

**2002
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**GAS SAFETY ACT 2000
GAS SAFETY REGULATIONS AMENDMENT 2002 (NO.1)**

EXPLANATORY STATEMENT

SL2002-30

Circulated by authority of
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OUTLINE

The Gas Safety Regulations Amendment 2002 amends the *Gas Safety Regulations 2001*. These amending regulations help to complete the legislative scheme governing the use of natural gas, deal with the safety of gas appliances and appliance work and give effect to the provisions of Division 2.2 and Part 4 of the Act.

The new regulations cover three main topics. These are:

- procedures and standards for safe work on gas appliances;
- approval procedures and requirements for gas appliances, whether the appliances are domestic, commercial or industrial; and
- an accreditation scheme for gas appliance workers.

The details of the accreditation scheme will appear in a code made under the regulations and approved by the Chief Executive.

For the approval of gas appliances, the Regulations adopt the standards of the certification scheme conducted by the Australian Gas Association. Those standards are well accepted inside and beyond Australia.

The accreditation code must include qualifications and practical experience. Accreditation and training schemes, both within and outside the ACT, have been identified and developed to ensure that applicants are comprehensively assessed. Training will be available for applicants who do not fully meet the accreditation criteria.

The introduction of the accreditation scheme is the final step in the implementation of a comprehensive gas safety regime in the ACT. It will provide consumers with increased confidence that the people who undertake work on both domestic and commercial gas appliances are fully competent to perform the work. It also provides the administration with a comprehensive system that ensures gas appliance workers are accountable for the work they undertake, and that those not qualified or failing to maintain acceptable work standards, will no longer be able to work on gas appliances.

LEGISLATIVE BACKGROUND

The Amendment is made pursuant to the following sections of the Act.

Section 5 of the Act provides that the meaning of *gas safety legislation* includes regulations under the Act.

Section 20 of the Act provides that the regulations may declare appliances of a stated kind to be approved.

Section 21 of the Act provides that the chief executive may approve appliances of a stated kind if satisfied that:

- the relevant examinations and tests required under the gas safety legislation have been done; and
- appliances of that kind comply with the relevant requirements of the gas safety legislation.

Subsection 24(4) provides that unapproved appliances may be sold, connected or used only in circumstances prescribed under the regulations.

Subsection 25(1) provides that an appliance can be sold only if a compliance indicator is attached to the appliance in accordance with the regulations.

Subsection 28(4) provides that prohibited appliances may be sold, connected or used only in circumstances prescribed under the regulations.

Section 72 of the Act provides that regulations may be made in relation to:

- the construction, installation or positioning of consumer piping systems or appliances; and
- the safety of people who own, or are likely to be near, a consumer piping system or an appliance; and
- the doing, inspecting and testing of gasfitting work or appliance work, including requirements for related notices; and
- compliance indicators, including their attachment to consumer piping systems or appliances and their removal; and
- certificates of compliance, including their provision and safekeeping; and
- the accreditation of people for appliance work, including -
 - the qualifications and practical experience required for accreditation; and
 - the imposition of conditions on accreditation; and
 - the duration and renewal of accreditation; and
 - the suspension or cancellation of accreditation.

In the Dictionary of the Act, the meaning of *gasfitting work* includes work declared under the regulations to be gasfitting work.

OUTLINE OF THE NEW PROVISIONS

The overall aim of the new provisions is to facilitate the implementation of Division 2.2 and Part 4 of the Act.

The new provisions prescribe certain matters required under Division 2.2 and Part 4 of the Act. Such matters include:

- declaration of appliance approval by regulations; and
- examination, tests and requirements for appliance approval by the chief executive; and
- circumstances under which unapproved and prohibited appliances may be sold and used; and
- issuance and attachment requirements of appliance compliance indicators.

The new provisions establish the responsibilities for person doing or supervising gas appliance work. These responsibilities include conforming to industry standards, safety procedures, testing for defects and procedures in handling unsafe appliances.

The new provisions provide that the chief executive must approve a gas appliance accreditation code.

REVENUE / COST IMPLICATIONS

The Amendment reflects the gas appliance safety procedures and standards that have been widely adopted and practiced by the industry in the ACT and Australia as a whole, and as a consequence has no significant revenue / cost implications.

DETAILED NOTES

Amending Regulation 1 specifies the name of the amending regulations.

Amending Regulation 2 provides that the Amendment Regulations will commence on 1 January 2003.

Amending Regulation 3 identifies the regulations being amended as the Gas Safety Regulations 2001.

Amending Regulation 4 inserts a **new Regulation 4A** that explains how references to Australian Gas Association standards and codes and represented in the regulations.

Amending Regulation 5 inserts the new heading "Division 2.1 Gasfitting work".

Amending Regulation 6 inserts the **new Regulation 4B** that specifies the installation of a flue for a type A appliance is declared to be gasfitting work.

Amending Regulations 7, 8 and 12 rectify minor referencing errors in the existing regulations.

Amending Regulation 9 and 13 amends the existing regulation 7(1)(b) and 9(1)(b) by specifying that the responsible gasfitter must ensure that the installation complies with any condition of any exemption that has been given under subregulation 7(2) or 9(2) respectively.

Amending Regulations 10, and 14, establish an exemption mechanism under which an appliance can be exempt from complying with the relevant codes if the chief executive believes, on reasonable grounds, that compliance does not warrant the cost involved and the degree of safety is acceptable.

Amending Regulation 11 omits Regulation 8 because the commencement of Section 24(2) of the Act has the same effect.

Amending Regulation 15 amends **existing subregulation 15(2)** by requiring that a gasfitter must in addition to advising the owner or occupier of premises, give notice to an inspector of an unsafe system and the action necessary to make it safe.

Amending regulation 16 requires that a gasfitter must keep a record of notification for 5 years instead of the current 2 year requirement under subregulation 15(3).

Amending Regulation 17 inserts the new “Division 2.2 Appliance work” that includes the following new Regulations:

- **New Regulation 17A** provides for a new gas appliance worker accreditation scheme is to be introduced in a code that is to be approved by the chief executive.
- **New Regulation 17B** requires an accredited appliance worker to produce their certificate of accreditation if requested to do so by an inspector or the owner or occupier of the premises where the appliance work is being undertaken.
- **New Regulation 17C** establishes that the accredited appliance worker must inspect and test the appliance immediately after completing an appliance work. A record of the work undertaken must be kept for at least 5 years.
- **New Regulation 17D** establishes that, upon discovering that an appliance is unsafe, the accredited appliance worker must isolate and if necessary disconnect the appliance and attach a defect tag to indicate that the appliance is unsafe. The accredited appliance worker must also give notice to the owner or occupier of the premise and advise an inspector. The accredited appliance worker must also keep a record of the work undertaken for a period of 5 years.
- **New Regulation 17E** stipulates that a defect tag must not be interfered with except to be removed by the person who affixed it or by an inspector if they believe that the system is safe.

Amending Regulation 18 inserts the new “Part 3A Regulation of appliances” that includes the following new Regulations:

- **New Regulation 18A** provides that the notifiable instrument requirement (ss47(2) and (3) of the Legislation Act 2001) does not apply to instruments applied by the new Part 3A. The reason is that the *Australian Gas Association Directory* and *Australian Gas Association Standards* are readily available in the ACT and Australia.
- **New Regulation 18B** declares appliances listed in the *Australian Gas Association Directory of Certified Gas Appliances and Components* and appliances approved under the existing gas regulatory regime to be approved appliances. Other approved appliances are those approved under the Australian Gas Association Second Tier Appliance Scheme (Individual Compliance Approval) prior to 20 December 2001, and type B appliances approved under AG501 prior to 20 December 2001.
- **New Regulation 18C** prescribes that the relevant examinations, tests and requirements for approval of type A appliances by the chief executive are those prescribed by a certification scheme under an Australian Gas Association code. The chief executive may also specify other examinations, test and requirements.

- **New Regulation 18D** prescribes that the relevant examinations, tests and requirements for approval of type B appliances by the chief executive are those prescribed by Australian Gas Association Standard AG501. The chief executive may also specify other examinations, test and requirements.
- **New Regulation 18E** outlines the requirements and process for an application for approval of a type B appliance.
- **New Regulation 18F** prescribes circumstances under which unapproved appliances can be used, connected or sold.
- **New Regulation 18G** provides the issuance and attachment requirements of appliance compliance indicators.
- **New Regulation 18H** prescribes circumstances under which prohibited appliances can be used, connected or sold.

Amending Regulation 19 inserts the **new Regulation 19A** that the chief may approve appliance compliance indicators for the regulations, and, if he or she does so the approved indicators must be used for those purposes.

Amending Regulation 20 inserts the new **Regulations 20A** and **20B** that specifies the decisions made under the Regulations and Code that are reviewable decisions to the Administrative Appeals Tribunal and the notification requirements for decisions.

Amending Regulations 21, 22, 23 and **24** insert new definitions of Australian Gas Association, certificate of accreditation, defect tag, type A and B appliances to the Dictionary.