) an atmospheric type gas appliance that consumes less than 2000MJ/h; or (ii) a forced draft burner system that consumes less than 500MJ/h; and (b) under the supervision of a licensee with an unrestricted type B licence—any other type B gas appliance work
5	restricted type B–level 1	type B gas appliance work under the supervision of a licensee with— (a) an unrestricted type B licence; or (b) a restricted type B–level 2 licence that authorises the licensee to perform the work to be completed unsupervised

1 **13 Gasfitters licence demerit grounds for occupational**
 2 **discipline—Act, s 55 (1) (a)**
 3 **Schedule 2, part 2.5, item 2.5.1, column 2**

4 *before*
 5 appliance
 6 *insert*
 7 gas

14 Schedule 2, part 2.5, item 2.5.26*substitute*

2.5.26 fail to comply with *Gas Safety Act 2000*, s 9 (1)— failure to give 3
gasfitting work completed in accordance with *Gas* appropriate certificate
Safety Act 2000, s 8, but certificate of compliance for of compliance for
work not given in accordance with *Gas Safety* pipework
Act 2000

1 **15 Schedule 2, part 2.5, item 2.5.27, column 2**

2 *omit*

3 s 24 (2)

4 *insert*

5 s 23 (2)

6 **16 Reviewable decisions**
7 **Schedule 4, new item 28A**

8 *insert*

28A	Act , s 31B	refuse to endorse advanced gasfitters licence or general gasfitters licence	licensee
-----	-----------------------------	--	----------

1 Part 4 Gas Safety Act 2000

2 17 New division 1.1 heading

3 *before section 1, insert*

4 Division 1.1 Introduction

5 18 Section 5

6 *substitute*

7 5 Offences against Act—application of Criminal Code etc

8 Other legislation applies in relation to offences against this Act.

9 *Note 1 Criminal Code*

10 The [Criminal Code](#), ch 2 applies to the following offences against this
11 Act (see Code, pt 2.1):

- 12 • s 8 (Gasfitting work to comply with relevant standard)
- 13 • s 8A (Offences—energy efficiency requirements for gasfitting
14 work)
- 15 • s 9 (Certificate of compliance)
- 16 • s 12 (Unsafe consumer piping system)
- 17 • s 14 (Standard of gas appliance work)
- 18 • s 14A (Offences—energy efficiency requirements for gas
19 appliance work)
- 20 • s 23 (Offence to sell or use unapproved gas appliance)
- 21 • s 24 (Offences—energy efficiency requirements for gas
22 appliances)
- 23 • s 24A (Offence to dispose of gas equipment otherwise than in
24 accordance with standards)

- 1 • s 25 (Compliance indicators to be attached).
- 2 The chapter sets out the general principles of criminal responsibility
- 3 (including burdens of proof and general defences), and defines terms
- 4 used for offences to which the Code applies (eg *conduct*, *intention*,
- 5 *recklessness* and *strict liability*).

6 *Note 2 Penalty units*

7 The [Legislation Act](#), s 133 deals with the meaning of offence penalties

8 that are expressed in penalty units.

9 **Division 1.2 Objects and important concepts**

10 **6 Objects of Act**

- 11 The main objects of this Act are to—
- 12 (a) promote safe and efficient gas usage; and
- 13 (b) establish a regulatory system for the following:
- 14 (i) the installation, operation, maintenance and repair of
- 15 consumer piping systems;
- 16 (ii) the connection of gas appliances to consumer piping
- 17 systems;
- 18 (iii) the commissioning, maintenance, repair and servicing of
- 19 gas appliances connected to consumer piping systems;
- 20 (iv) the testing and inspection of consumer piping systems
- 21 and gas appliances.

22 **6A Meaning of *gas appliance***

23 In this Act:

24 *gas appliance* means a gas burning appliance that is manufactured,

25 adapted or designed for connection to a consumer piping system.

1 **6B** **Meaning of *type A gas appliance work***

2 In this Act:

3 *type A gas appliance work* means the maintenance, repair or service
4 of a type A gas appliance other than—

- 5 (a) gasfitting work; or
6 (b) work exempted by regulation.

7 **6C** **Meaning of *type B gas appliance work***

8 In this Act:

9 *type B gas appliance work* means the installation, commissioning,
10 maintenance, modification, repair or service of a type B gas
11 appliance connected to a consumer piping system other than—

- 12 (a) gasfitting work (excluding the connection of a type B gas
13 appliance to, and the disconnection of a type B gas appliance
14 from, a gas isolation valve in a consumer piping system); or
15 (b) work exempted by regulation.

16 **6D** **Meaning of *gas appliance worker***

17 In this Act:

18 *gas appliance worker* means a person licensed in the construction
19 occupation of gas appliance worker under the [Construction](#)
20 [Occupations \(Licensing\) Act 2004](#), part 3.

21 **6E** **Meaning of *gasfitter***

22 In this Act:

23 *gasfitter* means a person licensed in the advanced or general
24 construction occupation class, for the construction occupation of
25 gasfitter, under the [Construction Occupations \(Licensing\) Act 2004](#),
26 part 3.

- 1 **6F** **Meaning of *gasfitting work***
- 2 In this Act:
- 3 *gasfitting work*—
- 4 (a) means—
- 5 (i) work on a consumer piping system, or proposed
- 6 consumer piping system, including the connection or
- 7 disconnection of a gas appliance (other than a gas
- 8 appliance designed to be portable by users and connected
- 9 by means of a flexible hose to a gas bayonet or gas turret)
- 10 to or from the system; or
- 11 (ii) the inspection or testing of a consumer piping system;
- 12 and
- 13 (b) includes the installation of a flue for a type A gas appliance;
- 14 but
- 15 (c) does not include the installation of a flue for a type B gas
- 16 appliance.
- 17 **6G** **Meaning of *gas safety legislation***
- 18 In this Act:
- 19 *gas safety legislation* means—
- 20 (a) this Act; and
- 21 (b) the *Construction Occupations (Licensing) Act 2004*.
- 22 *Note* A reference to an Act includes a reference to the statutory instruments
- 23 made or in force under the Act, including any regulation (see
- 24 [Legislation Act](#), s 104).

1 **6H Meaning of *relevant standard***

2 (1) In this Act:

3 *relevant standard*—

4 (a) for gasfitting and gasfitting work means—

5 (i) AS/NZS 5601 as in force from time to time; or

6 (ii) if another standard is prescribed—that standard; and

7 (b) for gas appliances and gas appliance work means—

8 (i) in relation to a type A gas appliance—

9 (A) AS/NZS 5601 as in force from time to time; or

10 (B) if another standard is prescribed—that standard; and

11 (ii) in relation to a type B gas appliance—

12 (A) AS/NZS 1375, AS/NZS 3814 and AS/NZS 5601 as
13 in force from time to time; or

14 (B) if another standard is prescribed—that standard.

15 (2) The [Legislation Act](#), section 47 (6) does not apply to AS/NZS 1375,
16 AS/NZS 3814 or AS/NZS 5601.

17 *Note* AS/NZS 1375, AS/NZS 3814 and AS/NZS 5601 do not need to be
18 notified under the [Legislation Act](#) because s 47 (6) does not apply (see
19 [Legislation Act](#), s 47 (7)). The standards may be purchased at
20 www.standards.org.au.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

19 Section 8

substitute

8 Offence—gasfitting work to comply with relevant standard

- (1) A gasfitter commits an offence if—
- (a) the gasfitter carries out gasfitting work; and
 - (b) the gasfitter fails to carry out the gasfitting work—
 - (i) in a safe and skilful way; and
 - (ii) in accordance with the relevant standard.

Maximum penalty: 50 penalty units.

- (2) A regulation may prescribe considerations to be taken into account to decide whether gasfitting work is carried out in a safe and skilful way.

8A Offences—energy efficiency requirements for gasfitting work

- (1) A gasfitter commits an offence if—
- (a) the gasfitter carries out gasfitting work; and
 - (b) the work does not comply with a regulation about energy efficiency or environmental harm that applies to the work.

Maximum penalty: 50 penalty units.

Note Power to make a statutory instrument (including a regulation) includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- 1 (2) A gasfitter commits an offence if—
- 2 (a) the gasfitter carries out gasfitting work on a consumer piping
- 3 system; and
- 4 (b) the consumer piping system does not comply with a regulation
- 5 about energy efficiency or environmental harm that applies to
- 6 the work.

7 Maximum penalty: 50 penalty units.

8 *Note* The [Greenhouse and Energy Minimum Standards Act 2012](#) (Cwlth) (the

9 *Commonwealth Act*) applies greenhouse and energy minimum

10 standards (*GEMS*) in association with the supply and commercial use of

11 products that use energy, or affect the energy used by another product.

12 These standards are provided for by requirements in GEMS

13 determinations.

14 Section 8A only operates if a regulation is made for it, and s 8A and the

15 regulation are consistent with the [Commonwealth Act](#) and able to

16 operate concurrently with it (see [Self-Government Act](#), s 28 and

17 [Commonwealth Act](#), s 9).

18 **20 Section 9**

19 *substitute*

20 **9 Offence—certificate of compliance**

21 A responsible gasfitter commits an offence if—

- 22 (a) the gasfitter finishes gasfitting work; and
- 23 (b) the gasfitter fails to give each person prescribed by regulation,
- 24 a written statement (a *certificate of compliance*) certifying
- 25 that—
- 26 (i) the finished gasfitting work was carried out in accordance
- 27 with the gas safety legislation; and

- 1 (ii) any consumer piping system or appliance that is part of
2 the finished gasfitting work is safe to use and complies
3 with the gas safety legislation.

4 Maximum penalty: 50 penalty units.

5 *Note 1* Section 8 requires gasfitting work to be carried out to a particular
6 standard and in accordance with particular standards.

7 *Note 2* If a form is approved under s 68 for this provision, the form must be
8 used.

9 **21 Misuse of compliance indicators etc**
10 **Section 10**

11 *omit*

12 **22 Section 12**

13 *substitute*

14 **12 Offence—unsafe consumer piping system**

15 A gasfitter commits an offence if—

- 16 (a) the gasfitter carries out gasfitting work on a consumer piping
17 system; and
18 (b) the system poses a substantive risk to the safety of any person
19 or property; and
20 (c) the gasfitter fails—
21 (i) to take immediate action to eliminate the risk; or
22 (ii) to give notice in writing about the risk, and the action
23 taken to eliminate the risk, to each person prescribed by
24 regulation as soon as practicable.

25 Maximum penalty: 50 penalty units.

1 **23 Division 2.2 heading**

2 *substitute*

3 **Division 2.2 Gas appliance work**

4 **24 Work to be done by accredited people**
5 **Section 13**

6 *omit*

7 **25 Section 14**

8 *substitute*

9 **14 Offence—standard of gas appliance work**

- 10 (1) A gas appliance worker commits an offence if—
11 (a) the worker carries out gas appliance work; and
12 (b) the worker fails to carry out the gas appliance work—
13 (i) in a safe and skilful way; and
14 (ii) in accordance with the relevant standard.

15 Maximum penalty: 50 penalty units.

- 16 (2) A regulation may prescribe considerations to be taken into account
17 to decide whether gas appliance work is carried out in a safe and
18 skilful way.

19 **14A Offences—energy efficiency requirements for gas**
20 **appliance work**

- 21 (1) A gas appliance worker commits an offence if—
22 (a) the worker carries out gas appliance work; and

- 1 (b) the work does not comply with a regulation about energy
2 efficiency or environmental harm that applies to the work.

3 Maximum penalty: 50 penalty units.

4 *Note* Power to make a statutory instrument (including a regulation) includes
5 power to make different provision in relation to different matters or
6 different classes of matters, and to make an instrument that applies
7 differently by reference to stated exceptions or factors (see [Legislation](#)
8 [Act](#), s 48).

- 9 (2) A gas appliance worker commits an offence if—

10 (a) the worker carries out gas appliance work on a gas appliance;
11 and

12 (b) the gas appliance does not comply with a regulation about
13 energy efficiency or environmental harm that applies to the
14 appliance.

15 Maximum penalty: 50 penalty units.

16 *Note* The [Greenhouse and Energy Minimum Standards Act 2012](#) (Cwlth) (the
17 [Commonwealth Act](#)) applies greenhouse and energy minimum
18 standards ([GEMS](#)) in association with the supply and commercial use of
19 products that use energy, or affect the energy used by another product.
20 These standards are provided for by requirements in GEMS
21 determinations.

22 Section 14A only operates if a regulation is made for it, and s 14A and
23 the regulation are consistent with the [Commonwealth Act](#) and able to
24 operate concurrently with it (see [Self-Government Act](#), s 28 and
25 [Commonwealth Act](#), s 9).

26 **26 Consumer piping system—owner’s responsibility**
27 **Section 15 (3)**

28 *substitute*

- 29 (3) In this section:

30 *advice of a gasfitter* includes receipt of a certificate of compliance
31 from a gasfitter.

1 **27 Section 16 heading**

2 *substitute*

3 **16 Gas appliances—owner’s responsibility**

4 **28 Section 16 (1)**

5 *omit*

6 an appliance

7 *substitute*

8 a gas appliance

9 **29 Section 16 (2) (a) (ii)**

10 *omit*

11 person accredited to do appliance work

12 *substitute*

13 gas appliance worker

14 **30 Section 17 heading**

15 *substitute*

16 **17 Gas appliances—user’s responsibility**

17 **31 Section 17 (1)**

18 *omit*

19 an appliance

20 *substitute*

21 a gas appliance

- 1 **32 Section 17 (2) (a) (ii)**
- 2 *omit*
- 3 person accredited to do appliance work
- 4 *substitute*
- 5 gas appliance worker

- 6 **33 Part 4 heading**
- 7 *substitute*

8 **Part 4 Regulation of gas appliances**

- 9 **34 Definitions for pt 4**
- 10 **Section 18, new definitions**
- 11 *insert*
- 12 *approved*—a gas appliance is *approved* if—
- 13 (a) the appliance is of a type approved under section 20 (an
- 14 *approved type A gas appliance*); or
- 15 (b) the appliance is approved by the construction occupations
- 16 registrar under section 21 (an *approved type B gas appliance*);
- 17 or
- 18 (c) if the appliance is not an approved type A gas appliance or
- 19 approved type B gas appliance—the appliance consumes gas at
- 20 a rate of less than 10MJ/h.
- 21 *corresponding law* means a law declared by the Minister to be a
- 22 corresponding law under section 19.

1 **35 Section 18, definition of *trader***

2 *before*

3 appliances

4 *insert*

5 gas

6 **36 Section 19**

7 *substitute*

8 **19 Declaration of corresponding law**

9 (1) The Minister may declare a law of a State or another Territory,
10 being a law that contains provisions for the approval of type A gas
11 appliances, to be a corresponding law for this part.

12 (2) A declaration is a notifiable instrument.

13 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

14 **37 Division 4.2 heading**

15 *substitute*

16 **Division 4.2 Approved gas appliances**

17 **38 Sections 20 to 24**

18 *substitute*

19 **20 Approval of type A gas appliances**

20 (1) A gas appliance is an approved type A gas appliance if the
21 appliance—

22 (a) is approved—

23 (i) under a corresponding law; or

- 1 (ii) under a regulation; and
- 2 (b) complies with any safety standard that applies to the appliance
- 3 as a condition of that approval; and
- 4 (c) is used for a purpose for which it has been approved; and
- 5 (d) is not an appliance that has been declared a prohibited
- 6 appliance under section 27.
- 7 (2) A gas appliance ceases to be an approved type A gas appliance if the
- 8 construction occupations registrar is satisfied that—
- 9 (a) under a corresponding law, appliances of that kind have been
- 10 found unsafe to use or to not comply with a safety standard; or
- 11 (b) the appliance is prohibited under section 27; or
- 12 (c) a direction under section 29 (2) (Directions about unsafe gas
- 13 appliances) is in force in relation to the appliance; or
- 14 (d) the appliance has been refused approval under a corresponding
- 15 law; or
- 16 (e) the appliance ceases to be approved under a corresponding law.

17 **21 Approval of type B gas appliances**

- 18 (1) A person may apply to the construction occupations registrar for
- 19 approval of a type B gas appliance.
- 20 (2) The construction occupations registrar may approve the type B gas
- 21 appliance if the construction occupations registrar is satisfied—
- 22 (a) the appliance complies with the relevant standard; and
- 23 (b) the related gasfitting work and gas appliance work will be
- 24 carried out in accordance with the gas safety legislation.

- 1 **22 Register of approved gas appliances**
- 2 (1) The construction occupations registrar must keep a register of—
- 3 (a) approved type A gas appliances approved under a regulation;
- 4 and
- 5 (b) approved type B gas appliances approved under section 21;
- 6 and
- 7 (c) any cancellation of approval under this part; and
- 8 (d) any gas appliances that are prohibited under this part; and
- 9 (e) any safety warnings issued under section 30 in relation to an
- 10 approved gas appliance.
- 11 (2) The construction occupations registrar must make the register
- 12 available for public inspection during ordinary office hours at the
- 13 office of the construction occupations registrar.
- 14 **23 Offences—sell or use unapproved gas appliance**
- 15 (1) A person commits an offence if the person—
- 16 (a) sells a gas appliance; and
- 17 (b) the gas appliance is not approved.
- 18 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 19 both.
- 20 (2) A person commits an offence if the person—
- 21 (a) connects a gas appliance to a consumer piping system; and
- 22 (b) the gas appliance is not approved.
- 23 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 24 both.

- 1 (3) A person commits an offence if the person—
2 (a) uses a gas appliance for a purpose involving the use of gas; and
3 (b) the gas appliance is not approved.
4 Maximum penalty: 50 penalty units, imprisonment for 6 months or
5 both.
6 (4) This section does not apply in circumstances prescribed under a
7 regulation.

8 **24 Offences—energy efficiency requirements for gas**
9 **appliances**

- 10 (1) A trader commits an offence if—
11 (a) the trader sells a gas appliance; and
12 (b) the gas appliance does not comply with an energy efficiency
13 standard prescribed by regulation that applies to the appliance.
14 Maximum penalty: 50 penalty units.
15 (2) A trader commits an offence if—
16 (a) the trader sells a gas appliance; and
17 (b) an energy efficiency label is not attached to the appliance.
18 Maximum penalty: 10 penalty units.
19 (3) A person commits an offence if—
20 (a) the person attaches an energy efficiency label to a gas
21 appliance; and
22 (b) the gas appliance does not have the energy efficiency rating
23 stated on the label.
24 Maximum penalty: 30 penalty units.

- 1 (4) A person commits an offence if—
2 (a) the person attaches a label to a gas appliance; and
3 (b) the label resembles an energy efficiency label; and
4 (c) the label is not an energy efficiency label.

5 Maximum penalty: 30 penalty units.

- 6 (5) This section does not apply to a second-hand gas appliance.

7 *Note* The defendant has an evidential burden in relation to the matters
8 mentioned in s (5) (see [Criminal Code](#), s 58).

- 9 (6) An offence against this section is a strict liability offence.

- 10 (7) In this section:

11 ***energy efficiency label*** means an energy efficiency label prescribed
12 by regulation.

13 *Note* The [Greenhouse and Energy Minimum Standards Act 2012](#) (Cwlth) (the
14 [Commonwealth Act](#)) applies greenhouse and energy minimum
15 standards ([GEMS](#)) in association with the supply and commercial use of
16 products that use energy, or affect the energy used by another product.
17 These standards are provided for by requirements in [GEMS](#)
18 determinations.

19 Section 24 only operates if a regulation is made for it, and s 24 and the
20 regulation are consistent with the [Commonwealth Act](#) and able to
21 operate concurrently with it (see [Self-Government Act](#), s 28 and
22 [Commonwealth Act](#), s 9).

23 **24A Offence—dispose of gas equipment otherwise than in**
24 **accordance with standards**

25 A person commits an offence if—

- 26 (a) the person disposes of an article that is—
27 (i) a consumer piping system or part of a consumer piping
28 system; or
29 (ii) a gas appliance or part of a gas appliance; and

- 1 (b) the disposal does not comply with a standard prescribed by
2 regulation that applies to the article.

3 Maximum penalty: 50 penalty units.

4 **39 Compliance indicators to be attached**
5 **Section 25 (1)**

6 *substitute*

- 7 (1) A trader commits an offence if—
8 (a) the trader sells a gas appliance; and
9 (b) the gas appliance—
10 (i) does not have a compliance indicator attached to it; or
11 (ii) has a compliance indicator attached to it that is not in
12 accordance with the regulations.

13 Maximum penalty: 50 penalty units.

14 **40 Section 25 (2)**

15 *omit*

16 **41 Section 25 (3)**

17 *omit*

18 the appliance

19 *substitute*

20 the gas appliance

1 **42 Section 25 (3)**

2 *omit*

3 an appliance

4 *substitute*

5 a gas appliance

6 **43 Section 25 (4)**

7 *substitute*

8 (4) Subsection (1) does not apply to—

9 (a) a second-hand gas appliance; or

10 (b) a gas appliance within 6 months after it becomes an approved
11 gas appliance.

12 **44 Misuse of compliance indicators etc**
13 **Section 26**

14 *omit*

15 an appliance

16 *substitute*

17 a gas appliance

18 **45 Division 4.3 heading**

19 *substitute*

20 **Division 4.3 Prohibited and unsafe gas appliances**

- 1 **46 Section 27 heading**
- 2 *substitute*
- 3 **27 Prohibited gas appliances**
- 4 **47 Section 27 (1)**
- 5 *omit*
- 6 planning and land authority
- 7 *substitute*
- 8 construction occupations registrar
- 9 **48 Section 27 (1)**
- 10 *before*
- 11 appliances
- 12 *insert*
- 13 gas
- 14 **49 Section 27 (2)**
- 15 *substitute*
- 16 (2) The construction occupations registrar may act under subsection (1)
- 17 only if satisfied that—
- 18 (a) gas appliances of that kind are, or are likely to become, unsafe
- 19 to use because of their design or construction; and
- 20 (b) the use of a gas appliance of that kind involves, or would
- 21 involve, a risk of death or injury to a person or damage to
- 22 property.

1 **50 Section 27 (4)**

2 *omit*

3 planning and land authority

4 *substitute*

5 construction occupations registrar

6 **51 Section 27 (5)**

7 *substitute*

8 (5) A gas appliance that is subject to prohibition under this section
9 ceases to be approved for this part on the day the notice takes effect.

10 **52 Section 28 heading**

11 *substitute*

12 **28 Prohibited gas appliances not be sold or used**

13 **53 Section 28 (1) to (3)**

14 *omit*

15 an appliance

16 *substitute*

17 a gas appliance

1	54	Section 29 heading
2		<i>substitute</i>
3	29	Directions about unsafe gas appliances
4	55	Section 29
5		<i>omit</i>
6		planning and land authority
7		<i>substitute</i>
8		construction occupations registrar
9	56	Section 29
10		<i>omit</i>
11		an appliance
12		<i>substitute</i>
13		a gas appliance
14	57	Section 29
15		<i>omit</i>
16		the appliance
17		<i>substitute</i>
18		the gas appliance

58 Section 29

1
2 *omit*
3 the authority
4 *substitute*
5 the registrar

**59 Publication of safety warnings etc
Section 30 (1)**

6
7
8 *omit*
9 planning and land authority
10 *substitute*
11 construction occupations registrar

60 Section 30 (1)

12
13 *before*
14 appliances
15 *insert*
16 gas

61 Section 30 (2)

17
18 *omit*
19 planning and land authority
20 *substitute*
21 construction occupations registrar

- 1 **62 Section 30 (2) (a)**
- 2 *before*
- 3 appliance
- 4 *insert*
- 5 gas
- 6 **63 Section 30 (2) (b)**
- 7 *omit*
- 8 an appliance
- 9 *substitute*
- 10 a gas appliance
- 11 **64 Reporting by occupiers and gasfitters etc**
- 12 **Section 32 (2)**
- 13 *omit*
- 14 an appliance
- 15 *substitute*
- 16 a gas appliance
- 17 **65 Sections 33 to 35**
- 18 *omit*
- 19 planning and land authority
- 20 *substitute*
- 21 construction occupations registrar

- 1 **66** **Section 38 heading**
- 2 *substitute*
- 3 **38** **Construction occupations registrar may require**
4 **information and documents**
- 5 **67** **Section 38**
- 6 *omit*
- 7 planning and land authority
- 8 *substitute*
- 9 construction occupations registrar
- 10 **68** **Section 38**
- 11 *omit*
- 12 the authority
- 13 *substitute*
- 14 the registrar
- 15 **69** **Section 39 heading**
- 16 *substitute*
- 17 **39** **Contravention of requirement of construction**
18 **occupations registrar**

1 **70 Appointment of inspectors**
2 **Section 40**

3 *omit*
4 planning and land authority
5 *substitute*
6 construction occupations registrar

7 **71 Section 40**

8 *omit*
9 the authority
10 *substitute*
11 the registrar

12 **72 Identity cards**
13 **Section 41**

14 *omit*
15 planning and land authority
16 *substitute*
17 construction occupations registrar

18 **73 General powers on entry to premises**
19 **Section 47 (2) (a)**

20 *omit*
21 or appliance
22 *substitute*
23 or gas appliance

1 **74 Section 47 (2) (a) and (b)**

2 *omit*

3 an appliance

4 *substitute*

5 a gas appliance

6 **75 Section 49 heading**

7 *substitute*

8 **49 Power to inspect gasfitting work and gas appliance work**

9 **76 Section 49 (1)**

10 *before*

11 appliance

12 *insert*

13 gas

14 **77 Powers in relation to consumer piping systems**
15 **Section 50 (2)**

16 *before*

17 appliance

18 *insert*

19 gas

78 New section 50 (4A) to (4C)

insert

(4A) A direction under this section may also require the person to give the inspector written information about the consumer piping system.

Example

a written report about a test required in the direction by the person who did the test

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

(4B) Subsection (4C) applies if—

(a) a written direction under subsection (3) or subsection (4) requires a person to do a thing; and

(b) the person—

(i) is not licensed, authorised or qualified to do the thing; or

(ii) if a licence, authorisation or qualification is not required to do the thing—does not have appropriate experience and skill to do the thing.

(4C) The person must arrange, and pay for, the thing to be done by someone who—

(a) is licensed, authorised or qualified to do the thing; or

(b) if a licence, authorisation or qualification is not required to do the thing—has appropriate experience and skill to do the thing.

Example

A written direction under s (3) requires George to undertake further gasfitting work. George is no longer a licensed gasfitter, and he is not able to get a new licence. George must arrange, and pay for, a licensed gasfitter to do the gasfitting work.

1 **79 Section 51 heading**

2 *substitute*

3 **51 Powers in relation to gas appliances**

4 **80 Section 51 (1) (a)**

5 *omit*

6 an appliance

7 *substitute*

8 a gas appliance

9 **81 Section 51 (1) (b)**

10 *before*

11 appliance

12 *insert*

13 gas

14 **82 Section 51 (2)**

15 *before 1st mention of*

16 appliance

17 *insert*

18 gas

83 Section 51 (3)

1

substitute

2

3

- (3) If the inspector believes on reasonable grounds that a gas appliance is unsafe because work done on it by a gas appliance worker was not done in accordance with the gas safety legislation, the inspector may give the gas appliance worker a written direction to take stated action to make the appliance safe and compliant with the gas safety legislation.

4

5

6

7

8

9

- (3A) A direction under this section may also require the person to give the inspector written information about the gas appliance or work.

10

11

Example

12

a written report about a test required in the direction by the person who did the test

13

14

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

15

16

17

- (3B) Subsection (3C) applies if—

18

- (a) a written direction under subsection (2) or subsection (3) requires a person to do a thing; and

19

20

- (b) the person—

21

- (i) is not licensed, authorised or qualified to do the thing; or

22

- (ii) if a licence, authorisation or qualification is not required to do the thing—does not have appropriate experience and skill to do the thing.

23

24

25

- (3C) The person must arrange, and pay for, the thing to be done by someone who—

26

27

- (a) is licensed, authorised or qualified to do the thing; or

28

- (b) if a licence, authorisation or qualification is not required to do the thing—has appropriate experience and skill to do the thing.

29

1 **84 Defective equipment—disconnection etc**
2 **Section 52 (1)**

3 *omit*
4 an appliance
5 *substitute*
6 a gas appliance

7 **85 Section 52 (1) (b)**

8 *before*
9 appliance
10 *insert*
11 gas

12 **86 Section 52 (2)**

13 *omit*
14 an appliance
15 *substitute*
16 a gas appliance

17 **87 Power to seize evidence**
18 **Section 54 (5)**

19 *omit*
20 planning and land authority's
21 *substitute*
22 construction occupations registrar's

1 **88 Return of things seized**
2 **Section 57 (3)**

3 *omit*
4 planning and land authority
5 *substitute*
6 construction occupations registrar

7 **89 Codes of practice**
8 **Section 65 (2) (b) (i)**

9 *before*
10 appliances
11 *insert*
12 gas

13 **90 Section 65 (2) (b) (ii)**

14 *before*
15 appliance
16 *insert*
17 gas

18 **91 Section 65 (4)**

19 *substitute*
20 (4) For the gas safety legislation, a code is relevant to gasfitting work,
21 gas appliance work, a consumer piping system or a gas appliance if
22 the code purports to apply to it.

1 **92** **Approved forms**
2 **Section 68**
3 *omit*
4 Minister
5 *substitute*
6 construction occupations registrar

7 **93** **Regulation-making power**
8 **Section 69 (2) (a)**

9 *before*
10 appliances
11 *insert*
12 gas

13 **94** **Section 69 (2) (b)**

14 *omit*
15 an appliance
16 *substitute*
17 a gas appliance

18 **95** **Section 69 (2) (c)**

19 *before*
20 appliance
21 *insert*
22 gas

96 Section 69 (2) (d)

2 *omit*

3 consumer piping systems or appliances

4 *substitute*

5 gas appliances

97 Section 69 (2) (f)

7 *substitute*

8 (f) the approval of type A gas appliances and type B gas
9 appliances including—

10 (i) requirements in relation to applications for approval; and

11 (ii) requirements in relation to compliance with safety
12 standards; and

13 (iii) conditions for the approval of appliances; and

14 (iv) the cancellation of approval of appliances; and

98 New section 69 (2) (h) and (i)

16 *insert*

17 (h) consumer piping systems and gas appliances to promote the
18 efficient use or conservation of power and energy, or to limit
19 harm to the environment; and

20 (i) standards in relation to construction, installation, configuration,
21 maintenance, repair, service, replacement, inspection, testing,
22 labelling or disposal of consumer piping systems and gas
23 appliances (or parts of consumer piping systems or gas
24 appliances).

99 New section 69 (2A) and (2B)

2 *insert*

3 (2A) A regulation may apply, adopt or incorporate a law of another
4 jurisdiction or an instrument, or a provision of a law of another
5 jurisdiction or instrument, as in force at a particular time or from
6 time to time.

7 (2B) The [Legislation Act](#), section 47 (5) or (6) does not apply in relation
8 to the law of another jurisdiction or an instrument applied, adopted
9 or incorporated under a regulation.

10 *Note* Laws of another jurisdiction and instruments mentioned in s (2B) do not
11 need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do
12 not apply (see [Legislation Act](#), s 47 (7)).

100 Section 69 (3), penalty

14 *omit*

15 10 penalty units

16 *substitute*

17 60 penalty units

**101 Dictionary, definitions of *accredited*, *appliance* and
*appliance work***

20 *omit*

102 Dictionary, definition of *approved*

22 *substitute*

23 *approved*, for part 4 (Regulation of gas appliances)—see section 18.

1 **103 Dictionary, new definitions**

2 *insert*

3 *AS/NZS 1375* means AS/NZS 1375 (Industrial fuel-fired
4 appliances).

5 *AS/NZS 3814* means AS/NZS 3814 (Industrial and commercial
6 gas-fired appliances).

7 *AS/NZS 5601* means AS/NZS 5601 (Gas installations).

8 **104 Dictionary, definition of *certificate of compliance***

9 *substitute*

10 *certificate of compliance*—see section 9.

11 **105 Dictionary, definition of *compliance indicator***

12 *substitute*

13 *compliance indicator* means a plate or label for a gas appliance that
14 states the information about the gas appliance and its use.

15 **106 Dictionary, definition of *corresponding law***

16 *substitute*

17 *corresponding law*, for part 4 (Regulation of gas appliances)—see
18 section 18.

19 **107 Dictionary, new definitions**

20 *insert*

21 *gas appliance*—see section 6A.

22 *gas appliance worker*—see section 6D.

1 **108 Dictionary, definitions of *gasfitter* and *gasfitting work***

2 *substitute*

3 *gasfitter*—see section 6E.

4 *gasfitting work*—see section 6F.

5 **109 Dictionary, definition of *gas safety legislation***

6 *omit*

7 section 5

8 *substitute*

9 section 6G

10 **110 Dictionary, definition of *prohibited***

11 *omit*

12 **111 Dictionary, new definition of *relevant standard***

13 *insert*

14 *relevant standard*—see section 6H.

15 **112 Dictionary, definition of *responsible gasfitter***

16 *substitute*

17 *responsible gasfitter* means—

18 (a) if there is a gasfitter supervising the gasfitting work—the
19 supervising gasfitter; or

20 (b) in any other case—the gasfitter who does the gasfitting work.

113 Dictionary, definitions of *sell* and *trader*

1 *omit*

2 Regulation of appliances

3 *substitute*

4 Regulation of gas appliances

114 Dictionary, new definitions

5 *insert*

6 *type A gas appliance* means a gas appliance that is of a type
7 approved under a corresponding law and that is not a type B gas
8 appliance.

9 *type A gas appliance work*—see section 6B.

10 *type B gas appliance*—

11 (a) means a gas appliance that consumes gas at a rate of 10MJ/h or
12 more and—

13 (i) is not approved under a corresponding law; or

14 (ii) is approved under a corresponding law but the proposed
15 use of the appliance is outside of the use approved under
16 the corresponding law; and

17 (b) includes any components and fittings of that appliance
18 downstream of, and including, the appliance manual shut-off
19 valve.

20 *type B gas appliance work*—see section 6C.
21
22

Part 5 Gas Safety Regulation 2001

115 Offences against regulation—application of Criminal Code etc Section 4AA, note 1

substitute

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to the following offences against this regulation (see Code, pt 2.1):

- s 9 (1) (Testing gas appliance connection)
- s 17D (2) and (4) (Unsafe gas appliance)
- s 17E (1) (Interfering with defect tag)
- s 18GB (Offence—interfere with compliance indicator).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

116 New section 5

in division 2.1, insert

5 Application—div 2.1

This division does not apply to a gas appliance designed to be portable.

117 Testing gasfitting work on consumer piping system—Act, s 8 Section 6

omit

responsible

- 1 **118 Section 6 (a)**
- 2 *substitute*
- 3 (a) cap any gas appliance outlet from the system that does not
- 4 have a gas appliance connected to it; and
- 5 **119 Testing gas connection service**
- 6 **Section 7 (1)**
- 7 *before*
- 8 appliance
- 9 *insert*
- 10 gas
- 11 **120 Section 7 (2)**
- 12 *omit*
- 13 planning and land authority
- 14 *substitute*
- 15 construction occupations registrar
- 16 **121 Section 7 (2)**
- 17 *omit*
- 18 an appliance
- 19 *substitute*
- 20 a gas appliance

1 **122 Section 7 (2)**

2 *omit*

3 the authority

4 *substitute*

5 the registrar

6 **123 Section 7 (3)**

7 *omit*

8 the planning and land authority

9 *substitute*

10 the construction occupations registrar

11 **124 Section 9 heading**

12 *substitute*

13 **9 Testing gas appliance connection**

14 **125 Section 9 (1) and (2)**

15 *substitute*

16 (1) This section applies to a gasfitter who connects a gas appliance to a
17 gas outlet in a consumer piping system that is connected to a gas
18 distribution network.

19 (1A) The gasfitter must—

20 (a) ensure that the installation of the gas appliance complies with
21 the relevant standard and any relevant code; and

22 (b) inspect and test the gas appliance to ensure that—

23 (i) the appliance operates in accordance with the
24 manufacturer's instructions and specifications; and

1 (ii) the installation complies with any condition of an
2 exemption under subsection (2) or section 7 (2).

3 Maximum penalty: 10 penalty units.

4 (2) The construction occupations registrar may exempt a person from
5 subsection (1A) (a) if the registrar believes on reasonable grounds
6 that—

7 (a) compliance with the relevant standard and any relevant code
8 does not justify the cost of compliance; and

9 (b) the degree of safety reached in other ways is acceptable.

10 **126 Section 9 (3)**

11 *omit*

12 planning and land authority

13 *substitute*

14 construction occupations registrar

15 **127 Section 10 heading**

16 *substitute*

17 **10 Testing gas appliance disconnection etc**

18 **128 Section 10 (1) (a)**

19 *omit*

20 an appliance

21 *substitute*

22 a gas appliance

1 **129 Section 10 (1) (c)**

2 *omit*

3 another appliance

4 *substitute*

5 another gas appliance

6 **130 Section 10 (3)**

7 *omit*

8 person

9 *substitute*

10 responsible gasfitter

11 **131 Compliance indicators**
12 **Section 11**

13 *omit*

14 **132 Certificates of compliance**
15 **Section 12 (2)**

16 *substitute*

17 (2) A gasfitter who gives a certificate of compliance in relation to
18 gasfitting work must give a copy of the certificate to—

19 (a) the construction occupations registrar; and

20 (b) the owner of the gas distribution network.

21 Maximum penalty: 10 penalty units.

- 1 **133 Section 12 (4)**
- 2 *omit*
- 3 planning and land authority
- 4 *substitute*
- 5 construction occupations registrar
- 6 **134 Interfering with compliance indicators**
- 7 **Section 13**
- 8 *omit*
- 9 **135 Unsafe consumer piping system—Act, s 12**
- 10 **Section 15**
- 11 *omit*
- 12 section 12 (2), the responsible gasfitter
- 13 *substitute*
- 14 section 12 (c), the gasfitter
- 15 **136 Section 17 heading**
- 16 *substitute*
- 17 **17 Construction occupations registrar may direct testing of**
- 18 **consumer piping system**
- 19 **137 Section 17 (1) and (2)**
- 20 *omit*
- 21 planning and land authority
- 22 *substitute*
- 23 construction occupations registrar

1 **138** **Division 2.2 heading**

2 *substitute*

3 **Division 2.2** **Gas appliance work**

4 **139** **Accreditation to do appliance work**
5 **Section 17A**

6 *omit*

7 **140** **Sections 17B and 17C**

8 *substitute*

9 **17B** **Gas appliance worker to produce licence**

10 A gas appliance worker must produce his or her licence to undertake
11 gas appliance work if asked to do so by—

- 12 (a) an inspector; or
13 (b) the owner or occupier of premises where the gas appliance
14 worker is carrying out gas appliance work.

15 **17C** **Gas appliance work—testing**

16 (1) This section applies when a gas appliance worker completes work
17 on a gas appliance.

18 (2) The gas appliance worker must—

19 (a) for a type A gas appliance—inspect and test the appliance in
20 accordance with the relevant standard; and

21 *Note* **Relevant standard**—see the [Act](#), s 6H.

22 (b) for a type B gas appliance—inspect and test the appliance in
23 accordance with AS/NZS 3814, as in force from time to time.

24 *Note* **AS/NZS 3814**—see the [Act](#), s 6H.

- 1 (3) A gas appliance worker must keep, for at least 5 years, a record of
2 gas appliance work done by the worker including a record of—
3 (a) the gas appliance that work was carried out on; and
4 (b) the premises where the appliance is located; and
5 (c) when the work was completed.
- 6 (4) A gas appliance worker who keeps a record under subsection (3)
7 must not, without reasonable excuse, fail to produce the record if
8 asked to do so by an inspector.
- 9 (5) The [Legislation Act](#), section 47 (6) does not apply to AS/NZS 3814.
- 10 *Note* AS/NZS 3814 does not need to be notified under the [Legislation Act](#)
11 because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The
12 standard may be purchased at www.standards.org.au.

13 **141 Section 17D heading**

14 *substitute*

15 **17D Unsafe gas appliance**

16 **142 Section 17D (1)**

17 *omit*

18 an accredited appliance worker

19 *substitute*

20 a gas appliance worker

21 **143 Section 17D (1) (a)**

22 *omit*

23 an appliance

24 *substitute*

25 a gas appliance

1 **144 Section 17D (2)**

2 *omit*

3 appliance worker

4 *insert*

5 gas appliance worker

6 **145 Section 17D (2) (a)**

7 *omit*

8 the appliance

9 *substitute*

10 the gas appliance

11 **146 Section 17D (2) (c) (iv)**

12 *omit*

13 accreditation number

14 *substitute*

15 gas appliance worker licence number

16 **147 Section 17D (3) and (4)**

17 *substitute*

18 (3) A gas appliance worker complies with the requirements of
19 subsection (2) (a) if the gas appliance worker engages a qualified
20 person to undertake necessary work for which the gas appliance
21 worker is not qualified under the gas safety legislation or the
22 *Electricity Safety Act 1971*.

1 (4) A gas appliance worker commits an offence if the worker fails to
2 give the owner or occupier of the premises written notice of the
3 unsafe gas appliance.

4 Maximum penalty: 10 penalty units.

5 (4A) A notice under subsection (4) must—

6 (a) identify the unsafe gas appliance and its location; and

7 (b) state the date when the notice is given; and

8 (c) set out the reason for the isolation of the appliance and the
9 action necessary to make it safe; and

10 (d) state the name, gas appliance worker licence number and
11 telephone number of the gas appliance worker.

12 **148 Section 17D (5)**

13 *omit*

14 appliance worker

15 *substitute*

16 gas appliance worker

17 **149 Section 17D (6) and (7)**

18 *substitute*

19 (6) A gas appliance worker who gives a notice under subsection (4)
20 must keep, for at least 5 years, a record of the notice including a
21 record of—

22 (a) the unsafe gas appliance; and

23 (b) the premises where the appliance is located; and

24 (c) when the notice was given.

- 1 (7) A gas appliance worker who keeps a record under subsection (6)
2 must produce the record if asked to do so by an inspector.

3 **150 Interfering with defect tag**
4 **Section 17E**

- 5 *before*
6 appliance
7 *insert*
8 gas

9 **151 Part 3 heading**

- 10 *substitute*

11 **Part 3 Use of consumer piping systems**
12 **and gas appliances**

13 **152 Consumer piping system not to be used unless certified**
14 **safe**
15 **Section 18 (2) (a)**

- 16 *substitute*
17 (a) a compliance plate is attached; or

18 **153 Section 18 (3)**

- 19 *omit*
20 responsible

1 **154 New section 18 (4)**

2 *insert*

3 (4) In this section:

4 *compliance plate* means a thing fixed in a conspicuous place to a
5 permanent structure near a meter through which gas is conveyed to
6 the consumer piping system in accordance with the regulation,
7 section 11 as in force immediately before the commencement of the
8 *Gas Safety Legislation Amendment Act 2014*.

9 **155 Part 3A heading**

10 *substitute*

11 **Part 3A Regulation of gas appliances**

12 **156 Sections 18B and 18C**

13 *omit*

14 **157 Sections 18D to 18H**

15 *substitute*

16 **18D Application for approval of type B gas appliance—**
17 **Act, s 21**

18 (1) An application for approval of a type B gas appliance must—

19 (a) be in writing; and

20 (b) state how the appliance will comply with AS/NZS 1375 and
21 AS/NZS 3814, as in force from time to time; and

22 *Note AS/NZS 1375 and AS/NZS 3814—see the Act, s 6H.*

23 (c) include any plans, specifications, operating requirements and
24 other information stated in AS/NZS 3814, Appendix A, as in
25 force from time to time; and

- 1 (d) state the person who is responsible for any gasfitting and gas
2 appliance work related to the gas appliance; and
- 3 (e) be given to the construction occupations registrar before the
4 gas appliance is commissioned and operated.
- 5 *Note* A fee may be determined under the [Act](#), s 67 for this provision.
- 6 (2) The [Legislation Act](#), section 47 (6) does not apply to AS/NZS 1375
7 or AS/NZS 3814.
- 8 *Note* AS/NZS 1375 and AS/NZS 3814 do not need to be notified under the
9 [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#),
10 s 47 (7)). The standards may be purchased at www.standards.org.au.

11 **18E Decision of construction occupations registrar**

- 12 (1) The construction occupations registrar must, within 20 working days
13 after receiving an application under section 18D—
- 14 (a) approve the commissioning of the appliance (with or without
15 conditions); or
- 16 **Examples—conditions**
- 17 1 that a compliance indicator is attached to the gas appliance
- 18 2 that the gas appliance be inspected by a gas inspector before it is
19 commissioned
- 20 3 that a specific test be carried out on the gas appliance before it is
21 commissioned
- 22 *Note* An example is part of the regulation, is not exhaustive and may
23 extend, but does not limit, the meaning of the provision in which
24 it appears (see [Legislation Act](#), s 126 and s 132).
- 25 (b) refuse to approve the application; or
- 26 (c) extend the time for giving approval for commissioning of the
27 appliance.
- 28 (2) The construction occupations registrar may request the applicant to
29 provide further information if the registrar considers it necessary to
30 decide the application.

- 1 (3) The construction occupations registrar must, as soon as
2 practicable—
- 3 (a) tell the applicant in writing of the decision under
4 subsection (1); and
- 5 (b) if the application is refused or the time for giving approval
6 extended—give reasons for the decision.

7 **18F Prescribed circumstances for unapproved gas**
8 **appliances—Act, s 23 (4)**

9 The [Act](#), section 23 does not apply in the following circumstances:

- 10 (a) the connection of a gas appliance to a consumer piping system
11 or its use, in accordance with approval for commissioning,
12 under section 18E;
- 13 (b) the connection of a gas appliance to a consumer piping system,
14 or its use, with the construction occupations registrar's
15 approval, for product testing, product development or
16 experimental purposes;
- 17 (c) the sale, for scrap material, of a gas appliance that has been
18 disabled for the use of gas.

19 **18G Compliance indicator—type A gas appliance—Act, s 25**

20 A compliance indicator for a type A gas appliance must include the
21 following information:

- 22 (a) the manufacturer;
- 23 (b) the model name or number;
- 24 (c) the serial number;
- 25 (d) the type of gas the appliance must use;
- 26 (e) the maximum gas pressure level at which the appliance safely
27 operates calculated in accordance with the relevant standard;

- 1 (f) the maximum gas consumption of the appliance as defined in
2 the relevant standard expressed in MJ/h;
- 3 (g) the gas injector size needed for the safe and effective operation
4 of the appliance expressed in mm.

5 *Note* **Relevant standard**—see the [Act](#), s 6H.

6 **18GA Compliance indicator—type B gas appliance—Act, s 25**

7 A compliance indicator for a type B gas appliance must be of
8 durable material and be legibly and permanently marked with the
9 following information:

- 10 (a) a description of the appliance;
- 11 (b) the name and licence number of the gas appliance worker or
12 gasfitter who connects the appliance to the consumer piping
13 system;
- 14 (c) the name of the commissioning agent;
- 15 (d) the name and licence number of the gas appliance worker who
16 carried out the commissioning;
- 17 (e) the date of approval;
- 18 (f) the approval number;
- 19 (g) the following information expressed in kPa:
- 20 (i) the designed inlet pressure;
- 21 (ii) the maximum inlet pressure;
- 22 (iii) the outlet pressure;
- 23 (iv) the over pressure protection limit;
- 24 (v) the over pressure set point;

1 (vi) the high gas pressure switch (HGPS) setting.

2 *Note 1* If a compliance indicator is approved under s 19A (Approved
3 compliance indicator) for this section, the approved indicator must be
4 used.

5 *Note 2* There is a penalty for attaching a compliance indicator to an appliance
6 that is not approved (see [Act](#), s 26 (2)).

7 *Note 3* There is a penalty for attaching to an appliance anything that falsely
8 purports to be a compliance indicator (see [Act](#), s 26 (3)).

9 **18GB Offence—interfere with compliance indicator**

10 A person commits an offence if the person removes, alters, damages
11 or defaces a compliance indicator attached to a gas appliance.

12 Maximum penalty: 10 penalty units.

13 **18H Prescribed circumstances for prohibited gas**
14 **appliances—Act, s 28 (4)**

15 The [Act](#), section 28 does not apply in the following circumstances:

16 (a) the connection of a gas appliance to a consumer piping system,
17 or its use, with the construction occupations registrar's
18 approval, for product testing, product development or
19 experimental purposes;

20 (b) the sale, for scrap material, of a gas appliance that has been
21 disabled for the use of gas.

22 **158 Sections 19 and 19A**

23 *omit*

24 planning and land authority

25 *substitute*

26 construction occupations registrar

1	159	Section 20A
2		<i>substitute</i>
3	20A	Reviewable decisions—Act, s 64A, def <i>reviewable</i>
4		<i>decision</i>
5		A decision mentioned in schedule 1, part 1.1 under a provision
6		mentioned in column 2 in relation to the decision is prescribed.
7	160	Reviewable decisions—Act and regulation
8		Schedule 1, part 1.1 heading
9		<i>omit</i>
10	161	Schedule 1, part 1.1, items 1 and 2
11		<i>omit</i>
12	162	Schedule 1, part 1.1, item 3, column 3
13		<i>before</i>
14		appliances
15		<i>insert</i>
16		gas
17	163	Schedule 1, part 1.1, item 6, column 4
18		<i>omit</i>
19		accredited person
20		<i>substitute</i>
21		gas appliance worker

- 1 **164** **Schedule 1, part 1.1, items 11 to 13, column 3**
- 2 *before*
- 3 *appliance*
- 4 *insert*
- 5 *gas*
- 6 **165** **Reviewable decisions—code approved under s 17A**
- 7 **Schedule 1, part 1.2**
- 8 *omit*
- 9 **166** **Dictionary, note 3**
- 10 *insert*
- 11
 - compliance indicator
- 12
 - gas appliance (s 6A)
- 13 **167** **Dictionary**
- 14 *omit the definitions of*
- 15 *appliance*
- 16 *AS/NZS 5601*
- 17 *Australian Gas Association*
- 18 *certificate of accreditation*
- 19 **168** **Dictionary, definitions of type A appliance and type B**
- 20 **appliance**
- 21 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 June 2014.

2 Notification

Notified under the [Legislation Act](#) on 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2014