

GAS STANDARDS.

No. 63 of 1985.

AN ACT to amend the Gas Standards Act 1972.

[Assented to 5 November 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Gas Standards Amendment Act 1985*.

Short
title and
principal
Act.

(2) In this Act the Gas Standards Act 1972 is referred to as the principal Act.

Act No.
15 of 1972
amended by
Act No. 87
of 1979.

Commence-
ment.

2. The provisions of this Act shall come into operation on day such as is or such days as are, respectively, fixed by proclamation.

Long title
amended.

3. The long title to the principal Act is amended by inserting after "installations" the following—

“ and gas appliances ”.

Section 4
amended.

4. Section 4 of the principal Act is amended—

(a) by inserting after the definition of “gas” the following definition—

“ “gas appliance” means any appliance that consumes gas as fuel; ”; and

(b) by deleting the definition of “gas installation” and substituting the following definition—

“ “gas installation” means any appliance, pipes, fittings or other apparatus installed or to be installed for or for purposes incidental to the conveyance, control, supply or use of gas; ”.

Section 8
amended.

5. Section 8 of the principal Act is amended—

(a) in subsection (1), by deleting “Five hundred dollars” and substituting the following

“ \$5 000 ”;

(b) in subsection (6)—

(i) by deleting “four hundred dollars” and substituting the following—

“ \$4 000 ”; and

- (ii) by deleting “one thousand dollars” and substituting the following—

“ \$10 000 ”; and

- (c) in subsection (8)—

- (i) by deleting “two hundred dollars” and substituting the following—

“ \$2 000 ”; and

- (ii) by deleting “five hundred dollars” and substituting the following—

“ \$5 000 ”.

6. Section 10 of the principal Act is amended in subsection (4) by deleting “Five hundred dollars” and substituting the following—

Section 10 amended.

“ \$5 000 ”.

7. Section 13 of the principal Act is amended in subsection (1) by inserting after “installation.” the following—

Section 13 amended.

“ Penalty: \$5 000 ”.

8. After section 13C of the principal Act the following sections are inserted—

Section 13D to 13H inserted.

“ 13D. (1) A person shall not on or after the appointed day sell or hire any gas appliance or advertise any gas appliance for sale or hire unless the gas appliance—

Approval of gas appliances.

- (a) is a gas appliance that is approved by the Commission or is of a class or type of gas appliance that is approved by the Commission; and

(b) is marked, stamped or labelled in the manner approved by the Commission.

Penalty: \$2 000 or imprisonment for 6 months or both.

(2) The Commission may by instrument in writing delegate to an inspector the power conferred on the Commission by subsection (1) (a).

(3) In subsection (1) "appointed day" means the day fixed by the Minister by notice published in the *Government Gazette* as the appointed day for the purposes of this section.

Application
for approval.

13E. (1) A person who desires to submit a gas appliance for approval by the Commission shall apply in writing in the form approved by the Commission.

(2) The Commission may require an applicant to submit to the Commission the gas appliance or a gas appliance of the class or type referred to in the application and to supply the Commission with such information with respect to the gas appliance as the Commission thinks is necessary.

(3) The Commission may approve of an application made under this section or refuse to approve of the application or may defer its approval.

(4) A person who applies for the approval of a gas appliance under subsection (1) shall pay to the Commission for the purposes of carrying out any test in relation to the approval such fee or charge as is fixed by the Commission having regard to the costs of carrying out such test.

(5) The Commission may withhold approval of a gas appliance until the applicant for the approval pays to the Commission the fee or charge fixed by the Commission under subsection (4).

(6) The Commission may impose conditions and restrictions in relation to any gas appliance or class or type of gas appliance in relation to which the Commission has given its approval.

(7) Where the Commission imposes any conditions or restrictions in relation to any gas appliance or any class or type of gas appliance under subsection (6) a person shall not sell or hire any gas appliance or advertise any gas appliance for sale or hire unless the gas appliance conforms to the conditions and restrictions so imposed by the Commission.

Penalty: \$2 000 or imprisonment for 6 months or both.

13F. (1) Where a gas appliance is approved or is of a class or type of gas appliance that is approved by a body or authority having among its objects or functions the duty of examining, testing or approving gas appliances the Commission may by notice adopt the approval given with respect to the gas appliance or class or type of gas appliance by that body or authority either generally or subject to such conditions and restrictions as the Commission may impose.

Approval
by other
bodies.

(2) Where the Commission adopts an approval under subsection (1) the Commission shall cause to be published in the *Government Gazette* a notice setting out the fact of the approval and the conditions and restrictions (if any) that apply in relation to the approval.

(3) Where the Commission imposes any conditions or restrictions in relation to a gas appliance under subsection (1) a person who sells or hires any gas appliance or advertises for sale or hire any gas appliance that does not conform to the conditions or restrictions so imposed commits an offence.

Penalty: \$2 000 or imprisonment for 6 months or both.

Commission
to publish
a list of
approved
gas
appliances.

13G. (1) The Commission may from time to time, and shall whenever directed by the Minister so to do, cause to be published in the *Government Gazette* a notice setting out the gas appliances or class or types of gas appliances that are approved by the Commission under this Act.

(2) A notice referred to in subsection (1) shall set out the conditions and restrictions (if any) that apply in relation to any gas appliance or any class or type of gas appliance referred to in the notice.

Power to
prohibit
sale and
use of gas
appliances
and
components

13H. (1) Notwithstanding anything in sections 13D to 13G where the Commission is of the opinion that a gas appliance or a type or class of gas appliance or a component used or designed to be used in connection with a gas appliance or in connection with a gas installation is or is likely to become unsafe or dangerous in use the Commission may by order—

- (a) prohibit the sale, hire or use of the gas appliance or class or type of gas appliance or component or class or type of component referred to in the order;
- (b) impose conditions and restrictions on the sale, hire or use of any gas appliance or class or type of gas appliance or component or class or type of component referred to in the order.

(2) An order made under subsection (1) shall be published in the *Government Gazette* and in such other media as the Commission directs having regard to the gas appliance or class or type of gas appliance in question and the particular circumstances of the case.

(3) The Commission may by order published in the *Government Gazette* amend or revoke an order made under subsection (1).

(4) A person who fails to comply with an order made under subsection (1) commits an offence.

Penalty: \$2 000 or imprisonment for 6 months or both. ”.

9. Section 14 of the principal Act is amended in subsection (1) by deleting “two hundred dollars” and substituting the following—

Section 14
amended.

“ \$2 000 ”.

10. Section 15 of the principal Act is amended in subsection (2)—

Section 15
amended.

- (a) by deleting “and” after paragraph (f);
- (b) by deleting the full-stop after paragraph (g) and substituting a semi-colon; and
- (c) by inserting after paragraph (g) the following—

“ and

- (h) prohibiting the fraudulent or improper use of marks signifying the approval of the Commission. ”.