



Western Australia

Gas Standards Act 1972

Commerce Regulations Amendment (Gas Standards) Regulations 2023

Commerce Regulations Amendment (Gas Standards) Regulations 2023

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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” (1st 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

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