Western Australia

Gas Standards (Infringement Notices) Regulations 2007

Compare between:

[20 Mar 2007, 00-a0-04] and [10 Oct 2007, 00-b0-04]

Western Australia

Gas Standards Act 1972  
Criminal Procedure Act 2004

Gas Standards (Infringement Notices) Regulations 2007

##### 1. Citation

These regulations are the *Gas Standards (Infringement Notices) Regulations 2007*.

##### 2. Prescribed offences and modified penalties

(1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.

(2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

##### 3. Authorised officers and approved officers

(1) The Director may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes the *Criminal Procedure Act 2004* Part 2.

(2) The Director is to issue to each authorised officer a certificate of his or her appointment.

##### 4. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

| **Offences under *Gas Standards Act 1972*** | | **Modified penalty** |
| --- | --- | --- |
| s. 12(4), 14 | Failing to assist inspector in removing an item of equipment .................................................................... | $400 |
| s. 13(1) | Commencing to supply gas to consumer gas installation that does not comply with prescribed requirements .................................................................... | $400 |
| s. 13D | Selling or hiring, or advertising for sale or hire, gas appliance that —  (a) is not approved; or  (b) is not marked, stamped or labelled in approved manner ..................................................................... | $400 |
| s. 13H(4) | Failing to comply with order prohibiting, or imposing conditions or restrictions on, sale, hire or use of appliance or component .................................................. | $400 |

| **Offences under *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999***  [Failure to comply with these regulations is an offence under s. 14 of the Act.] | | **Modified penalty** |
| --- | --- | --- |
| r. 18(2)(a) | Failing to ensure gas installation complied with prescribed requirements and is safe to use ................. | $400 |
| r. 19(b) | Performing work outside scope of gas fitter’s authorisation .................................................................... | $400 |
| r. 20(1)(b) | Installing appliance, apparatus or part contrary to manufacturer’s instructions ............................................. | $400 |
| r. 20(3) | Failing to endorse note as to safe operation on notice of completion for used appliance .................................... | $400 |
| r. 20(4a) | Modifying appliance without approval ........................... | $400 |
| r. 22 | Leaving Type B appliance permanently connected without certificate of compliance .................................... | $400 |
| r. 23 | Failing to record service information in required manner ............................................................................. | $400 |
| r. 26(1)(a) | Failing to ensure gas installation system is gas‑tight ...... | $400 |
| r. 28(2) | Failing to attach approved badge or label on completion of work .......................................................................... | $400 |
| r. 28(3) | Failing to give notice of completion of gasfitting work within required time ........................................................ | $400 |
| r. 30 | Failing to rectify defects and give notice of rectification within required time .................................... | $400 |
| r. 34(1) | Failing to keep records of employed gas fitters in required manner .............................................................. | $250 |
| r. 34(3) | Failing to keep records for required time ........................ | $250 |
| r. 34(4) | Failing to make records available for inspection ............ | $250 |
| r. 35(1) | Supplying gas to Type A appliance without notice of completion .................................................................. | $400 |
| r. 36(1) | Using Type B appliance without certificate of compliance ...........................................................……... | $400 |
| r. 39 | Marking, stamping or labelling appliance to falsely state or imply that it is approved ..................................... | $400 |
| r. 42 | Failing to report incident causing, or likely to cause, injury or damage ............................................................. | $400 |
| r. 42A | Failing to report defect rendering gas installation unsafe | $400 |

| **Offences under *Gas Standards (Gas Supply and System Safety) Regulations 2000***  [Failure to comply with these regulations is an offence under s. 14 of the Act.] | | **Modified penalty** |
| --- | --- | --- |
| r. 4(2) | Failing to ensure gas supplied to consumer installation is within pressure limits .................................................. | $400 |
| r. 5(2) | Failing to ensure natural gas supplied to consumer satisfies quality standards ................................................ | $400 |
| r. 7(1) | Failing to ensure LPG supplied to consumer satisfies quality standards .............................................................. | $400 |
| r. 7(4) | Failing to keep records of sampling for required period | $400 |
| r. 22(2)(a) | Failing to give notice before commencing major activity ...............................................................……….. | $400 |
| r. 22(2)(b) | Failing to give quarterly outline of proposed major activities .......................................................................... | $400 |
| r. 24(1) | Failing to ensure prescribed activity is carried out in accordance with specified standard or code .................... | $400 |
| r. 37 | Failing to ensure prescribed activity is carried out in accordance with accepted safety case .........…………… | $400 |
| r. 38(1) | Failing to lodge report in respect of accepted safety case | $400 |
| r. 41(1) | Failing to establish and maintain record keeping system in relation to accepted safety case ....................... | $400 |
| r. 41(3) | Failing to keep records in required manner ..................... | $400 |
| r. 41(4) | Failing to keep records for required time ........................ | $400 |
| r. 43(1) | Failing to notify Director of notifiable incident within required time ........................................................ | $400 |
| r. 44(3) | Failing to lodge report of notifiable incident within required time ........................................................ | $400 |

[Schedule 1 amended in Gazette 9 Oct 2007 p. 5347.]

Schedule 2 — Forms

[r. 4]

Form 1 — Infringement notice

|  |  |  |
| --- | --- | --- |
| *Gas Standards Act 1972*  **Infringement notice** | | Infringement  notice no. |
| **Alleged offender** | Name: Family name | |
| Given names | |
| or Company name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ACN | |
| Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postcode | |
| **Alleged offence** | Description of offence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| *Gas Standards Act 1972* s.  *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999* r.  *Gas Standards (Gas Supply and System Safety) Regulations 2000* r. | |
| Date / /20 Time a.m./p.m. | |
| Modified penalty $ | |
| **Officer issuing notice** | Name | |
| Signature | |
| Office | |
| **Date** | Date of notice / /20 | |
| **Notice to alleged offender** | It is alleged that you have committed the above offence.  If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice. | |
|  | **How to pay**  **By post:** Send a cheque or money order (payable to ‘Director of Energy Safety’) to:  Director of Energy Safety  *[Address]* | |
|  | **In person:** Pay the cashier at:  Energy Safety  *[Address]* | |
|  | **If you do not pay** the modified penalty within 28 days, you will be prosecuted or enforcement action will be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act your driver’s licence and/or vehicle licence may be suspended. | |
|  | **If you need more time** to pay the modified penalty, you can apply for an extension of time by writing to the Director of Energy Safety at the above address. | |
|  | **If you want this matter to be dealt with by prosecution in court,** tick this box ❑ and post this notice to the Director of Energy Safety at the above address within 28 days after the date of this notice. | |

Form 2 — Withdrawal of infringement notice

|  |  |  |
| --- | --- | --- |
| *Gas Standards Act 1972*  **Withdrawal of infringement notice** | | Withdrawal no. |
| **Alleged offender** | Name: Family name | |
| Given names | |
| or Company name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ACN | |
| Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Postcode | |
| **Infringement notice** | Infringement notice no. | |
| Date of issue / /20 | |
| **Alleged offence** | Description of offence \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| *Gas Standards Act 1972* s.  *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999* r.  *Gas Standards (Gas Supply and System Safety) Regulations 2000* r. | |
| Date / /20 Time a.m./p.m. | |
| **Officer withdrawing notice** | Name | |
| Signature | |
| Office | |
| **Date** | Date of withdrawal / /20 | |
| **Withdrawal of infringement notice** | The above infringement notice issued against you has been withdrawn.  If you have already paid the modified penalty for the alleged offence you are entitled to a refund. | |
| *[\*delete  whichever is not applicable]* | \* Your refund is enclosed.  *or*  \* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:  Director of Energy Safety  *[Address]*  Signature / /20 | |

Notes

1 This is a compilation of the *Gas Standards (Infringement Notices) Regulations 2007* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Gas Standards (Infringement Notices) Regulations 2007* | 20 Mar 2007 p. 1061‑70 | 20 Mar 2007 |
| *Gas Standards (Infringement Notices) Amendment Regulations 2007* | 9 Oct 2007 p. 5347 | r. 1 and 2: 9 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Oct 2007 (see r. 2(b)) |