

Queensland



GAS (RESIDUAL PROVISIONS) ACT 1965

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 Act No. 29)**

Reprint No. 3C

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2004 Act No. 25 s 860

Information about this reprint

This Act is reprinted as at 1 July 2003. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



GAS (RESIDUAL PROVISIONS) ACT 1965

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Relationship to prescribed Acts.	3
2A	Act inapplicable in certain case.	3
5	Definitions	4
PART 2—ADMINISTRATION		
6	Administration.	7
6A	Minister may appoint advisory committees	7
7	Appointment of officers	8
7A	Power to delegate	8
8	Powers of inspection etc.	8
9	Assistance to gas examiners	10
10	Obstruction of gas examiners	11
10A	Notification of accidents	11
10B	Fees payable in all cases	13
10C	Protection for acts done in the execution of this Act.	13
10D	Inquiries into accidents	14
PART 3—PROVISIONS APPLICABLE TO DISTRIBUTORS AND RETAILERS		
11	Application of pt 3.	15
12	Duty to prevent leakage of gas	15
13	Duty to prevent contamination of water	18
PART 4—MISCELLANEOUS		
32	Conservation and utilisation of fuels.	19
52	Person in charge of gas works to be qualified.	20

52B	Supply of gas through meters	20
53	Use of meters etc. restricted	22
53A	Use of large containers of another without permission prohibited	22
54	Unauthorised interference with meters or fittings prohibited	23
59A	Approval of forms	24
60A	Provisions to ensure standards and safety requirements complied with	24
60B	Provisions with respect to defective or dangerous fittings	24
60C	Standards of gas.	25
61	Penalties	25
61A	Power of court to order cause of contravention to be remedied	26
62	Evidentiary provisions.	26
63	Laying of complaint; service of analyst's certificate.	27
64	Regulation-making power	27
	SCHEDULE 1	28

PURPOSES FOR WHICH REGULATIONS MAY BE MADE

ENDNOTES

1	Index to endnotes	30
2	Date to which amendments incorporated.	30
3	Key	30
4	Table of reprints	31
5	Tables in earlier reprints.	31
6	List of legislation	31
7	List of annotations	34

GAS (RESIDUAL PROVISIONS) ACT 1965

[as amended by all amendments that commenced on or before 1 July 2003]

An Act to provide for the regulation and control of the safe handling of gases, the setting of standards for gases, certain administrative matters associated with the gas industry and for related purposes

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Gas (Residual Provisions) Act 1965*.

2 Relationship to prescribed Acts

(1) This Act is to be construed so as not to derogate from the provisions of a prescribed Act and if there is an inconsistency between a provision of this Act and that of a prescribed Act, the provision of the prescribed Act prevails to the extent of the inconsistency.

(2) In this section “**prescribed Act**” means—

- (a) *Carriage of Dangerous Goods by Road Act 1984*; or
- (b) *Gas Supply Act 2003*; or
- (c) Gas Pipelines Access (Queensland) Law; or
- (d) *Health Act 1937*; or
- (e) *Petroleum Act 1923*.

2A Act inapplicable in certain case

Save as is by this Act otherwise expressly prescribed, this Act does not apply to or in relation to fuel gas supplied by the producer thereof to a fuel gas supplier except in relation to the safe handling and measurement thereof.

5 Definitions

In this Act—

“**appliance**” means any device which uses gas to produce light, heat or power.

“**approved**” means approved by the Minister.

“**caravan**” means a structure designed or adapted for human habitation or for use as a workshop or mobile kitchen that is able to be moved from 1 place to another, whether by being towed or transported on a vehicle or trailer, and includes any vehicle designed or adapted for use as a caravan.

“**carburetted water gas**” means flammable gas produced by the interaction of steam and hot coke and which has had its heating power increased by the admixture of a gas.

“**chief gas examiner**” means the chief gas examiner appointed under the provisions of this Act, and includes any person for the time being carrying out the functions and duties of that office.

“**coal gas**” includes all flammable gases produced by the thermal treatment of coal.

“**consumer**” means a person supplied or desirous of being supplied with gas, and includes a gas supplier supplied with gas by another gas supplier.

“**fittings**” includes every appliance and everything used, designed or intended for use in connection with an appliance and everything used, designed or intended for use in or in connection with the supply, distribution or consumption of gas.

“**fuel gas**” means natural gas, carburetted water gas, coal gas, oil gas, producer gas, water gas, liquefied petroleum gas, tempered liquefied petroleum gas, reformed liquefied petroleum gas, liquefied natural gas, reformed natural gas, refinery gas, reformed refinery gas and any substance declared under a regulation to be fuel gas for the purposes of this Act, and a mixture of 2 or more fuel gases.

“**fuel gas supplier**” means a person supplying or desirous of supplying by way of sale—

- (a) bulk liquefied petroleum gas;
- (b) fuel gas through a reticulation system;

Gas (Residual Provisions) Act 1965

- (c) fuel gas to a consumer through pipes or mains located outside the consumer's premises;
- (d) fuel gas in any manner declared under a regulation for the purposes of this definition.

“gas” means any substance that has a critical temperature of less than 50°C or exerts, at that temperature, a vapour pressure greater than 300 kPa and any substance declared under a regulation to be gas for the purposes of this Act, and a mixture of 2 or more gases.

“gas examiner” means the chief gas examiner, the deputy chief gas examiner appointed for the purposes of this Act, or deemed so to be, and any person for the time being performing the whole or any part of the duties of a gas examiner.

“gas supplier” means a person supplying or desirous of supplying gas by way of sale, and includes a fuel gas supplier.

“gas terminal” means a place—

- (a) where gas is manufactured; or
- (b) into which gas is supplied from road, rail or marine tankers or by pipeline and, while awaiting delivery into road, rail or marine tankers or a pipeline or awaiting dispatch in cylinders, tanks or other vessels, is there stored in containers with an aggregate water capacity of 100 t or more; or
- (c) any other place declared under a regulation to be a gas terminal.

“gas works” means a gas terminal or a place where gas is produced for supply to a consumer.

“ground” includes stones, soil, pavement or material of any footway, and the roadway of any street.

“liquefied petroleum gas” means a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

“main” means a pipe conveying gas for supply to 2 or more consumers.

“meter” means an instrument to measure the volume of gas supplied through it.

“natural gas” means a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

Gas (Residual Provisions) Act 1965

“**oil gas**” means gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquefied petroleum gas.

“**pipe**” means any pipe, main or service pipe for conveying gas, and includes all equipment and works connected with a pipe.

“**place**” means any land, building, house, shop, factory, vessel within any harbour, river or inland waters, caravan, vehicle, aeroplane or premises whatsoever.

“**premises**” means any land or building, and where a building is subdivided, each subdivision thereof which is separately occupied.

“**producer gas**” means gas manufactured by the action of air on hot coke.

“**qualified person**” means a person who—

(a) is—

(i) a graduate in an approved branch of science or engineering of an approved educational institution; or

(ii) a corporate member of The Institution of Engineers, Australia, or the Royal Australian Chemical Institute;

and has had at least 12 months relevant technical experience approved by the chief gas examiner; or

(b) is—

(i) the holder of a diploma in an approved branch of science, applied science or engineering; or

(ii) the holder of a certificate of competency as a gas manager issued by the Australian Gas Association;

and has had at least 2 years relevant technical experience approved by the chief gas examiner; or

(c) has qualifications and experience that in the opinion of the chief gas examiner are equivalent to the qualifications and experience prescribed by paragraph (a) or (b).

“**refinery gas**” means the residual gas produced at a refinery and left over after all normally useable products (including liquefied petroleum gas) have been made or extracted from the crude or a feed stock.

“**regulator**” means a device for controlling and maintaining a uniform gas supply pressure.

“**service pipe**” means a pipe which conveys gas from a main to the premises of a consumer.

“**standard**”, used in relation to a gas, means the standard prescribed for the time being pursuant to this Act.

“**street**” means any street, road, highway, lane, way, bridge, passage or other public place.

“**system**” means an assembly of equipment consisting essentially of a container and major devices such as vaporisers, relief valves, excess flow valves, regulators, appliances and pipes connecting such devices.

“**tempered liquefied petroleum gas**” means gas manufactured by mixing liquefied petroleum gas with air.

“**water gas**” means gas manufactured by the action of steam on hot coke.

PART 2—ADMINISTRATION

6 Administration

This Act shall be administered by the Minister and, subject to the Minister, by the chief executive of the department within which this Act is administered, the chief gas examiner, the deputy chief gas examiner and such other gas examiners and officers appointed for the purposes of the Act or delegated in writing by the Minister to administer particular provisions of the Act and by persons and the holders from time to time of appointments authorised or specified by the regulations to the extent specified in the regulations.

6A Minister may appoint advisory committees

(1) The Minister may from time to time appoint advisory committees to advise the Minister and the chief gas examiner in respect of the administration of the provisions of this Act that relate to licensing.

(2) A member of an advisory committee shall not be paid a fee for attending any meeting of the committee.

7 Appointment of officers

(1) There shall be appointed from time to time for the purposes of this Act—

- (a) a chief gas examiner;
- (b) a deputy chief gas examiner;
- (c) such number of gas examiners and other officers as are necessary for the effectual administration of this Act.

(2) Each person such as is referred to in subsection (1) shall be appointed as and shall hold appointment as an officer of the public service.

(3) Judicial notice shall be taken of every such appointment notified in the gazette.

7A Power to delegate

The chief gas examiner may, delegate to any gas examiner or, with the Minister's approval, to any other person all or any of his or her powers, functions and duties.

8 Powers of inspection etc.

(1) If it appears to the chief gas examiner or the deputy chief gas examiner necessary or desirable so to do for the purposes of this Act, he or she or any gas examiner authorised by the chief gas examiner's or deputy chief examiner's notice may—

- (a) enter any place which is used, designed or intended to be used or which the gas examiner seeking entry reasonably believes to be used, designed or intended to be used for the production, supply, storage or consumption of gas or wherein the gas examiner seeking entry reasonably believes that there is or may be gas which is escaping or has escaped;
- (b) inspect such place and any works, machinery or thing in, on or about such place, test any substance which he or she reasonably believes to be gas, test any meter found therein and make such other tests as the gas examiner making such inspection considers necessary;
- (c) require in writing any person who is or who appears to the gas examiner to be for the time being in charge of the place in

Gas (Residual Provisions) Act 1965

question or of any works therein or thereon to do all things which, in the opinion of the gas examiner issuing such requisition, are necessary to render or maintain such place or works and all machinery and things in, on or about such place or works safe;

- (d) take (without payment) samples of any substance which the gas examiner so sampling reasonably believes to be gas for the purpose of examination and testing;
- (e) seize, remove and detain any substance which the gas examiner so seizing reasonably believes to be gas (and any fitting, container, vehicle, caravan or vessel in which it is contained or is being carried) and any fitting, container, vehicle, caravan or vessel if he or she reasonably believes that a contravention or non-compliance with any provision of this Act exists or has occurred in respect of such substance, fitting, container, vehicle, caravan or vessel or that such fitting, container, vehicle, caravan or vessel is intended for use in contravention of or non-compliance with the provisions of this Act;
- (f) require the production of any certificate prescribed by this Act to be had, and any book, notice, record, list or writing which by this Act is required to be kept or exhibited, and inspect, examine and take copies or extracts from the same.

(1A) As soon as practicable after a gas examiner has made a test pursuant to the provisions of this subsection the gas examiner shall—

- (a) compile a report in writing of the results of such test; and
- (b) if the gas examiner is other than the chief gas examiner—furnish such report to the chief gas examiner; and
- (c) give to the occupier or person apparently in charge of the place wherein the substance or meter so tested was found a copy of such report.

(2) The chief gas examiner may, in writing—

- (a) require any person to dig around and expose any pipe or fitting or require a gas supplier to take apart or dismantle any item of plant to assist or facilitate an inspection being made or about to be made for the purposes of this Act;

Gas (Residual Provisions) Act 1965

- (b) require a gas supplier to replace any of its meters and to deliver a meter so replaced to the chief gas examiner for inspection and testing.

(3) A person to whom a requisition is given pursuant to the provisions of subsection (1), (1A) or (2) shall comply therewith forthwith or, where a period for compliance is therein limited, within such period.

(4) Where a gas examiner is of opinion that in any place whatsoever—

- (a) there exists a danger or likelihood of danger to the safety of persons or things caused directly or indirectly by the presence or escape of gas; or
- (b) because of the existence of a state of things arising from an act done or omitted to be done by any person, a danger or likelihood of danger to the safety of persons or things would exist should gas be present or escape;

the gas examiner may—

- (c) do all such things and take all such steps; and
- (d) in the case of an act done or omitted to be done by any person as referred to in this subsection, require that person to do all such things and take all such steps;

as the gas examiner considers necessary or desirable to remove or limit the extent of such danger or the likelihood of such danger.

(5) A gas examiner shall be furnished with a certificate of the gas examiner's appointment signed by the Minister and shall, if required by a person apparently in charge of premises to which the gas examiner is seeking entry for the purposes of this Act, produce such certificate for the inspection of such person.

(6) Such a certificate shall be prima facie evidence of the appointment to which it refers and to the identity of the person who produces such certificate with the appointee named therein.

9 Assistance to gas examiners

If it appears to a gas examiner necessary or desirable so to do, the gas examiner may require any person to assist the gas examiner or to furnish to the gas examiner any facility or information for the purpose of the exercise or discharge by the gas examiner of his or her powers or duties under this Act.

10 Obstruction of gas examiners

(1) Any person who—

- (a) wilfully obstructs any gas examiner in the exercise or discharge by the gas examiner of any of his or her powers or duties under this Act, or attempts so to do; or
- (b) fails to comply in all respects with a requisition of a gas examiner given under this Act; or
- (c) when required by a gas examiner under this Act to furnish information, furnishes information which to the knowledge of such person is false or misleading; or
- (d) threatens or uses any abusive or insulting language to a gas examiner in relation to any act or thing done, attempted to be done or desired to be done by the gas examiner under this Act; or
- (e) interferes with or damages any equipment, apparatus or thing being used by, or in the possession of, a gas examiner for the purpose of the exercise or discharge by the gas examiner of any of his or her powers or duties under this Act;

commits an offence against this Act.

(2) In the case of damage done to any equipment, apparatus or thing being used by, or in the possession of, a gas examiner for the purpose of the exercise or discharge of any of the gas examiner's powers or duties, under this Act the offender, whether or not any other penalty is imposed on the offender, shall be ordered to make restitution to the Minister to the value of any damage so done.

10A Notification of accidents

(1) Where by reason of an accident caused by, involving or affecting gas or the production, supply or distribution of gas, injury to or the death of any person or damage to an amount apparently in excess of the sum prescribed under a regulation occurs—

- (a) the gas supplier; and
- (b) the owner, occupier or person in charge of the place where the accident occurs; and
- (c) any other person prescribed under a regulation;

shall—

Gas (Residual Provisions) Act 1965

- (d) where injury to or the death of any person occurs—immediately on becoming aware of the accident and of the injury or death;
- (e) where a fire occurs in connection with the accident—immediately on becoming aware of the accident and of the fire;
- (f) if damage happens—within 1 month after becoming aware of the accident and damage or, if another time is prescribed under a regulation, that time;

notify the chief gas examiner of all details known to him or her in relation thereto.

(2) A person required to notify the chief gas examiner in accordance with subsection (1) is excused from so doing where, to the person's knowledge, all details known to the person have been notified to the chief gas examiner by another of the persons so required to notify the chief gas examiner.

(3) When an accident which any person is required, by and in accordance with the provisions of subsection (1), to notify the chief gas examiner immediately that person becomes aware of the accident occurs, no person shall move or otherwise interfere with the place of the accident or anything involved in the accident unless the person first obtains the permission of a gas examiner or, if a gas examiner is not available, a police officer save where such movement or interference is necessary to save life, relieve suffering or to prevent damage to property.

(3A) A person who moves or interferes with the place of that accident or anything involved in that accident shall immediately furnish the gas examiner referred to in subsection (4) with full details thereof unless the gas examiner otherwise directs.

(4) Upon being informed of an accident referred to in subsection (1), the chief gas examiner or other gas examiner nominated by the chief gas examiner shall inquire into the circumstances of the accident with a view to establishing the cause thereof and shall make a written report of the gas examiner's findings which, in the case of a gas examiner other than the chief gas examiner, shall be made to the chief gas examiner.

(5) In discharging his or her duty under this subsection a gas examiner—

- (a) may require a person to inform the gas examiner of what that person knows concerning the accident;

- (b) may require a person to submit to the chief gas examiner within 2 weeks after the making of the requisition a written report containing a full and correct statement of the circumstances of and surrounding the accident as known to that person;
- (c) may inspect any book, register, record (in whatever form it may be kept), list, document, notice or other writing and take possession thereof or make copies or extracts thereof or take print-outs thereof.

(6) Any person who fails to comply with a requisition made on the person under subsection (5) or who conceals any particulars or who gives or tenders false or misleading particulars regarding an accident caused by, involving or affecting gas or the production, supply or distribution of gas or regarding the nature of the injury or damage caused by that accident commits an offence against this Act.

10B Fees payable in all cases

Fees prescribed to be paid for the purposes of this Act with respect to the sale, supply, use and consumption of gas and in all other respects are payable in all cases and for all such purposes notwithstanding any other provisions of this Act.

10C Protection for acts done in the execution of this Act

(1) No act or thing done or omitted by any person—

- (a) who is acting in that respect in execution of the person's functions, powers or duties under this Act; or
- (b) who purports to be acting in that respect in execution of the person's functions, powers or duties under this Act and acts in good faith and without negligence;

shall subject the person to any liability in respect thereof.

(2) When any question arises as to whether any liability for any act or omission, the subject of any proceedings, is negated under the provisions of subsection (1), and it appears that the act or omission of the person proceeded against was for the purpose of executing this Act or in the execution of any of the person's functions, powers or duties under this Act, the burden of proof of negligence and the absence of good faith shall lie upon the person taking those proceedings.

10D Inquiries into accidents

(1) In every case of an accident in relation to which a person is required by section 10A(1) to notify the chief gas examiner, unless the Minister otherwise determines, an inquiry shall be held before a tribunal consisting of—

- (a) a stipendiary magistrate who ordinarily constitutes a Magistrates Court in the Magistrates Court district in which the accident occurs, who shall be chairperson of the tribunal; and
- (b) 3 persons with practical knowledge and skill in the gas industry (the “reviewers”) having no connection with the gas supplier concerned or the owner, occupier or person in charge of the place where the accident occurred who shall be selected by the Stipendiary Magistrate who is to be chairperson of the tribunal.

(2) In the case of an inquiry into a fatal accident, the stipendiary magistrate shall, at least 4 days before the inquiry is to commence, cause notice of the time and place for holding the inquiry to be given to—

- (a) the gas supplier concerned; and
- (b) the owner, the occupier and the person in charge of the place where the accident occurred; and
- (c) the relict or nearest of kin of the deceased person if that person resides in Queensland at an address known to the stipendiary magistrate; and
- (d) the chief gas examiner.

(3) In the case of an inquiry into a non-fatal accident, the stipendiary magistrate shall, at least 4 days before the inquiry is to commence, cause notice such as is referred to in subsection (2) to be given to the persons specified in that subsection except that, in lieu of the persons specified in subsection (2)(c), the notice shall be given to a person resident in Queensland nominated by the injured person or, as the case may be, the owner of property damaged in the accident.

(4) At an inquiry held under this section each person injured in the accident, each owner of property damaged in the accident and each person to whom notice is given under subsection (2) or (3) is entitled to be present and to call, examine, cross-examine and re-examine witnesses, personally or by counsel, solicitor or agent.

(5) A tribunal conducting an inquiry shall be deemed to be a commission within the meaning of the *Commissions of Inquiry Act 1950* and the provisions of that Act, other than sections 4, 4A, 5A, 5B, 10(3), 13, 14(1A), 19A, 19B, 19C and 26, shall apply in respect of the conduct of the inquiry.

(6) When a tribunal has heard and received all the evidence adduced at the inquiry the reviewers shall record their findings as to the cause or causes of the accident and shall record such recommendations as they consider appropriate with a view to preventing the occurrence of a similar accident.

(6A) The chairperson of the tribunal shall also record the chairperson's findings as to the cause or causes of the accident.

(7) The chairperson of the tribunal shall send to the Minister administering the *Commissions of Inquiry Act 1950*—

- (a) the depositions of evidence adduced at the inquiry;
- (b) documentary exhibits received in the inquiry;
- (c) the record of the chairperson's findings and the findings and recommendations of the reviewers;

and shall send a copy thereof to the Minister.

PART 3—PROVISIONS APPLICABLE TO DISTRIBUTORS AND RETAILERS

11 Application of pt 3

This part applies to each person who is the holder of a distribution authority or a retail authority under the *Gas Supply Act 2003*.

12 Duty to prevent leakage of gas

(1) The holder, being the owner of any fitting erected, installed or laid on or under any street shall, at regular intervals of time, survey for leakage of gas in areas in which gas is reticulated using methods suitable to the location being surveyed.

Gas (Residual Provisions) Act 1965

(1A) In determining the intervals of time at which surveys shall be undertaken in a particular case, the holder shall have regard to the location and public safety generally.

(2) The holder shall investigate every report received of leakage of gas, and shall deal with each of the following reports immediately for the purpose of classification unless information is furnished to the holder that indicates that the leakage is not hazardous—

- (a) a report from a member of the public, or a police officer, or from any other body;
- (b) a report of the presence of gas (whether suspected or proven) in or under a building;
- (c) a report of a blowing leakage of gas, whether detected by hearing, sight or smell;
- (d) a report of the suspected or proven presence of gas in underground ducts, utility holes, subways or other confined spaces;
- (e) any other report of a leakage or suspected leakage of gas, that the holder thinks hazardous.

(2A) The holder shall investigate all reports, other than those specified in subsection (1)(a) to (e), within 24 hours of the receipt thereof.

(3) A leakage of gas shall be classified by the holder as—

- (a) class A—hazardous;
- (b) class B—potentially hazardous;
- (c) class C—non-hazardous.

(4) Where a leakage of gas has been classified by the holder as class A, the holder shall commence work on repairs immediately and shall continue that work with expedition until those repairs are completed and the leakage of gas eliminated.

(4A) Leakages of gas that shall be classified by the holder as class A include—

- (a) a blowing leakage of gas (whether detected by hearing, sight or smell);
- (b) a leakage of gas in or under a building;
- (c) a leakage of gas in an underground duct, utility hole, subway or other confined space;

Gas (Residual Provisions) Act 1965

- (d) any other leakage of gas that having regard to the circumstances the holder thinks hazardous.

(4B) Where in a case to which subsection (4) applies, the source of the leakage of gas is fittings that are not the property of the holder, the holder may, for the purpose of enabling work on repairs to be undertaken, cut off the supply of gas to those fittings.

(5) A leakage of gas that has been classified as potentially hazardous or non-hazardous shall be listed—

- (a) for repair; or
- (b) for re-examination of the location at a later date;

as the case requires.

(5A) A leakage of gas that has been classified as class B and listed for repair shall be repaired within 7 days of the date of investigation unless a further inspection during that period indicates that the leakage may be reclassified and repair thereof deferred.

(5B) Leakages of gas to which subsection (5A) applies include—

- (a) an area of density of leakages that renders a form of collective repair necessary, subject always to consideration of the possibility that individual leakages in this category may justify attention of a higher priority;
- (b) an indication of a leakage within 2 m of a building where the reading from a vented barhole exceeds 50% LEL and an examination has indicated that there is no gas in or under the building;
- (c) an indication of a leakage within 5 m of a building where there is in the vicinity a medium or high-pressure gas main or service;
- (d) an indication of a leakage adjacent to a school, hospital or place in which members of the public assemble.

(6) Leakages of gas that have been classified as class C and that may be left unrepaired include—

- (a) an indication of a leakage in an area outside a radius of 30 m from the nearest building where there is no evidence of vegetation decay and vented barhole readings are less than 50% LEL;

- (b) an indication of a leakage that is considered by the holder not to constitute a hazard and of such a nature as to be left unrepaired until the next survey.

(7) For the purposes of subsections (5B) and (6)—

“**LEL**” means lower explosive limit of the gas being measured.

“**vented barhole**” means a barhole that has been vented for a period of at least 3 hours.

(8) A holder shall keep records in proper form to the satisfaction of the chief gas examiner of—

- (a) every report received of a leakage of gas;
- (b) every inspection, investigation and report made by the holder following receipt of a report of a leakage of gas;
- (c) the action taken by the holder in respect of every report received of a leakage of gas following an inspection and investigation thereof.

(9) A holder who fails to comply with a provision of this section commits an offence against this Act.

Maximum penalty—\$25 for each day or part thereof during which the failure to comply continues.

13 Duty to prevent contamination of water

(1) When water which is intended for the use of inhabitants of an area is contaminated or affected by gas of the holder the holder shall forthwith upon learning of such contamination or affection take effectual measures to prevent further such contamination or affection.

(1A) The holder who, within 48 hours after learning of such contamination or affection, does not prevent further such contamination or affection shall forfeit and pay to the local government or other authority charged with the control of the supply of water concerned a sum not exceeding \$20 for each day or part thereof during which contamination or affection is caused to such water after the expiration of such period of 48 hours.

Search for cause of contamination

(2) Should a question arise whether water referred to in subsection (1) is or is likely to be contaminated or affected by gas of the holder the local

government or other authority charged with the control of the supply of water concerned may by its servants and agents dig to and about the fittings of the holder wherever situated and may examine such fittings whether situated above or below the ground.

(3) If it is established that gas of the holder is causing or is likely to cause such contamination or affection the holder shall forfeit and pay to the local government or other authority concerned the expenses incurred in and in connection with such digging and examination and reinstatement of any ground necessitated thereby but otherwise such expenses shall be borne by such local government or other authority which shall also forfeit and pay to the holder a sum in satisfaction for damage occasioned thereby to any fittings of the holder.

PART 4—MISCELLANEOUS

32 Conservation and utilisation of fuels

(1) The Governor in Council may, by gazette notice, direct a fuel gas supplier—

- (a) to supply a particular type of fuel gas;
- (b) to use a particular type of feed stock for the purpose of supplying its fuel gas;

in lieu of or in addition to any other fuel gas or feed stock as the Governor in Council thinks fit.

(2) The Governor in Council shall specify in such a direction a date before which or a period within which the act or thing directed to be done shall be done.

(3) A copy of such notification shall be given to the fuel gas supplier concerned.

(4) A copy of the gazette containing such a notification shall, upon its production in any proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein and that the direction so notified has been duly given.

(5) The expression—

“**feed stock**” includes any fuel gas and any substance from which fuel gas can be produced.

52 Person in charge of gas works to be qualified

(1) A person shall not be in charge of a gas works unless the person is—

- (a) a qualified person; or
- (b) authorised in writing by the Minister pursuant to this section to be in charge of the gas works in question and is so in charge in accordance with the conditions (if any) for the time being specified or notified by the Minister pursuant to this section.

(2) The Minister may authorise a person other than a qualified person to be in charge of a gas works for a period not exceeding 3 years subject to such conditions as the Minister may specify in such authorisation.

(2A) Upon written application by or on behalf of the gas supplier concerned, the Minister may, from time to time, renew such authorisation for a period, in each case not exceeding 3 years, subject to such conditions as the Minister may specify in such renewal.

(3) The Minister may, at any time—

- (a) vary the conditions specified in any authorisation or renewal by written notice given to the gas supplier concerned;
- (b) cancel any authorisation or renewal by written notice given to the gas supplier concerned.

(4) A gas supplier shall not—

- (a) permit a person who is neither a qualified person nor a person authorised under this section to be in charge of a gas works of that gas supplier; or
- (b) permit a person authorised under this section to be in charge of a gas works of that gas supplier otherwise than in accordance with the conditions for the time being specified or notified by the Minister.

52B Supply of gas through meters

(1) A gas supplier shall not—

Gas (Residual Provisions) Act 1965

- (a) subject to subsections (2) and (2A), supply gas through a meter to a consumer unless the meter—
 - (i) is the property of such gas supplier; and
 - (ii) has been tested and stamped by an approved person under and in accordance with this Act; or
- (b) supply gas to a consumer through a meter at any time after the expiration of the period prescribed under a regulation after the date upon which such meter was last tested and stamped by an approved person under this Act.

(2) In circumstances and under conditions approved by the chief gas examiner a meter tested and stamped by an approved person which is not the property of the gas supplier concerned, may be used to measure the quantity of gas supplied to a consumer.

(2A) When 1 gas supplier supplies gas to another gas supplier the means of measuring the volume of gas so supplied shall be as approved by the chief gas examiner.

(3) A gas supplier shall remove from premises every meter through which it supplies gas to such premises before the expiration of the period prescribed under a regulation after the date—

- (a) upon which such meter was last tested and stamped by an approved person; or
- (b) where such meter has not previously been tested and stamped by an approved person—upon which such meter was installed in such premises;

and shall thereupon replace such meter with another meter which has been tested and stamped by an approved person within the prescribed period.

(3A) If required by the chief gas examiner so to do, a gas supplier shall deliver all meters required by this Act to be tested and stamped by an approved person to the place specified in the requisition.

(3B) In circumstances approved by the chief gas examiner an approved person may test a meter and, if the person finds it correct, stamp the same without its removal from the premises of a consumer.

(5) Subject to subsection (6), a gas supplier which contravenes or fails to comply with any provision of this section commits a continuing offence against this Act and is liable to a penalty of 20 penalty units and, in addition, to a penalty of 2 penalty units for each day during which such offence continues.

(6) If a gas supplier satisfies the chief gas examiner that it is unable to comply with any provision of this section because of circumstances beyond its control, the chief gas examiner may, in writing, exempt such gas supplier from such provision for such period, and subject to such terms and conditions as the chief gas examiner considers proper in the circumstances.

(6A) A gas supplier which has been exempted under this section and which contravenes or fails to comply with any term or condition of such exemption commits an offence against this Act.

(6B) Upon a conviction of a gas supplier for an offence under subsections (6) and (6A) the exemption granted to such gas supplier shall be revoked by the chief gas examiner by writing addressed to such gas supplier.

(8) In this section—

“an approved person” means—

- (a) a gas examiner; or
- (b) any other person approved in writing by the chief gas examiner as a person who may test and stamp meters.

53 Use of meters etc. restricted

Save as is prescribed by this Act, a person shall not install in any premises or use any measuring device to measure the volume of gas or any meter unless such measuring device or, as the case may be, meter is approved by the chief gas examiner and stamped in accordance with this Act.

53A Use of large containers of another without permission prohibited

A fuel gas supplier shall not—

- (a) supply liquefied petroleum gas into; or
- (b) purport to sell; or
- (c) use in the conduct of his or her business as a fuel gas supplier;

a container that is of a greater water capacity than 25 kg and is the property of another fuel gas supplier unless the first mentioned fuel gas supplier has the permission in writing of the other fuel gas supplier so to do.

Maximum penalty—5 penalty units in respect of each container in respect of which this section is contravened.

54 Unauthorised interference with meters or fittings prohibited

(1) A person shall not fraudulently—

- (a) alter the index of a meter; or
- (b) prevent a meter from correctly registering the quantity of gas supplied to the premises whereon such meter is situated; or
- (c) interfere with a meter or a measuring device to measure the volume of gas or a seal or stamp affixed to any meter, measuring device or fitting; or
- (d) abstract, cause to be wasted or diverted, or consume gas supplied by a gas supplier.

(2) A person convicted of a contravention of any provision of subsection (1), whether or not the person is otherwise punished therefor, shall forfeit to the gas supplier concerned a sum not exceeding \$100.

(2A) The provisions of subsection (2) shall not be construed to prejudice nor shall any action or order made pursuant thereto be taken to prejudice the right of a gas supplier to recover in full damage done to this property.

(2B) However, in no case shall a gas supplier recover twice in respect of the same damage.

(3) When an act has been done which act, if done fraudulently, would constitute a contravention of any provision of subsection (1), the existence under the control of the person who did that act, of means for causing the alteration, prevention, interference, abstraction, wastage, diversion, or consumption occasioned by that act, or any of them, shall be prima facie evidence that such alteration, prevention, interference, abstraction, wastage, diversion or consumption, as the case may be, was caused fraudulently by such person.

(4) When an act which constitutes a contravention of any provision of subsection (1) has occurred in relation to any meter, measuring device or fitting the gas supplier concerned may discontinue the supply of gas theretofore supplied through or in connection with such meter, measuring device or, as the case may be, fitting until the act in question ceases or until every matter resulting from such act has been remedied, whichever is the later to occur.

59A Approval of forms

The chief executive may approve forms for use under this Act.

60A Provisions to ensure standards and safety requirements complied with

Any person who—

- (a) installs, maintains, alters or repairs any system, pipe, container, fitting, works or anything used, designed or intended for use in or in connection with the supply, distribution or consumption of gas; or
- (b) stores, distributes, supplies, transports or handles gas;

shall comply in every respect with—

- (c) the provisions of this Act with respect to those things; and
- (d) the prescribed standards and manner of installing, maintaining, altering or repairing those things; and
- (e) all directions (if any) given by the chief gas examiner with respect thereto;

and shall ensure that all work is carried out competently and with due regard to safety.

60B Provisions with respect to defective or dangerous fittings

(1) No person shall be obliged to give or supply gas, or to continue so to do, to any premises or places in which fittings are incomplete, defective or do not comply with the standards prescribed by this Act.

(2) Where a gas supplier or other prescribed person is of opinion that in any premises, place or part thereof there exists a danger or likelihood of danger to the safety of persons or things caused, directly or indirectly, by fittings which are defective or do not comply with the prescribed standards, the gas supplier or other person shall immediately disconnect the supply of gas from those premises, place or part thereof and shall not reconnect the supply of gas to those premises, place or part thereof whilst such danger or likelihood of danger continues to exist.

(3) A gas supplier or other prescribed person who disconnects the supply of gas from any premises, place or part thereof under subsection (2) shall

forthwith notify in writing the chief gas examiner of the disconnection and the reason therefor.

60C Standards of gas

Every gas supplier shall supply gas which is of a quality and at a pressure and in and through fittings for the time being prescribed.

61 Penalties

(1) A person who contravenes or fails to comply with any provision of this Act or with any order, direction or requisition lawfully given, made or issued pursuant to this Act commits an offence against this Act.

(2) A person who commits an offence against this Act shall, save where it is otherwise prescribed and the context does not indicate that this provision applies, be liable to a penalty of 40 penalty units.

(3) A prosecution for an offence against any provision of this Act shall be taken by way of summary proceeding under the *Justices Act 1886*, except that such proceeding may be instituted at any time within the time limited therefor by those Acts or within 12 months after the commission of the offence comes to the knowledge of the complainant whichever period shall be the later to expire.

(3A) A forfeiture under this Act shall be enforced and recovered by way of summary proceeding under the *Justices Act 1886*, or by way of action as for a debt due to the person in whose favour the forfeiture is prescribed in any court of competent jurisdiction.

(3B) However, where any forfeiture is prescribed to occur in consequence of the commission of an offence against any provision of this Act the court by which the defendant is convicted of such offence may order the amount of such forfeiture to be paid in accordance with this Act.

(4) When a body corporate commits an offence against this Act every member of the governing body thereof shall be deemed to have committed that offence and to be liable to the prescribed penalty and to pay any forfeiture arising therefrom unless it be proved, in any particular case, that such member did not know, and had no reasonable means of knowing, of the commission of the offence.

(5) Where it is provided in this Act that in respect of an offence against this Act a daily penalty may be imposed it is to be understood that the offence is a continuing offence in respect of which a complaint may be

laid, from time to time, alleging the commission of the offence over a period.

(6) However, an offender shall not be punished more than once in respect of any period.

61A Power of court to order cause of contravention to be remedied

(1) Where any person is convicted of an offence under this Act, the court may, in addition to inflicting a penalty, order the person, within the time specified in the order, to take such steps as may be specified therein for remedying the matters in respect of which the contravention occurred and may, on application, enlarge the time so specified.

(2) Where such an order is made, that person shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of the time as originally specified or enlarged by subsequent order, the order is not complied with, that person shall be liable to a penalty of 4 penalty units for each day on which the non-compliance continues.

62 Evidentiary provisions

In any proceeding in respect of an offence against this Act—

- (a) an averment in the complaint that a person is the chief executive, the chief gas examiner, the deputy chief gas examiner or a gas examiner, a member of the governing body of a body corporate or a consumer of gas is evidence of the matter so averred and, in the absence of evidence to the contrary, shall be conclusive evidence thereof;
- (b) a certificate of analysis purporting to be signed by an analyst shall, upon its production in any proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of its contents unless the party against whom such certificate is to be tendered requires that the analyst concerned be called as a witness and gives notice thereof to the party proposing to tender such certificate at least 3 days before the date of the hearing of such proceeding;
- (c) a signature purporting to be that of the Minister, the chief executive, the chief gas examiner, the deputy chief gas examiner

or a gas examiner shall be taken to be the signature it purports to be until the contrary is proved.

63 Laying of complaint; service of analyst's certificate

(1) A complaint for an offence against this Act may be laid by the chief gas examiner, deputy chief gas examiner, a gas examiner or by any person authorised in that behalf by the Minister.

(2) When it is proposed to tender an analyst's certificate on behalf of the complainant to a proceeding there shall be served on the defendant with the summons in that proceeding a copy of such certificate.

(2A) The endorsement of such certificate with an oath of service shall be prima facie evidence of such service.

(3) When it is proposed to tender an analyst's certificate on behalf of the defendant to a proceeding a copy of such certificate shall be given to the complainant at least 7 days before the hearing.

(4) If a copy of such certificate is not so given the court hearing the matter may adjourn the hearing on such terms as it thinks just.

64 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may make provision for a purpose mentioned in schedule 1.

(3) The regulations may—

- (a) adopt, wholly or in part and either by way of reference or by way of express specification therein, any of the standard rules, codes, or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, the Australian Gas Association, the Australian Liquefied Petroleum Gas Association or a like body identified in the regulations;
- (b) provide for the approval of the Minister or the chief gas examiner to be the standard applicable in respect of a particular matter;
- (c) provide that such things as are specified therein shall not be done except by a person who holds a licence issued under this Act, notwithstanding that a licence issued or continued under any other Act authorises such thing to be done.

SCHEDULE 1

PURPOSES FOR WHICH REGULATIONS MAY BE MADE

section 64

1. Providing for and regulating the powers, duties and authorities of a gas examiner and any person or holder of an appointment authorised under this Act to administer this Act.

2. Providing for and regulating the testing, examination and stamping of meters, the registration and regulation of meters and the installation of meters upon consumers' premises.

3. Providing for and regulating the installation of fittings including regulating the type thereof, the manner of their installation, rectification of defects in fittings or their installation, the payment of the costs of such rectification and the persons who may install fittings and providing for a system of licensing such persons (including the specification of types of licences and qualifications therefor, who may sponsor a licensee, the duties and responsibilities of a sponsor and the recognition, cancellation and revocation of gasfitter's licences issued under the *Sewerage and Water Supply Act 1949*) and the control and discipline of licensed persons.

4. Providing for and regulating the composition, characteristics and quality of gas and the pressure at which it is to be supplied.

5. Providing for and regulating the safe storage, handling and transport of gas and the maintenance of plant and fittings used, designed or intended for use in or in connection with the production, treatment, storage, handling and transport of gas.

6. Providing for and regulating the construction, marketing, and maintenance of fittings.

6A. Providing for the regular inspection of fittings and the issue of certificates of compliance with the standards prescribed for those fittings.

6B. Providing for the control and regulation of the dealing in (including selling, disposing and transferring) fittings.

SCHEDULE 1 (continued)

7. Providing for the places and methods for the testing of gas and the apparatus to be used therein.

8. Providing for the location, arrangement and requirements of installations to be used for the purpose of storing, distributing or filling containers with liquefied petroleum gas and the conditions upon which such gas may be supplied.

9. Providing for records to be kept by gas suppliers and the furnishing of information to the chief gas examiner in respect thereof and of meters used by such suppliers for the purpose of the supply and consumption of gas.

10. Providing for returns and information to be furnished to the chief gas examiner, forms to be used and fees to be paid for the purposes of this Act.

12A. Providing for the registration of persons as agents or distributors of the grantees of gas suppliers' licences, the qualifications necessary to be had for registration and the suspension and cancellation of that registration.

13. Providing for exemptions from compliance with the regulations or part thereof.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	30
3	Key	30
4	Table of reprints	31
5	Tables in earlier reprints	31
6	List of legislation	31
7	List of annotations	34

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Gas (Residual Provisions) Act 1965 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1994 Act No. 87	1 December 1994	22 December 1994
2	to 1995 Act No. 58	28 November 1995	30 November 1995
2A	to 1997 Act No. 28	13 July 1997	15 August 1997
2B	to 1997 Act No. 71	1 December 1997	5 December 1997
2C	to 1998 Act No. 28	18 May 2000	23 May 2000
2D	to 2000 Act No. 46	25 October 2000	10 November 2000
2E	to 2001 Act No. 45	15 July 2001	20 July 2001
3	to 2001 Act No. 53	16 August 2001	5 September 2001
3A	to 2001 Act No. 83	3 December 2001	11 December 2001
			(Column discontinued) Notes
3B	to 2002 Act No. 56	1 November 2002	
3C	to 2003 Act No. 29	1 July 2003	

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Gas (Residual Provisions) Act 1965 No. 68 (prev Gas Act 1965)

date of assent 24 December 1965

commenced 1 July 1966 (proc pubd gaz 25 June 1966 p 1116)

amending legislation—

Gas Act Amendment Act 1966 No. 34

date of assent 21 December 1966

commenced on date of assent

Gas Acts Amendment Act 1967 No. 33

date of assent 15 November 1967
commenced on date of assent

Gas Act Amendment Act 1971 No. 5

date of assent 14 April 1971
commenced on date of assent

Metric Conversion Act 1972 No. 31 pt 2 sch 1

date of assent 21 December 1972
commenced 15 July 1976 (proc pubd gaz 17 July 1976 p 1616)

Gas Act Amendment Act 1974 No. 10

date of assent 18 April 1974
commenced on date of assent

Gas Act Amendment Act 1976 No. 35

date of assent 28 April 1976
commenced on date of assent

Gas Act Amendment Act 1981 No. 39

date of assent 20 May 1981
commenced on date of assent

Gas Act Amendment Act 1981 (No. 2) No. 108

date of assent 16 December 1981
commenced on date of assent

Gas Act Amendment Act 1985 No. 75

date of assent 23 October 1985
commenced on date of assent

Gas Act Amendment Act 1988 No. 9

date of assent 7 April 1988
ss 1–2 commenced on date of assent
ss 3, 7–9, 11–15, 27, 32–34, 37, 43, 45–50 commenced 28 May 1988 (proc pubd gaz
28 May 1988 pp 720–1)
remaining provisions commenced 1 August 1988 (proc pubd gaz 2 July 1988
p 2620)

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989
commenced on date of assent

Gas Act Amendment Act 1990 No. 66

date of assent 19 September 1990
ss 1–2 commenced on date of assent
remaining provisions commenced 13 October 1990 (proc pubd gaz 13 October 1990
p 792)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 1

date of assent 1 December 1994
commenced on date of assent (see s 2)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (this Act is amended, see amending legislation below)

date of assent 28 November 1995

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1 (amends 1995 No. 57 above)

date of assent 28 November 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 2

date of assent 28 November 1995

commenced on date of assent

Body Corporate and Community Management Act 1997 No. 28 ss 1–2, 295 sch 3

date of assent 22 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 13 July 1997 (1997 SL No. 210)

Petroleum and Gas Legislation Amendment Act 1997 No. 71 pt 4, sch

date of assent 1 December 1997

commenced on date of assent

Gas Pipelines Access (Queensland) Act 1998 No. 28 ss 1–2 pt 7 div 2 (this Act is amended, see amending legislation below)

date of assent 18 May 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 19 May 2000 (automatic commencement under AIA s 15DA(2)) (1999 No. 86 s 2)

amending legislation—

Electricity and Gas Legislation Amendment Act 1999 No. 82 ss 1, 5, 7 (amends 1998 No. 28 above)

date of assent 14 December 1999

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch

date of assent 25 October 2000

commenced on date of assent

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Gas Amendment Act 2001 No. 53

date of assent 16 August 2001
commenced on date of assent

Gas Amendment Act (No. 2) 2001 No. 83

date of assent 3 December 2001
commenced on date of assent

Treasury Legislation Amendment Act 2002 No. 56 ss 1–2(1), pt 4

date of assent 1 November 2002
ss 1–2 commenced on date of assent
remaining provisions commenced on date of assent (see s 2(1))

Gas Supply Act 2003 No. 29 ss 1–2, ch 8 pt 3

date of assent 23 May 2003
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2003 (2003 SL No. 121)

7 List of annotations

Title sub 1990 No. 66 s 3
amd 2003 No. 29 s 348

Short title

s 1 amd 1995 No. 57 s 4 sch 1; 2003 No. 29 s 347

Relationship to prescribed Acts

s 2 amd 1967 No. 33 s 2; 1971 No. 5 s 2; 1972 No. 31 s 6 sch 1; 1988 No. 9 s 4
sub 1990 No. 66 s 4
amd 2001 No. 83 s 3; 2003 No. 29 s 349

Act inapplicable in certain case

s 2A ins 1990 No. 66 s 4

Arrangement of Act

s 3 amd 1971 No. 5 s 3; 1976 No. 35 s 2; 1988 No. 9 s 5; 1990 No. 66 s 5
om R1 (see RA s 36)

Repeals and savings

s 4 amd R1 (see RA s 40)
om 1997 No. 71 s 1 sch

Further repeals

s 4A ins 1990 No. 66 s 6
om R1 (see RA s 40)

Definitions

prov hdg amd 1997 No. 71 s 1 sch
s 5 amd 1988 No. 9 s 6(a)(i), (b)
def “**approved form**” ins 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 350
def “**Area**” amd 1971 No. 5 s 4
om 1988 No. 9 s 6(a)(ii)

- def “**British Thermal unit**” or “**B.T.U.**” om 1972 No. 31 s 6 sch 1
- def “**bulk liquefied petroleum gas**” or “**bulk L.P. gas**” amd 1972 No. 31 s 6 sch 1; 1988 No. 9 s 6 (a)(iii)
om 2003 No. 29 s 350
- def “**Calorific value**” om 1972 No. 31 s 6 sch 1
- def “**caravan**” ins 1988 No. 9 s 6(a)(iv)
- def “**carburetted water gas**” amd 1976 No. 35 s 3(a)
- def “**chief gas examiner**” ins 1976 No. 35 s 3(b)
- def “**coal gas**” amd 1976 No. 35 s 3(c)
- def “**contestable consumer**” ins 1998 No. 28 s 64
amd 2001 No. 83 s 4(1)
om 2003 No. 29 s 350
- def “**contestable consumer certification**” ins 2002 No. 56 s 12(2)
om 2003 No. 29 s 350
- def “**Cylinder**” om 1976 No. 35 s 3(d)
- def “**dry basis**” om 2002 No. 56 s 12(1)
- def “**dry type meter**” om 2002 No. 56 s 12(1)
- def “**financial year**” om 2003 No. 29 s 350
- def “**fittings**” amd 1976 No. 35 s 3(e)
- def “**franchise**” amd 1976 No. 35 s 3(f)
sub 1988 No. 9 s 6(a)(v)
om 2003 No. 29 s 350
- def “**franchise area**” ins 1988 No. 9 s 6(a)(vi)
om 2003 No. 29 s 350
- def “**fuel gas**” ins 1990 No. 66 s 7(a)
amd 1995 No. 57 s 4 sch 1
- def “**fuel gas supplier**” ins 1990 No. 66 s 7(a)
amd 1995 No. 57 s 4 sch 1
- def “**gas**” amd 1976 No. 35 s 3(g)
sub 1990 No. 66 s 7(a)
amd 1995 No. 57 s 4 sch 1
- def “**gas examiner**” amd 1988 No. 9 s 6(a)(vii)
- def “**gas supplier**” sub 1988 No. 9 s 6(a)(viii); 1990 No. 66 s 7(b)
- def “**gas terminal**” ins 1990 No. 66 s 7(b)
amd 1995 No. 57 s 4 sch 1
- def “**Gas undertaking**” amd 1985 No. 75 s 2
om 1988 No. 9 s 6(a)(ix)
- def “**gas works**” sub 1988 No. 9 s 6(a)(x)
amd 1990 No. 66 s 7(c)
- def “**heating value**” ins 1972 No. 31 s 6 sch 1
om 2002 No. 56 s 12(1)
- def “**industrial and commercial**” om 2002 No. 56 s 12(1)
- def “**justice**” om R1 (see RA s 39)
- def “**Liquefied petroleum gas terminal**” ins 1988 No. 9 s 6(a)(xi)
om 1990 No. 66 s 7(d)
- def “**local government**” om 1995 No. 57 s 4 sch 1
- def “**lot**” ins 2002 No. 56 s 12(2)
om 2003 No. 29 s 350
- def “**measured gas**” om 2002 No. 56 s 12(1)
- def “**Metal working**” ins 1966 No. 34 s 2

- om 1990 No. 66 s 7(e)
 def “**Minister**” sub 1988 No. 9 s 6(a)(xii); 1990 No. 66 s 7(f)
 om R1 (see RA s 39)
 def “**new non-contestable consumer**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**non-contestable consumer**” ins 1998 No. 28 s 64
 amd 2001 No. 83 s 4(2)
 om 2003 No. 29 s 350
 def “**Part**” om R1 (see RA s 39)
 def “**party to the review**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**pipe**” sub 1990 No. 66 s 7(g)
 def “**Pound avoirdupois**” om 1972 No. 31 s 6 sch 1
 def “**prepayment meter**” om 2003 No. 29 s 350
 def “**private purposes**” amd 1975 No. 35 s 3(h)
 om 2002 No. 56 s 12(1)
 def “**private way**” om 2003 No. 29 s 350
 def “**P.S.I.G.**” om 1972 No. 31 s 6 sch 1
 def “**Public purposes**” om 1975 No. 35 s 3(i)
 def “**qualified person**” sub 1988 No. 9 s 6(a)(xiii)
 def “**registered owner**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**relevant fuel gas supplier**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**relief device**” om 2002 No. 56 s 12(1)
 def “**reticulation system**” ins 1988 No. 9 s 6(a)(xiv)
 amd 1990 No. 66 s 7(h)
 om 2003 No. 29 s 350
 def “**review decision**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**reviewer**” ins 2002 No. 56 s 12(2)
 om 2003 No. 29 s 350
 def “**specific gravity**” om 2002 No. 56 s 12(1)
 def “**Standard cubic foot of gas**” om 1972 No. 31 s 6 sch 1
 def “**Standard cubic foot of gas (saturated)**” om 1972 No. 31 s 6 sch 1
 def “**standard cubic metre of gas**” ins 1972 No. 31 s 6 sch 1
 amd 1988 No. 9 s 6(a)(xv)
 om 2002 No. 56 s 12(1)
 def “**standard cubic metre of gas (saturated)**” ins 1972 No. 31 s 6 sch 1
 amd 1988 No. 9 s 6(a)(xvi)
 om 2002 No. 56 s 12(1)
 def “**Station meter**” om 1990 No. 66 s 7(i)
 def “**supply charge**” ins 1997 No. 71 s 1 sch
 om 2003 No. 29 s 350
 def “**testing place**” om 2003 No. 29 s 350
 def “**tolling arrangement**” ins 1988 No. 9 s 6(a)(xvii)
 om 2002 No. 56 s 12(1)
 def “**Unaccounted for gas**” amd 1988 No. 9 s 6(a)(xviii)
 om 1990 No. 66 s 7(j)

def “**wet basis**” om 2003 No. 29 s 350

def “**wet type meter**” om 2003 No. 29 s 350

Meaning of “supply charge”

s 5A ins 1997 No. 71 s 23
om 2003 No. 29 s 351

Administration

s 6 amd 1966 No. 34 s 3
sub 1988 No. 9 s 7
amd 1990 No. 66 s 8

Minister may appoint advisory committees

s 6A ins 1990 No. 66 s 9

Appointment of officers

s 7 sub 1988 No. 9 s 8
amd 2003 No. 29 s 352

Power to delegate

s 7A ins 1976 No. 35 s 4
amd 1988 No. 9 s 9; 1995 No. 57 s 4 sch 1

Powers of inspection etc.

s 8 amd 1967 No. 33 s 3; 1971 No. 5 s 5; 1976 No. 35 s 5; 1988 No. 9 s 10; 1995
No. 57 s 4 sch 1

Obstruction of gas examiners

s 10 amd 1988 No. 9 s 11

Notification of accidents

s 10A ins 1971 No. 5 s 6
amd 1976 No. 35 s 6; 1988 No. 9 s 12; 1995 No. 57 s 4 sch 1

Fees payable in all cases

s 10B ins 1971 No. 5 s 7

Protection for acts done in the execution of this Act

s 10C ins 1971 No. 5 s 8
amd 1988 No. 9 s 13; 2003 No. 29 s 353

Inquiries into accidents

s 10D ins 1988 No. 9 s 14
amd 1995 No. 57 s 4 sch 1

PART 3—PROVISIONS APPLICABLE TO DISTRIBUTORS AND RETAILERS

pt hdg sub 2003 No. 29 s 354

Application of pt 3

s 11 orig s 11 sub 1988 No. 9 s 15
om 1994 No. 87 s 3 sch 1
prev s 11 ins 1998 No. 28 s 66
om 2001 No. 83 s 7
pres s 11 sub 2003 No. 29 s 354

Cessation of certain franchises

s 11A ins 1988 No. 9 s 16
om 1994 No. 87 s 3 sch 1

Sole right to supply LP gas

s 11B ins 1988 No. 9 s 17
om 1994 No. 87 s 3 sch 1

Duty to prevent leakage of gas

s 12 prev s 12 amd 1985 No. 75 s 3; 1988 No. 9 s 18; 1990 No. 66 s 10; 1994 No. 87 s 3 sch 1
om 2003 No. 29 s 354
pres s 12 (prev sch 1, s 18) amd 1966 No. 34 s 6 sch
sub 1974 No. 10 s 10(b)
amd 1976 No. 35 s 23(2) sch
reloc and renum 2003 No. 29 s 366(1)

Special conditions on franchise

s 12A ins 1990 No. 66 s 11
amd 1994 No. 87 s 3 sch 1
om 2003 No. 29 s 354

Duty to prevent contamination of water

prov hdg amd 1985 No. 75 s 4(a); 1990 No. 66 s 12(a)
s 13 prev s 13 amd 1971 No. 5 s 9; 1976 No. 35 s 23(1) sch; 1985 No. 75 s 4(b)–(c)
sub 1988 No. 9 s 19
amd 1990 No. 66 s 12(b)–(c)
om 2003 No. 29 s 354
pres s 13 (prev sch 1, s 19) amd 1966 No. 34 s 6 sch
reloc and renum 2003 No. 29 s 366(1)

Authorisation to supply gas in special cases

s 14 sub 1988 No. 9 s 20
om 1990 No. 66 s 13

Restriction on supply of gas outside franchise area

s 14A ins 1988 No. 9 s 21
om 1990 No. 66 s 13

Cancellation of franchise

s 15 amd 1988 No. 9 s 22; 1990 No. 66 s 14; 1994 No. 87 s 3 sch 1
om 2003 No. 29 s 354

Applications for franchise in lieu of cancelled franchise

s 16 om 2003 No. 29 s 354

Effect of cancellation of franchise

s 17 amd 1988 No. 9 s 23; 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 354

Restriction on disposal of reticulation system

prov hdg amd 1988 No. 9 s 24(a)
s 18 amd 1988 No. 9 s 24(b); 1990 No. 66 s 15; 1994 No. 87 s 3 sch 1
om 2003 No. 29 s 354

Surrender of franchise

s 19 amd 1990 No. 66 s 16; 1994 No. 87 s 3 sch 1
om 2003 No. 29 s 354

Provisions applicable to a reticulation system

prov hdg amd 1985 No. 75 s 5(a); 1988 No. 9 s 25(a)
s 20 amd 1971 No. 5 s 10; 1985 No. 75 s 5(b)–(c); 1988 No. 9 s 25(b)–(c); 1990
No. 66 s 17; 1995 No. 57 s 4 sch 1; 1997 No. 71 s 1 sch; 1998 No. 28 s 67;
2001 No. 83 s 8
om 2003 No. 29 s 354

Mode of grant, &c., of franchise

s 21 om 1990 No. 66 s 18

Power to vary franchise areas

prov hdg amd 1988 No. 9 s 26(a)
s 22 amd 1988 No. 9 s 26(b)
om 1990 No. 66 s 18

PART 4—MISCELLANEOUS

pt hdg prev pt 4 hdg sub 1976 No. 35 s 7
amd 1990 No. 66 s 30
om 2003 No. 29 s 355(2)
pres pt 4 hdg (prev pt 8 hdg) amd 1995 No. 57 s 4 sch 1
renum 2003 No. 29 s 357

Application of this part

s 23 amd 1976 No. 35 s 8; 1990 No. 66 s 30
om 2003 No. 29 s 355(2)

Quality and pressure of gas

s 24 om 1988 No. 9 s 27

Forfeiture by fuel gas supplier for insufficiency of supply

prov hdg amd 1988 No. 9 s 28(a); 1990 No. 66 s 30
s 26 amd 1966 No. 34 s 6 sch; 1971 No. 5 s 12; 1976 No. 35 s 23(1) sch; 1988
No. 9 s 28(b)–(e); 1990 No. 66 s 30
om 2003 No. 29 s 355(2)

Duty of fuel gas supplier to supply consumers

prov hdg amd 1990 No. 66 s 30
s 28 amd 1967 No. 33 s 4; 1972 No. 31 s 6 sch 1; 1976 No. 35 s 9; 1988 No. 9 s 29;
1990 No. 66 s 30; 1997 No. 71 s 24; 1997 No. 71 s 1 sch
om 2003 No. 29 s 355(2)

Request for fuel gas supply

prov hdg amd 1988 No. 9 s 30(a); 1990 No. 66 s 30
s 29 amd 1966 No. 34 s 6 sch; 1974 No. 10 s 2; 1976 No. 35 s 23(1) sch; 1988
No. 9 s 30(b); 1990 No. 66 s 30; 1995 No. 57 s 4 sch 1
sub 1997 No. 71 s 25
om 2003 No. 29 s 355(2)

Consumer's liability for supply charges

s 29A (prev s 29(2)–(3)) renum 1995 No. 58 s 4 sch 1

sub 1997 No. 71 s 25
om 2003 No. 29 s 355(2)

Security for supply or supply charges

s 29AA ins 1997 No. 71 s 25
om 2003 No. 29 s 355(2)

Discontinuance of supply

s 29B (prev s 29(4)–(4A)) renum 1995 No. 58 s 4 sch 1
amd 1997 No. 71 s 1 sch
om 2003 No. 29 s 355(2)

Forfeiture where unauthorised discontinuance of supply

s 29C (prev s 29(5)) renum 1995 No. 58 s 4 sch 1
amd 1997 No. 71 s 1 sch
om 2003 No. 29 s 355(2)

Application to Minister to obtain a supply of fuel gas

prov hdg amd 1990 No. 66 s 30
s 30 amd 1966 No. 34 s 6 sch; 1988 No. 9 s 31; 1990 No. 66 s 30; 1994 No. 87 s 3
sch 1; 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 355(2)

Measurement of gas

s 31 amd 1966 No. 34 s 6 sch; 1976 No. 35 s 10; 1976 No. 35 s 23(1) sch; 1988
No. 9 s 32
om 1990 No. 66 s 20

Conservation and utilisation of fuels

s 32 amd 1966 No. 34 s 6 sch; 1976 No. 35 ss 11, 23(1) sch; 1988 No. 9 s 33; 1990
No. 66 s 30; 1995 No. 57 s 4 sch 1
reloc 2003 No. 29 s 357

Minister may direct to ensure continuous supply of fuel gas

s 32A (prev s 32(2)–(2AA)) renum 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 355(2)

Minister's powers to ensure satisfactory progress

s 32B (prev s 32(2A)–(2E)) renum 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 355(2)

Penalty for disobedience to direction

s 32C (prev s 32(3)) renum 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 355(2)

Meters, pipes etc. not subject to distress for rent etc.

s 33 amd 1988 No. 9 s 34; 1990 No. 66 s 30; 1995 No. 57 s 4 sch 1; 2001 No. 45
s 29 sch 3
om 2003 No. 29 s 355(2)

PART 5—PROVISIONS RELATING TO CONTESTABILITY

pt hdg prev pt 5 hdg sub 1988 No. 9 ss 35(a), 36
exp 30 June 1995 (see s 34)
pres pt 5 hdg ins 2001 No. 83 s 9
om 2003 No. 29 s 356

Division 1—Preliminary

div hdg ins 2002 No. 56 s 16(1)
om 2003 No. 29 s 356

Meaning of “contestable consumer”

s 33A (prev s 5B) ins 1998 No. 28 s 65 (as amd 1999 No. 82 s 7(1))
amd 2000 No. 46 s 3 sch; 2001 No. 53 s 3
renum and reloc 2001 No. 83 s 5
amd 2002 No. 56 s 13
om 2003 No. 29 s 356

Meaning of “non-contestable consumer” and “new non-contestable consumer”

prov hdg amd 2002 No. 56 s 14(1)
s 33B (prev s 5C) ins 1998 No. 28 s 65 (as amd 1999 No. 82 s 7(2)–(3))
amd 2000 No. 46 s 3 sch; 2001 No. 53 s 4; 2001 No. 83 s 6(1)
renum and reloc 2001 No. 83 s 6(2)
amd 2002 No. 56 s 14(2)–(3)
om 2003 No. 29 s 356

Division 2—Contestable consumers

div 2 (ss 33BA–33BC) ins 2002 No. 56 s 15
om 2003 No. 29 s 356

Division 3—Contestable consumer certification

div hdg ins 2002 No. 56 s 15
om 2003 No. 29 s 356

Subdivision 1—Application for contestable consumer certification

sdiv 1 (ss 33BD–33BG) ins 2002 No. 56 s 15
om 2003 No. 29 s 356

Subdivision 2—Review of decision to refuse contestable consumer certification

sdiv 2 (ss 33BH–33BL) ins 2002 No. 56 s 15
om 2003 No. 29 s 356

Division 4—Other provisions relating to contestability

div hdg ins 2002 No. 56 s 16(2)
om 2003 No. 29 s 356

Restriction on constructing and maintaining distribution pipeline

s 33C (prev s 52D) ins 1998 No. 28 s 69
renum and reloc 2001 No. 83 s 10
om 2003 No. 29 s 356

Restriction on sale of gas in franchise area

s 33D (prev s 52E) ins 1998 No. 28 s 69
renum and reloc 2001 No. 83 s 10
om 2003 No. 29 s 356

Market operating arrangements in natural gas market

s 33E ins 2001 No. 83 s 9
om 2003 No. 29 s 356

Tabling and inspection of code of conduct

s 33F ins 2001 No. 83 s 9
om 2003 No. 29 s 356

Termination of this part

s 34 amd 1985 No. 75 s 6
sub 1988 No. 9 ss 35(b), 36
exp 30 June 1995 (see s 34)

Gas supplier to be licensed

s 35 sub 1988 No. 9 ss 35(b), 36
amd 1990 No. 66 s 21
exp 30 June 1995 (see s 34)

Granting of gas supplier's licence

s 36 sub 1988 No. 9 ss 35(b), 37
exp 30 June 1995 (see s 34)

Contents of licences

s 37 amd 1972 No. 31 s 6 sch 1
sub 1988 No. 9 ss 35(b), 37
amd 1990 No. 66 s 22
exp 30 June 1995 (see s 34)

Licence fee

s 38 sub 1988 No. 9 ss 35(b), 37
exp 30 June 1995 (see s 34)

Cancellation of licence

s 39 amd 1971 No. 5 s 13; 1972 No. 31 s 6 sch 1; 1976 No. 35 s 12
sub 1988 No. 9 ss 35(b), 38
exp 30 June 1995 (see s 34)

Surrender, transfer etc. of licence

s 40 amd 1966 No. 34 s 6 sch; 1976 No. 35 sch
sub 1988 No. 9 ss 35(b), 38
exp 30 June 1995 (see s 34)

PART VIA—INSUFFICIENCY OF SUPPLY OF GAS

pt hdg ins 1971 No. 5 s 14(a)
om 1988 No. 9 s 35(a)

Provision for insufficiency of supply

s 40A (prev s 25) renum 1967 No. 5 s 14(b)
amd 1966 No. 34 s 6 sch
amd 1976 No. 35 s 23(1) sch
om 1988 No. 9 s 35(b)

Penalty for breach of licence conditions

s 41 amd 1976 No. 35 s 14
sub 1988 No. 9 ss 35(b), 38
exp 30 June 1995 (see s 34)

PART 6—SUFFICIENCY OF SUPPLY OF FUEL GAS

pt hdg sub 1988 No. 9 ss 35(a), 39
 amd 1990 No. 66 s 30
 om 2003 No. 29 s 356

Application of part

s 42 sub 1988 No. 9 ss 35(b), 39
 amd 1990 No. 66 s 30
 om 2003 No. 29 s 356

Allocation of fuel gas resources

prov hdg amd 1990 No. 66 s 30
s 43 amd 1966 No. 34 s 6 sch; 1967 No. 33 s 5
 sub 1974 No. 10 s 3
 amd 1976 No. 35 s 15; 1976 No. 35 sch
 sub 1988 No. 9 ss 35(b), 39
 amd 1990 No. 66 s 30
 om 1997 No. 71 s 26

Conduct of business by gas supplier

s 43A ins 1974 No. 10 s 4
 om 1988 No. 9 s 35(b)

Directions by Minister as to certain dealings by a gas supplier

s 43B ins 1974 No. 10 s 4
 amd 1976 No. 35 s 23(1) sch
 om 1988 No. 9 s 35(b)

Provision for insufficiency of supply

s 44 amd 1967 No. 33 s 6
 sub 1988 No. 9 ss 35(b), 39
 amd 1990 No. 66 ss 23, 30; 1995 No. 57 s 4 sch 1
 om 2003 No. 29 s 356

PART 7—THE GAS TRIBUNAL

pt hdg sub 1976 No. 35 s 13; 1988 No. 9 ss 35(a), 40
 om 2003 No. 29 s 356

Application of this part

s 45 amd 1966 No. 34 ss 4, 6 sch; 1967 No. 33 s 7; 1974 No. 10 s 5; 1981 No. 39
 s 2; 1981 No. 108 s 2
 sub 1988 No. 9 ss 35(b), 40
 amd 1990 No. 66 s 30
 om 2003 No. 29 s 356

Eligibility of members

s 46 prev s 46 om 1974 No. 10 s 6
 pres s 46 ins 1988 No. 9 s 40
 om 2003 No. 29 s 356

Gas Tribunal inquiry

s 47 amd 1974 No. 10 s 7
 sub 1988 No. 9 ss 35(b), 40
 om 2003 No. 29 s 356

Confidentiality of information

s 48 sub 1988 No. 9 ss 35(b), 41
om 2003 No. 29 s 356

Authorities of the Gas Tribunal

s 49 sub 1988 No. 9 ss 35(b), 41
amd 1990 No. 66 s 30
om 2003 No. 29 s 356

Inquiry into fuel gas prices

prov hdg amd 1990 No. 66 s 30
s 50 sub 1988 No. 9 ss 35(b), 42
amd 1989 No. 103 s 3 sch; 1990 No. 66 s 30
om 2003 No. 29 s 356

Fixing of prices and charges

s 51 amd 1966 No. 34 s 6 sch; 1967 No. 33 s 8; 1976 No. 35 ss 16, 23(1) sch
sub 1988 No. 9 ss 35(b), 42
amd 1990 No. 66 s 30; 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 356

PART 7A—TAKING OF EASEMENTS

pt hdg ins 1990 No. 66 s 24
om 2003 No. 29 s 356

Definition

s 51A prev s 51A ins 1974 No. 10 s 8
om 1988 No. 9 s 35(b)
pres s 51A ins 1990 No. 66 s 24
om 2003 No. 29 s 356

Constitution of corporation

s 51B prev s 51B ins 1974 No. 10 s 8
om 1988 No. 9 s 35(b)
pres s 51B ins 1990 No. 66 s 24
om 2003 No. 29 s 356

Corporation a constructing authority

s 51C ins 1990 No. 66 s 24
om 2003 No. 29 s 356

Power of corporation to take easement

s 51D ins 1990 No. 66 s 25
om 2003 No. 29 s 356

Compensation and expenses payable by person for whose benefit easement taken

s 51E ins 1990 No. 66 s 25
om 2003 No. 29 s 356

Rights of benefited person

s 51F ins 1990 No. 66 s 25
om 2003 No. 29 s 356

Person in charge of gas works to be qualified

s 52 amd 1967 No. 33 s 9

prev s 52 om 1988 No. 9 s 43
 pres s 52 (prev s 27) renum 1990 No. 66 s 19(a)
 amd 1990 No. 66 s 19(b)–(c); R1 (see RA s 39)

Measurement of fuel gas

s 52A ins 1990 No. 66 s 26
 om 2003 No. 29 s 358

Supply of gas through meters

s 52B ins 1990 No. 66 s 26
 amd 1995 No. 57 s 4 sch 1

Restriction on constructing and maintaining pipe

s 52C ins 1990 No. 66 s 26
 amd 1995 No. 57 s 4 sch 1; 1997 No. 28 s 295 sch 3; 1998 No. 28 s 68
 om 2003 No. 29 s 359

Use of meters etc. restricted

s 53 amd 1988 No. 9 s 44

Use of large containers of another without permission prohibited

s 53A ins 1988 No. 9 s 45
 amd 1990 No. 66 s 30

Unauthorised interference with meters or fittings prohibited

s 54 amd 1966 No. 34 s 6 sch; 1976 No. 35 s 23(1) sch

Regulation of payment to gas supplier

s 55 om 2003 No. 29 s 360

Prepayment meters

s 56 om 2003 No. 29 s 360

Hire of prepayment meter and fittings

s 57 om 2003 No. 29 s 360

Accounts and audit

s 58 om 2003 No. 29 s 360

Returns

s 59 amd 1988 No. 9 s 46
 sub 1995 No. 57 s 4 sch 1
 om 2003 No. 29 s 360

Approval of forms

s 59A ins 1995 No. 57 s 4 sch 1

Regulations

s 60 amd 1995 No. 57 s 4 sch 1
 reloc as s 64 1995 No. 57 s 4 sch 1

Provisions to ensure standards and safety requirements complied with

s 60A ins 1976 No. 35 s 18
 amd 1989 No. 103 s 3 sch; 1997 No. 71 s 1 sch; 2003 No. 29 s 361

Provisions with respect to defective or dangerous fittings

s 60B ins 1976 No. 35 s 18
amd 1990 No. 66 s 28; 2003 No. 29 s 362

Standards of gas

s 60C ins 1988 No. 9 s 47

Penalties

s 61 amd 1966 No. 34 s 6 sch; 1971 No. 5 s 15; 1976 No. 35 s 19; 1976 No. 35 s 23(1) sch; 1988 No. 9 s 48

Power of court to order cause of contravention to be remedied

s 61A ins 1976 No. 35 s 20
amd 1988 No. 9 s 49

Evidentiary provisions

s 62 amd 1971 No. 5 s 16; 1988 No. 9 s 50; 1995 No. 57 s 4 sch 1; 2003 No. 29 s 363

Laying of complaint; service of analyst's certificate

s 63 amd 1971 No. 5 s 17; 1988 No. 9 s 51; 1997 No. 71 s 1 sch; 2003 No. 29 s 364

Regulation-making power

prov hdg amd 1997 No. 71 s 1 sch
s 64 prev s 64 amd 1971 No. 5 s 18
sub 1974 No. 10 s 9
om 1995 No. 57 s 4 sch 1
new s 64 (prev s 60) amd 1976 No. 35 s 17; 1990 No. 66 s 27; 1995 No. 57 s 4 sch 1
reloc 1995 No. 57 s 4 sch 1
amd 1997 No. 71 s 1 sch; 1998 No. 28 s 70; 2001 No. 83 s 11; 2003 No. 29 s 365

PART 9—TRANSITIONAL

pt hdg ins 1995 No. 57 s 4 sch 1
om 1997 No. 71 s 1 sch

Approved forms

s 65 sub 1990 No. 66 s 29; 1995 No. 57 s 4 sch 1
amd 1995 No. 58 s 4 sch 1
exp 28 February 1996 (see s 65(3))

SCHEDULE 1—PURPOSES FOR WHICH REGULATIONS MAY BE MADE

sch hdg orig sch 1 om R1 (see RA s 40)
prev sch 1 (prev sch 2) renum 1997 No. 71 s 1 sch
om 2003 No. 29 s 366(2)
pres sch 1 (orig sch 4) renum 1997 No. 71 s 1 sch
(prev sch 2) amd 1966 No. 34 s 5; 1976 No. 35 s 22; 1989 No. 103 s 3 sch;
1990 No. 66 s 32; 1997 No. 71 s 28; 2003 No. 29 s 367(1)
renum 2003 No. 29 s 367(2)

Power of acquisition

s 3 amd 2001 No. 45 s 29 sch 3
om 2003 No. 29 s 366(2)

Execution against holder's property restricted

s 4 amd 2001 No. 45 s 29 sch 3
om 2003 No. 29 s 366(2)

Power of salaried officers to hold shares in body corporate

s 5 om 2003 No. 29 s 366(2)

Authority to dispense with corporate seal

s 6 amd 2001 No. 45 s 29 sch 3
om 2003 No. 29 s 366(2)

Incorporated holder may act through agent

s 7 om 2003 No. 29 s 366(2)

Powers of holder to erect structures and install fittings

s 8 amd 1967 No. 33 s 10; 1971 No. 5 s 19(a); 1972 No. 31 s 6 sch 1; 1974 No. 10
s 10(a); 1976 No. 35 s 21(a); 1989 No. 103 s 3 sch
om 2003 No. 29 s 366(2)

Power of holder to enter and inspect any place

s 9 amd 1976 No. 35 s 21(b)
om 2003 No. 29 s 366(2)

Power to inspect fittings and to order removal thereof

s 10 1976 No. 35 s 21(c)
om 2003 No. 29 s 366(2)

Power to contract for supply of gas

s 11 amd 1997 No. 71 s 27
om 2003 No. 29 s 366(2)

Power to lay pipes from mains

s 12 amd 1989 No. 103 s 3 sch
om 2003 No. 29 s 366(2)

Breaking up of ground

prov hdg sub 1995 No. 57 s 4 sch 1
s 13 amd 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 366(2)

Duty of holder upon breaking up etc. of street

s 14 om 2003 No. 29 s 366(2)

Local government etc. to supply information as to levels and alignments

prov hdg amd 1971 No. 5 s 19(b)(i)
s 15 amd 1971 No. 5 s 19(b)(ii)
om 2003 No. 29 s 366(2)

Alteration of street levels

prov hdg amd 1971 No. 5 s 19(c)(i); 1995 No. 57 s 4 sch 1
s 16 amd 1971 No. 5 s 19(c)(ii); 1995 No. 57 s 4 sch 1
om 2003 No. 29 s 366(2)

Fraudulent appropriation of gas

s 17 amd 1966 No. 34 s 6 sch; 1976 No. 35 s 23(2) sch; 1995 No. 57 s 4 sch 1;
1995 No. 58 s 4 sch 2
om 2003 No. 29 s 366(2)

Offences in relation to pipes, etc.

s 17A ins 1971 No. 5 s 19(d)
amd 1976 No. 35 s 23(2) sch; 1989 No. 103 s 3 sch
om 2003 No. 29 s 366(2)

Holder may cut off supply of gas

s 20 om 2003 No. 29 s 366(2)

Obstruction prohibited

s 21 amd 1966 No. 34 s 6 sch; 1976 No. 35 s 23(2) sch
om 2003 No. 29 s 366(2)

Power of court to assess forfeitures

s 22 om 2003 No. 29 s 366(2)

Holder's right to refuse supply of gas restricted

s 23 amd 1966 No. 34 s 6 sch; 1976 No. 35 s 23(2) sch
om 2003 No. 29 s 366(2)

Prohibition of differential terms

s 24 om 2003 No. 29 s 366(2)

SCHEDULE 1A

ins 1990 No. 66 s 31
om R1 (see RA s 40)

SCHEDULE 3—LIST OF ASSETS TO BE UTILIZED IN THE CALCULATION OF PRICE OF GAS

amd 1967 No. 33 s 11
om 1974 No. 10 s 11