



Australian Capital Territory

Gas Safety Amendment Regulations 2002 (No 1)

Subordinate Law SL2002-30

The Australian Capital Territory Executive makes the following regulations under the *Gas Safety Act 2000*.

Dated 25 October 2002.

SIMON CORBELL
Minister

BILL WOOD
Minister



Australian Capital Territory

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made under the

Gas Safety Act 2000

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1 Name of regulations

These regulations are the *Gas Safety Amendment Regulations 2002 (No 1)*.

2 Commencement

These regulations commence on 1 January 2003.

Note The provisions of regulations providing for the name and commencement automatically commence on the notification day (see *Legislation Act 2000*, s 75).

3 Regulations amended

These regulations amend the *Gas Safety Regulations 2001*.

4 New regulation 4A

insert

4A References to Australian Gas Association standards and codes

In these regulations, a reference consisting of the letters ‘AG’ followed by a number is a reference to the standard or code so numbered, published by or on behalf of the Australian Gas Association.

5 New division 2.1, heading

insert

Division 2.1 Gasfitting work

6 New regulation 4B

insert before regulation 5

4B Work declared to be gasfitting work—Act, dict, definition of *gasfitting work*, par (c)

The installation of a flue for a type A appliance is gasfitting work.

7 Regulation 7

omit

A person

insert

(1) A person

8 Regulation 7, note

omit

s 69

substitute

s 65

9 Regulation 7 (1) (b)

substitute

(b) inspect and test each appliance connected to the system to ensure that it operates in accordance with the manufacturer's instructions and specifications and that its installation complies with any condition of an exemption under subregulation (2) or regulation 9 (2).

10 New regulations 7 (2) to (4)

insert

- (2) The chief executive may exempt a person from the application of subregulation (1) (a) to the installation of an appliance if the chief executive believes on reasonable grounds that—
 - (a) compliance with the relevant codes does not justify the cost of compliance; and
 - (b) the degree of safety reached in other ways is acceptable.
- (3) The chief executive must give the person written notice of the exemption.
- (4) An exemption under this regulation is subject to any condition stated in the exemption.

11 Regulation 8

omit

12 Regulation 9

omit

Immediately

insert

- (1) Immediately

13 Regulation 9 (1) (b)

substitute

- (b) inspect and test the appliance to ensure that it operates in accordance with the manufacturer's instructions and specifications and that its installation complies with any condition of an exemption under subregulation (2) or regulation 7 (2).

14 New regulations 9 (2) to (4)

insert

- (2) The chief executive may exempt a person from the application of subregulation (1) (a) to the installation of an appliance if the chief executive believes on reasonable grounds that—
 - (a) compliance with the relevant codes does not justify the cost of compliance; and
 - (b) the degree of safety reached in other ways is acceptable.
- (3) The chief executive must give the person written notice of the exemption.
- (4) An exemption under this regulation is subject to any condition stated in the exemption.

15 Regulation 15 (2)

omit

premises.

substitute

premises and to an inspector.

16 Regulation 15 (3)

omit

2 years

substitute

5 years

17 New division 2.2*insert***Division 2.2 Appliance work****17A Accreditation to do appliance work**

- (1) The chief executive must approve a code in relation to the accreditation of people to do appliance work.

Note A person must not do appliance work of a particular kind unless accredited to do work of that kind (see the Act, s 13).

- (2) The code may make provision in relation to accreditation, including provision for—
- (a) the qualifications and practical experience required for accreditation; and
 - (b) the imposition of conditions on accreditation; and
 - (c) the duration and renewal of accreditation; and
 - (d) the suspension or cancellation of accreditation.
- (3) A code approved under subregulation (1) is a disallowable instrument.

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

- (4) The chief executive must keep a register of people accredited to do appliance work.
- (5) The register must contain the following details in relation to each person accredited to do appliance work—
- (a) the type of appliance work the person is accredited to do;
 - (b) the period of the person's accreditation;
 - (c) any conditions imposed on the person's accreditation.

- (6) The chief executive must make a copy of the register available for public inspection during ordinary office hours at the office of the chief executive and at any other place decided by the chief executive.

17B Certificate of accreditation

- (1) An accredited appliance worker must not, without reasonable excuse, fail to produce his or her certificate of accreditation if asked to do so by—
 - (a) an inspector; or
 - (b) the owner or occupier of premises where the appliance worker is carrying out appliance work.
- (2) If a person's accreditation is suspended or cancelled, the person must not, without reasonable excuse, fail to return his or her certificate of accreditation to the chief executive within 7 days after the day when the suspension or cancellation takes effect.
- (3) After the end of a period of suspension of a person's accreditation, the chief executive must, on request, return the person's certificate of accreditation unless—
 - (a) the accreditation has been earlier cancelled or is further suspended; or
 - (b) the period of accreditation has ended.

17C Appliance work—testing

- (1) Immediately after completing appliance work, an accredited appliance worker must—
 - (a) inspect and test the appliance; and
 - (b) ensure that the appliance operates in accordance with the manufacturer's instructions and specifications.

- (2) An accredited appliance worker must keep, for at least 5 years, a record of appliance work done sufficient to identify the appliance worked on, the premises where the appliance is located and when the work was completed.
- (3) An accredited appliance worker who keeps a record under subregulation (2) must not, without reasonable excuse, fail to produce the record if asked to do so by an inspector.

17D Unsafe appliance

- (1) This regulation applies if an accredited appliance worker—
 - (a) inspects and tests an appliance under regulation 17C or at the request of the owner or occupier of the premises where the appliance is located; and
 - (b) believes on reasonable grounds the appliance is unsafe.
- (2) The appliance worker must immediately—
 - (a) isolate the appliance from gas and electricity supplies; and
 - (b) if necessary, disconnect the appliance from the consumer piping system or the electricity supply; and
 - (c) securely attach, in a conspicuous place on the appliance, a defect tag that—
 - (i) indicates that the appliance is unsafe and should not be operated; and

Example

“danger, do not operate”

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 2001*, s 126 and s 132).

- (i) indicates that the appliance has been isolated or disconnected; and
- (ii) states the reason for the isolation or disconnection; and

- (iii) states the name, accreditation number and telephone number of the appliance worker.

Maximum penalty: 10 penalty units.

Note If a defect tag is approved under reg 19 (Approved defect tags) for this regulation, the tag must be used.

- (3) An appliance worker meets the requirements of subregulation (2) (a) if the appliance worker engages a qualified person to undertake necessary work for which the appliance worker is not qualified under the Act or the *Electricity Safety Act 1971*.
- (4) The appliance worker must give the owner or occupier of the premises written notice of the unsafe appliance—
 - (a) identifying the appliance and its location; and
 - (b) stating the date when the notice is given; and
 - (c) setting out the reason for the isolation of the appliance and the action necessary to make it safe; and
 - (d) stating the name, accreditation number and telephone number of the appliance worker.

Maximum penalty: 10 penalty units.

- (5) The appliance worker must also tell an inspector about the unsafe appliance and the action taken under subregulation (2).
- (6) An appliance worker who gives a notice under subregulation (4) must keep, for at least 5 years, a record of the notice sufficient to identify the unsafe appliance, the premises where the appliance is located and when the notice was given.
- (7) An appliance worker who keeps a record under subregulation (5) must not, without reasonable excuse, fail to produce the record if asked to do so by an inspector.

17E Interfering with defect tag

- (1) A person must not, without reasonable excuse, remove, alter, damage or deface a defect tag attached to an appliance.

Maximum penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to the removal of a defect tag by the person who attached it to the appliance, or by an inspector, if the person or the inspector believes on reasonable grounds that the appliance is safe.
- (3) An inspector who removes a defect tag under subregulation (2) must, as soon as practicable, tell the person who attached the tag about the removal.

- (4) In this regulation:

defect tag includes an approved tag attached to an appliance under the repealed Gas Supply Regulations, regulation 14 (2).

18 New part 3A

insert

Part 3A Regulation of appliances

18A Instruments applied by pt 3A

- (1) The *Legislation Act 2001*, section 47 (2) and (3) do not apply to an instrument applied by this part.

Note The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the *Legislation Act 2001*, s 47 (5) or (6) is not disapplied (see s 47 (7)).

- (2) In this part:

applied includes adopted or incorporated.

18B Appliances declared to be approved—Act, s 20 (1)

The following kinds of appliances are approved:

- (a) an appliance listed in the *Australian Gas Association Directory of Certified Gas Appliances and Components*, as in force from time to time;
- (b) an appliance approved under the Australian Gas Association Second Tier Appliance Scheme (Individual Compliance Approval) before 20 December 2001 that meets the requirements of that scheme as in force when the appliance was approved;
- (c) a type B appliance approved under the procedures for the approval of industrial and commercial appliances set out in the Australian Gas Association Standard 501 (Australian Standard 3814) before 20 December 2001 that meets the requirements of that standard as in force when the appliance was approved.

18C Approval by chief executive, type A appliance—Act, s 21

- (1) For the Act, section 21 (1) (a), the relevant examinations and tests for a type A appliance are—
 - (a) for an appliance to which a certification scheme under an Australian Gas Association code applies—the examinations and tests required by the scheme; and
 - (b) any other examinations and tests stated by the chief executive in a written notice given to the applicant.
- (2) For the Act, section 21 (1) (b), the relevant requirements for a type A appliance are—
 - (a) for an appliance to which a certification scheme under an Australian Gas Association code applies—the approval requirements of the scheme; and
 - (b) any other requirements stated by the chief executive in a written notice given to the applicant.

18D Approval by chief executive, type B appliance—Act, s 21

- (1) For the Act, section 21 (1) (a), the relevant examinations and tests for a type B appliance are—
 - (a) the examinations and tests set out in the Australian Gas Association Standard AG 501 (Australian Standard 3814); and
 - (b) any other examinations and tests stated by the chief executive in a written notice given to the applicant.
- (2) For the Act, section 21 (1) (b), the relevant requirements for a type B appliance are—
 - (a) the requirements for approval of industrial and commercial appliances set out in the Australian Gas Association Standard AG 501 (Australian Standard 3814); and
 - (b) any other requirements stated by the chief executive in a written notice given to the applicant.

18E Application for approval of type B appliance

- (1) An application under the Act, section 22 for approval of a type B appliance must be given to the chief executive before the appliance is installed.
- (2) The application must comply with the procedures for the approval of industrial and commercial appliances set out in the Australian Gas Association Standard AG 501 (Australian Standard 3814), Appendix B, to the extent that they are not inconsistent with this regulation.

- (3) The chief executive must, within 20 days after receiving an application—
- (a) approve the commissioning of the appliance (with or without conditions); or
- Example**
It may be a condition of commissioning that the appliance be operated only in the presence of an accredited appliance worker.
- 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 2001*, s 126 and s 132).
- (b) refuse to approve the application; or
 - (c) extend the time for giving approval for commissioning of the appliance.
- (4) The chief executive must, as soon as practicable—
- (a) tell the applicant in writing of the decision under subregulation (3); and
 - (b) if the application is refused or the time for giving approval extended—give reasons for the decision.

18F Prescribed circumstances for unapproved appliances—Act, s 24 (4)

The Act, section 24 does not apply in the following circumstances:

- (a) the connection of an appliance to a consumer piping system or its use, in accordance with approval for commissioning, under regulation 18E;
- (b) the connection of an appliance to a consumer piping system, or its use, with the chief executive's approval, for product testing, product development or experimental purposes;
- (c) the sale, for scrap material, of an appliance that has been disabled for the use of gas.

18G Compliance indicators—Act, s 25

- (1) A compliance indicator must be attached in a conspicuous place to an appliance declared to be approved under regulation 18B.
- (2) If an appliance is approved by the chief executive under the Act, section 20, the applicant for approval must attach a compliance indicator to the appliance, in a conspicuous place, as soon as practicable after it is approved.
- (3) For this regulation, a compliance indicator for a type B appliance must be of durable material and contain at least the following information:
 - (a) a description of the appliance;
 - (b) the name and licence number of the gasfitter who connects the appliance to the consumer piping system;
 - (c) the name of the commissioning agent;
 - (d) the name and accreditation number of the accredited appliance worker who carries out the commissioning;
 - (e) the date of approval;
 - (f) the approval number;
 - (g) the following information expressed in kPa:
 - (i) the designed inlet pressure;
 - (ii) the maximum inlet pressure;
 - (iii) the outlet pressure;
 - (iv) the over pressure protection limit;
 - (v) the over pressure set point;

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

Note 1 If a compliance indicator is approved under reg 19A (Approved compliance indicator) for this regulation, the approved indicator must be used.

Note 2 There is a penalty for attaching a compliance indicator to an appliance that is not approved (see the Act, s 26 (2)).

Note 3 There is a penalty for attaching to an appliance anything that falsely purports to be a compliance indicator (see the Act, s 26 (3)).

(4) A person must not, without reasonable excuse, remove, alter, damage or deface a compliance indicator attached to an appliance.

Maximum penalty: 10 penalty units.

18H Prescribed circumstances for prohibited appliances—Act, s 28 (4)

The Act, section 28 does not apply in the following circumstances:

- (a) the connection of an appliance to a consumer piping system, or its use, with the chief executive's approval, for product testing, product development or experimental purposes;
- (b) the sale, for scrap material, of an appliance that has been disabled for the use of gas.

19 New regulation 19A

insert

19A Approved compliance indicator

- (1) The chief executive may approve compliance indicators for these regulations.
- (2) If the chief executive approves a compliance indicator for a purpose, the compliance indicator must be used for that purpose.

20 New regulations 20A and 20B*insert***20A Review of decisions**

- (1) Application may be made to the administrative appeals tribunal for review of the following decisions:
 - (a) refusing to exempt a person under regulation 7 (2) (Testing gas connection service);
 - (b) exempting a person under regulation 7 (2) subject to a condition;
 - (c) refusing to exempt a person under regulation 9 (2) (Testing appliance connection);
 - (d) exempting a person under regulation 9 (2) subject to a condition;
 - (e) refusing to approve an appliance for commissioning under regulation 18E (Application for approval of type B appliance);
 - (f) refusing to approve the connection of an appliance, or its use, for product testing, product development or experimental purposes under regulation 18F (Prescribed circumstances for unapproved appliances—Act, s 24 (4));
 - (g) refusing to approve the connection of an appliance, or its use, for product testing, product development or experimental purposes under regulation 18H (Prescribed circumstances for prohibited appliances—Act, s 28 (4)).
- (2) Application may be made to the administrative appeals tribunal for review of a decision under a code approved for regulation 17A (1)—
 - (a) refusing to accredit a person to do appliance work; or
 - (b) imposing a condition on a person's accreditation; or
 - (c) refusing to renew a person's accreditation; or

- (d) suspending a person's accreditation; or
- (e) cancelling a person's accreditation.

20B Notification of decisions

- (1) A person who makes a decision mentioned in regulation 20A must give written notice of the decision to the person affected by the decision.
- (2) A notice under subregulation (1) must be in accordance with the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

21 Dictionary, new definition of *Australian Gas Association*

insert

Australian Gas Association means the company named The Australian Gas Association (ACN 004206044).

22 Dictionary, new definition of *certificate of accreditation*

insert

certificate of accreditation means a certificate of accreditation under the accreditation code approved under regulation 17A.

23 Dictionary, definition of *defect tag*

substitute

defect tag—

- (a) in relation to a consumer piping system—see regulation 15 (1);
- (b) in relation to an appliance—see regulation 17D.

24 Dictionary, new definitions of *type A appliance* and *type B appliance*

insert

type A appliance—see Australian Gas Association Standard AG 601 (Australian Standard 5601).

type B appliance—see Australian Gas Association Standard AG 601 (Australian Standard 5601).

Endnotes

Republications of amended laws

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

Notification

- 2 Notified under the *Legislation Act 2001* on 29 October 2002.

Penalty units

- 3 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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