



Western Australia

Gas Standards Act 1972

## **Commerce Regulations Amendment (Gas Standards) Regulations 2023**



# Commerce Regulations Amendment (Gas Standards) Regulations 2023

## Contents

<b>Part 1 — Preliminary</b>		
1.	Citation	1
2.	Commencement	1
<b>Part 2 — <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i> amended</b>		
3.	Regulations amended	2
4.	Regulation 3 amended	2
5.	Regulation 6 replaced	3
6.	Capacity prescribed (Act s. 13A(2))	3
6.	Regulation 11 amended	3
7.	Regulation 12 amended	4
8.	Regulation 13 amended	4
9.	Regulation 15 amended	4
10.	Regulation 16 amended	5
11.	Part 3A inserted	5
<b>Part 3A — Supervision of gasfitting</b>		
<b>Division 1 — Authority to supervise gasfitting work</b>		
16A.	Certificate of competency and permit holders supervising Class G, E or P gasfitting work	5
16B.	Certificate of competency and permit holders supervising Class I gasfitting work	6
16C.	Authorisation holders supervising gasfitting work	6

Contents

---

	<b>Division 2 — Duties of person supervising gasfitting work</b>	
	16D. Duties of person supervising supervised gas fitter	7
12.	Regulation 19 deleted	7
13.	Regulation 42 amended	8
14.	Regulation 42A amended	8
15.	Regulation 42B amended	9
	<b>Part 3 — Gas Standards</b>	
	<b>(Infringement Notices)</b>	
	<b>Regulations 2007 amended</b>	
16.	Regulations amended	10
17.	Regulation 3 amended	10
18.	Schedule 1 amended	10

## **Commerce Regulations Amendment (Gas Standards) Regulations 2023**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Commerce Regulations Amendment (Gas Standards) Regulations 2023*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day after that day.

**Part 2 — Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 amended**

**3. Regulations amended**

This Part amends the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definitions of:

*Class I permit*  
*registered gas fitter*  
*supervised gas fitter*  
*supervising gas fitter*

- (2) In regulation 3(1) insert in alphabetical order:

*Class*, in relation to gasfitting work, means a class of gasfitting work referred to in regulation 13(2) and set out in Schedule 5;

*registered gas fitter* means —

- (a) in relation to doing gasfitting work — a person who is registered as the holder of a certificate of competency, a permit or an authorisation to do the work; or
- (b) in relation to supervising gasfitting work — a person who is authorised under Part 3A Division 1 to supervise the work;

*supervised gas fitter*, in relation to gasfitting work, means —

- (a) a person who does the work in a prescribed capacity under regulation 6; or

- (b) a person who does the work under a permit that authorises the person to do the work, but only with supervision;

Note for this definition:

A person who is a supervised gas fitter in relation to particular gasfitting work may be a person who supervises gas fitters in relation to other gasfitting work.

**5. Regulation 6 replaced**

Delete regulation 6 and insert:

**6. Capacity prescribed (Act s. 13A(2))**

For the purposes of section 13A(2) of the Act, a person does gasfitting work in a prescribed capacity if the person —

- (a) does not hold a certificate of competency, a permit or an authorisation that authorises the person to do the work; and
- (b) does the work under the supervision of a registered gas fitter who is authorised under Part 3A Division 1 to supervise the work.

**6. Regulation 11 amended**

In regulation 11 after “gasfitting” insert:

work

r. 7

---

**7. Regulation 12 amended**

(1) In regulation 12(1):

(a) after “gasfitting” (1<sup>st</sup> occurrence) insert:

work

(b) in paragraph (a) delete “gasfitting; and” and insert:

gasfitting work; and

(c) in paragraph (c) delete “gasfitting.” and insert:

gasfitting work.

(2) In regulation 12(2) delete “gasfitting,” and insert:

gasfitting work,

**8. Regulation 13 amended**

In regulation 13(1) delete “do or to supervise.” and insert:

do.

**9. Regulation 15 amended**

Delete regulation 15(2) and (3).

Note: The heading to amended regulation 15 is to read:

**Effect of permits**



**10. Regulation 16 amended**

Delete regulation 16(2).

Note: The heading to amended regulation 16 is to read:

**Effect of authorisations**

**11. Part 3A inserted**

After regulation 16 insert:

**Part 3A — Supervision of gasfitting**

**Division 1 — Authority to supervise gasfitting work**

**16A. Certificate of competency and permit holders supervising Class G, E or P gasfitting work**

(1) In this regulation —

*relevant gasfitting work* means Class G, E or P gasfitting work;

*supervisee* means a person who —

- (a) holds a certificate of competency or permit that authorises the person to do gasfitting work of any class with or without supervision; and
  - (b) is doing gasfitting work in a class of relevant gasfitting work for the purpose of gaining adequate knowledge and skill to be eligible for a permit to do gasfitting work of that class without supervision.
- (2) A certificate of competency or permit authorises the holder to supervise relevant gasfitting work if —
- (a) the relevant gasfitting work is work that the certificate or permit authorises the holder to do; and

r. 11

---

- (b) the certificate or permit does not have a restriction, limitation or condition endorsed on it that would require the holder, if the holder were to do the relevant gasfitting work themselves, to be supervised while doing the work; and
- (c) the holder's supervision of the relevant gasfitting work does not conflict with any restriction, limitation or condition endorsed on the certificate or permit; and
- (d) the person doing the relevant gasfitting work is a supervisee.

**16B. Certificate of competency and permit holders supervising Class I gasfitting work**

A certificate of competency or permit authorises the holder to supervise Class I gasfitting work if —

- (a) the gasfitting work is work that the certificate or permit authorises the holder to do; and
- (b) the certificate or permit does not have a restriction, limitation or condition endorsed on it that would require the holder, if the holder were to do the gasfitting work themselves, to be supervised while doing the work; and
- (c) the holder's supervision of the gasfitting work does not conflict with any restriction, limitation or condition endorsed on the certificate or permit.

**16C. Authorisation holders supervising gasfitting work**

- (1) In this regulation —  
*employer*, in relation to the holder of an authorisation, includes a person who has engaged the holder under a contract for services.

- (2) An authorisation authorises the holder to supervise gasfitting work if —
- (a) the gasfitting work is being done for the employer specified in the authorisation; and
  - (b) the gasfitting work is work that the authorisation authorises the holder to do; and
  - (c) the authorisation does not have a restriction, limitation or condition endorsed on it that would require the holder, if the holder were to do the gasfitting work themselves, to be supervised while doing the work; and
  - (d) the holder's supervision of the gasfitting work does not conflict with any restriction, limitation or condition endorsed on the authorisation.

## **Division 2 — Duties of person supervising gasfitting work**

### **16D. Duties of person supervising supervised gas fitter**

A registered gas fitter supervising gasfitting work must ensure that —

- (a) the person doing the gasfitting work complies with these regulations; and
- (b) the gasfitting work is work that the registered gas fitter is authorised to supervise under Division 1.

### **12. Regulation 19 deleted**

Delete regulation 19.

r. 13

---

**13. Regulation 42 amended**

Delete regulation 42(2)(b) and insert:

- (b) to a supervised gas fitter who becomes aware of the incident while doing gasfitting work and who reports the incident to a registered gas fitter who is —
  - (i) supervising the gasfitting work; and
  - (ii) authorised under Part 3A Division 1 to supervise the gasfitting work.

Note: The heading to amended regulation 42 is to read:

**Duty to report certain incidents**

**14. Regulation 42A amended**

Delete regulation 42A(2)(b) and insert:

- (b) to a supervised gas fitter who notifies the defect to a registered gas fitter who is —
  - (i) supervising the gasfitting work being done by the supervised gas fitter; and
  - (ii) authorised under Part 3A Division 1 to supervise the gasfitting work.

Note: The heading to amended regulation 42A is to read:

**Gas fitters to report unsafe gas installations**

**15. Regulation 42B amended**

In regulation 42B(2) in the Table after item 26 insert:

27. Small gas engine driven appliances to which AS/NZS 5263.1.11 applies
--

r. 16

---

**Part 3 — Gas Standards (Infringement Notices)  
Regulations 2007 amended**

**16. Regulations amended**

This Part amends the *Gas Standards (Infringement Notices) Regulations 2007*.

**17. Regulation 3 amended**

In regulation 3(1) after “the purposes” insert:

of

**18. Schedule 1 amended**

In Schedule 1 under the heading “**Offences under the *Gas Standards Act 1972* section 14 involving a contravention of or failure to comply with the following provisions of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*”:**

(a) before the item relating to r. 18(2) insert:

r. 16D	Failing to ensure that person doing gasfitting work complies with regulations and that gasfitting work is work supervising gas fitter is authorised to supervise	\$600	\$3 000
	.....		

(b) delete the item relating to r. 19.

V. MOLAN, Clerk of the Executive Council