

EN301*

Gas Standards Act 1972
Criminal Procedure Act 2004

Gas Standards (Infringement Notices) Amendment Regulations 2010

Made by the Governor in Executive Council under the *Gas Standards Act 1972* section 15 and the *Criminal Procedure Act 2004* section 5.

1. Citation

These regulations are the *Gas Standards (Infringement Notices) Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

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

4. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

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

Offences under the <i>Gas Standards Act 1972</i>		Modified penalty	
		Individual	Body corporate
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
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 in approved manner	\$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

Offences under the <i>Gas Standards Act 1972</i>		Modified penalty	
		Individual	Body corporate
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
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>		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
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

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. 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
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
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	-

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(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
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

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.