



Western Australia

Gas Standards (Infringement Notices) Regulations 2007

Compare between:

[05 May 2010, 00-c0-01] and [21 Aug 2013, 00-d0-01]

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.

r. 4

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]

[Heading inserted in Gazette 4 May 2010 p. 1681.]

| Offences under the <i>Gas Standards Act 1972</i> | | Modified penalty | |
|---|---|-------------------------|---------------------------|
| | | Individual | Body corporate |
| s. 8(1) | Distributing gas without Ministerial approval of minimum standard of heating value of the gas | \$2 000 | \$10 000 |
| s. 8(6) | Supplying gas of which the average heating value is less by more than 1% than the approved minimum standard of heating value of the gas | \$2 000 | \$10 000 |
| s. 13(1) | Commencing to supply gas to consumer gas installation that has not been inspected or does not comply with prescribed requirements | \$2 000 | \$10 000 |
| s. 13(2) | Commencing to supply gas to consumer gas installation that has not been inspected in accordance with Inspection Policy Statement and Plan or does not comply with prescribed requirements | \$2 000 | \$10 000 |
| s. 13(4) | Failing to send Director copy of order or notice issued by inspector within required time | \$1 000 | \$5 000 |
| s. 13(5) | Failing to give Director report on accident at consumer gas installation within required time | \$1 000 | \$5 000 |

Gas Standards (Infringement Notices) Regulations 2007
Schedule 1 Prescribed offences and modified penalties

| Offences under the <i>Gas Standards Act 1972</i> | | Modified penalty | |
|---|--|-------------------------|-----------------------|
| | | Individual | Body corporate |
| s. 13A(2) | Engaging in an operation, or carrying out work or process, of a kind prescribed to be of the nature of gas fitting work otherwise than in a prescribed capacity and without a certificate of competency, permit or authorisation | \$1 000 | \$5 000 |
| s. 13D(1) | Selling, hiring, advertising for sale or installing a Type A gas appliance that — (a) is not approved; or (b) is not marked, stamped or labelled in approved manner | \$1 000 | \$5 000 |
| s. 13D(2) | Using a Type B gas appliance that — (a) is not approved; or (b) is not marked, stamped or labelled | \$1 000 | \$5 000 |
| s. 13E(7) | Selling or hiring, or advertising for sale or hire, gas appliance that does not conform to conditions and restrictions to which Director's approval of appliance is subject | \$1 000 | \$5 000 |
| s. 13F(3) | Selling or hiring, or advertising for sale or hire, gas appliance that does not conform to conditions and restrictions to which Director's adoption of approval of appliance by another body or authority is subject | \$1 000 | \$5 000 |
| s. 13H(4) | Failing to comply with order prohibiting, or imposing conditions and restrictions on, sale, hire or use of gas appliance or component | \$1 000 | \$5 000 |

| Offences under the <i>Gas Standards Act 1972</i> | | <u>Modified penalty</u> | |
|---|--|--------------------------------|---------------------------|
| | | Individual | Body corporate |
| s. 13K(6)(a) | Failing to comply with requirement of section 13K | \$2 000 | \$10 000 |
| s. 13K(6)(b) | Failing to comply with requirement of an approved Inspection Policy Statement and Plan | \$2 000 | \$10 000 |

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i> | | <u>Modified penalty</u> | |
|---|--|--------------------------------|---------------------------|
| | | Individual | Body corporate |
| r. 18(2) [Only in circumstances where the offence involves a contravention of or failure to comply with r. 18(2)(a)(i)] | Failing to ensure gas installation complies with prescribed requirements | \$600 | \$3 000 |
| r. 19 | Failing to ensure that supervised gas fitter complies with regulations and that gas fitting work is within scope of supervising gas fitter's authorisation | \$600 | \$3 000 |

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i> | | Modified penalty | |
|---|---|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 20(1) [Only in circumstances where the offence involves a contravention of or failure to comply with r. 20(1)(b)] | Installing appliance, apparatus or part contrary to instructions or recommendations of manufacturer or designer | \$600 | \$3 000 |
| r. 20(3) | Failing to endorse note as to safe operation on notice of completion for used appliance | \$400 | \$2 000 |
| r. 20(4a) | Modifying appliance without approval | \$600 | \$3 000 |
| r. 22 | Leaving Type B appliance permanently connected without certificate of compliance | \$600 | \$3 000 |
| r. 23 | Failing to record service information in required manner | \$400 | \$2 000 |
| r. 26(1)(a) | Failing to ensure gas installation meets requirements as to pressure testing and is gas-tight | \$600 | \$3 000 |
| r. 28(2) | Failing to attach approved badge or label to gas installation upon completion of gasfitting work | \$400 | \$3 000 |
| r. 28(3) | Failing to give notice of completion of gasfitting work within required time | \$400 | \$2 000 |
| r. 30 | Failing to rectify defects and give notice of rectification within required time | \$600 | \$3 000 |
| r. 34(1) | Failing to keep records of employed gas fitters in required manner | \$250 | \$1 250 |

Gas Standards (Infringement Notices) Regulations 2007
 Prescribed offences and modified penalties **Schedule 1**

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i> | | Modified penalty | |
|---|--|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 34(3) | Failing to keep records for required time | \$250 | \$1 250 |
| r. 34(4) | Failing to make records available for inspection | \$250 | \$1 250 |
| r. 35(1) | Supplying gas to Type A appliance without notice of completion | \$400 | \$2 000 |
| r. 36(1) | Using Type B appliance without certificate of compliance | \$1 000 | \$5 000 |
| r. 39 | Marking, stamping or labelling appliance to falsely state or imply that it is approved | \$600 | \$3 000 |
| r. 42 | Failing to report incident causing, or likely to cause, injury or damage | \$600 | \$3 000 |
| r. 42A | Failing to report defect rendering gas installation unsafe | \$600 | \$3 000 |

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> | | Modified penalty | |
|--|---|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 4(2) | Failing to ensure gas supplied to consumer installation is within pressure limits | \$2 000 | \$10 000 |
| r. 5(2) | Failing to ensure natural gas supplied to consumer satisfies quality standards | \$2 000 | \$10 000 |
| r. 7(1) | Failing to ensure LPG supplied to consumer satisfies quality standards | \$2 000 | \$10 000 |
| r. 7(4) | Failing to keep records of sampling for required time | \$1 000 | \$5 000 |

Gas Standards (Infringement Notices) Regulations 2007
Schedule 1 Prescribed offences and modified penalties

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> | | Modified penalty | |
|--|--|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 17B(1) | Operating a distribution system in which gas of different qualities is commingled without an approved plan | \$1 000 | \$5 000 |
| r. 17B(2) | Officer of network operator that is a corporation failing to ensure gas of different qualities is not commingled in a distribution system without an approved plan | \$1 000 | - |
| r. 17B(3) | Injecting gas into a distribution system in which gas of different qualities is commingled without an approved plan | \$1 000 | \$5 000 |
| r. 17B(4) | Officer of a pipeline operator that is a corporation failing to ensure gas is not injected into a distribution system in which gas of different qualities is commingled without an approved plan | \$1 000 | - |
| r. 17D(3) | Existing operator failing to submit management plan within required time | \$1 000 | \$5 000 |
| r. 17D(4) | New operator failing to submit management plan within required time | \$1 000 | \$5 000 |
| r. 17E(3) | Failing to comply with request to submit amended management plan within required time | \$600 | \$3 000 |
| r. 17F(5) | Failing to submit within the required time an amendment or replacement, of an approved plan, amended in accordance with a request of the Director under regulation 17F(3)(b) | \$600 | \$3 000 |
| r. 17G(3) | Failing to comply with direction to amend approved plan within time specified in direction | \$600 | \$3 000 |

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> | | Modified penalty | |
|--|--|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 17H(1) | Failing to ensure approved plan relating to operation of distribution system is implemented and its requirements complied with | \$2 000 | \$10 000 |
| r. 17H(2) | Failing to ensure approved plan relating to injection of gas into distribution system is implemented and its requirements complied with | \$2 000 | \$10 000 |
| r. 17I(7) | Failing to give Director plan of distribution system or sub-network showing required matters within required time | \$600 | \$3 000 |
| r. 17J(4) | Failing to publish in required manner and within required time the determined heating value of gas transported through distribution system or sub-network in a gas day | \$600 | \$3 000 |
| r. 17J(6) | Failing to give Director required information in relation to determined heating value of gas within required time and in accordance with approved plan | \$1 000 | \$5 000 |
| r. 22(2) | Failing to give required notice or quarterly outline before commencing major activity | \$1 000 | \$5 000 |
| r. 22(3) | Failing to give required notice before commencing major activity not mentioned in quarterly outline | \$1 000 | \$5 000 |
| r. 24(1) | Failing to ensure prescribed activity is carried out in accordance with specified standard or code | \$1 000 | \$5 000 |

| Offences under the <i>Gas Standards Act 1972</i> section 14 involving a contravention of or failure to comply with the following provisions of the <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i> | | Modified penalty | |
|--|--|-------------------------|-----------------------|
| | | Individual | Body corporate |
| r. 37 | Failing to ensure prescribed activity is carried out in accordance with accepted safety case | \$2 000 | \$10 000 |
| r. 38(1) | Failing to lodge report in respect of accepted safety case | \$1 000 | \$5 000 |
| r. 41(1) | Failing to establish and maintain record keeping system in relation to accepted safety case | \$1 000 | \$5 000 |
| r. 41(3) | Failing to keep records in required manner | \$1 000 | \$5 000 |
| r. 41(4) | Failing to keep records for required time ... | \$1 000 | \$5 000 |
| r. 43(1) | Failing to notify Director of notifiable incident within required time | \$1 000 | \$5 000 |
| r. 44(3) | Failing to lodge report of notifiable incident within required time | \$1 000 | \$5 000 |

[Schedule 1 inserted in Gazette 4 May 2010 p. 1681-6.]

Schedule 2 — Forms

[r. 4]

Form 1 — Infringement notice

| | | |
|-----------------------------------|--|-------------------------|
| <i>Gas Standards Act 1972</i> | | Infringement notice no. |
| Infringement notice | | |
| Alleged offender | Name: Family name _____ | |
| | Given names _____ | |
| | or Company name _____ | |
| | ACN _____ | |
| Address _____ | | Postcode _____ |
| Alleged offence | Description of offence _____ | |
| | <i>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.</i> | |
| | Date / /20 | Time a.m./p.m. |
| | Modified penalty \$ _____ | |
| Officer issuing notice | Name _____ | |
| | Signature _____ | |
| | Office _____ | |
| Date | Date of notice / /20 | |
| Notice to alleged offender | <p>It is alleged that you have committed the above offence.</p> <p>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.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Director of Energy Safety’) to: Director of Energy Safety [Address]</p> <p>In person: Pay the cashier at: Energy Safety [Address]</p> <p>If you do not pay the modified penalty within 28 days, you will be prosecuted or enforcement action will be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, <u>some or all of the following action may be taken</u> — your driver’s licence and/or <u>may be suspended; your</u> vehicle licence may be suspended <u>or cancelled; your details may be published on a</u></p> | |

| | |
|--|---|
| | website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold. |
| | <p>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.</p> <p>If you want this matter to be dealt with by prosecution in court, tick this box <input type="checkbox"/> and post this notice to the Director of Energy Safety at the above address within 28 days after the date of this notice.</p> |

[Form 1 amended in Gazette 20 Aug 2013 p. 3834.]

Form 2 — Withdrawal of infringement notice

| | | |
|--|---|---------------------|
| <i>Gas Standards Act 1972</i> | | Withdrawal no. |
| Withdrawal of infringement notice | | |
| 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 _____ | |
| | <i>Gas Standards Act 1972 s.</i> | |
| | <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 r.</i> | |
| | <i>Gas Standards (Gas Supply and System Safety) Regulations 2000 r.</i> | |
| 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. | |
| <i>[*delete whichever is not applicable]</i> | * 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 <i>[Address]</i> | | | |
| | 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 |
|---|--|--|
| <i>Gas Standards (Infringement Notices) Regulations 2007</i> | 20 Mar 2007 p. 1061-70 | 20 Mar 2007 |
| <i>Gas Standards (Infringement Notices) Amendment Regulations 2007</i> | 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)) |
| <i>Gas Standards (Infringement Notices) Amendment Regulations 2010</i> | 4 May 2010 p. 1681-6 | r. 1 and 2: 4 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 5 May 2010 (see r. 2(b)) |
| <u><i>Gas Standards (Infringement Notices) Amendment Regulations 2013</i></u> | <u>20 Aug 2013</u> <u>p. 3834</u> | <u>r. 1 and 2: 20 Aug 2013</u> <u>(see r. 2(a));</u> <u>Regulations other than r. 1 and 2:</u> <u>21 Aug 2013 (see r. 2(b) and</u> <u>Gazette 20 Aug 2013 p. 3815)</u> |