



Queensland

Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2007

Subordinate Legislation 2007 No. 312

made under the

Petroleum and Gas (Production and Safety) Act 2004

Contents

		Page
1	Short title	5
2	Commencement	5
3	Regulation amended	5
4	Omission of s 4A (Notes in text)	5
5	Amendment of s 7 (Mandatory and preferred standards for particular safety requirements)	5
6	Insertion of new s 7A	6
	7A Person must give inspector evidence of risk level for preferred standard	6
7	Replacement of s 10 (Activities prescribed for definition of operating plant)	7
	10 Activities prescribed for definition of operating plant	7
8	Amendment of s 11 (Prescribed incidents)	7
9	Insertion of new s 54AA	8
	54AA Operator to ensure drilling rig workers meet competency requirements	8
10	Amendment of s 84 (Required gauge pressure)	8
11	Amendment of s 85 (Testing and inspection of fuel gas containers)	8

12	Amendment of s 86 (Operator of LPG delivery network must ensure only particular persons supply LPG through the network)	9
13	Amendment of s 87 (Fuel gas network operator must attend particular incidents)	9
14	Amendment of s 88 (Fuel gas network operator must keep records)	9
15	Insertion of new s 88A and ch 5, pt 1, divs 3 and 4	10
	88A LPG delivery network operator must give chief inspector contact details.	10
	Division 3 Safety requirements for automotive LPG sites	
	88B Purpose of div 3	10
	88C Definitions for div 3	10
	88D Safety management plan for automotive LPG site	11
	88E Restrictions on product supplier supplying automotive LPG	12
	88F Product supplier must give chief inspector contact details	12
	Division 4 Generic SMP	
	88G Prescription of generic SMP.	12
16	Amendment of s 91 (Copy of compliance certificate for a new gas system to be given to particular persons)	13
17	Amendment of s 92 (Requirements to be complied with before supplying fuel gas to a gas system for the first time)	13
18	Amendment of s 93 (General obligations of owner of a gas system)	15
19	Amendment of s 94 (Operator must report safety concerns to owner of gas system)	15
20	Amendment of s 95 (Owner of gas system must address operator's safety concern)	15
21	Amendment of s 97 (Definitions for pt 3)	16
22	Amendment of s 98 (New vehicle or vessel must not be offered for sale without inspection certificate or compliance plate)	17
23	Amendment of s 99 (Copy of inspection certificate to be given to new owner of used vehicle or vessel)	17
24	Amendment of s 100 (Owner of commercial vehicle or vessel must ensure its gas fuel system is inspected and certified)	18
25	Replacement of s 101 (Issue of inspection certificate for gas fuel system in vehicle or vessel or for stationary engine)	18
	101 Issue of gas inspection certificate for gas fuel system in vehicle or vessel or for stationary engine	18

26	Amendment of s 102 (Certification for alterations to a gas fuel system in a vehicle or vessel or for a stationary engine)	19
27	Amendment of s 105 (Requirement for owner of vehicle or vessel or for a stationary engine)	19
28	Amendment of s 105A (Non-application of ss 98 to 100 to owner of vehicle or vessel in exempt area)	20
29	Insertion of new s 105AB	20
	105AB Person selling or transferring vehicle or vessel without a gas inspection certificate must advise	20
30	Amendment of s 105C (New vehicle or vessel must not be offered for sale without a compliance certificate)	20
31	Amendment of s 105D (Copy of compliance certificate to be given to new owner of used vehicle or vessel)	21
32	Amendment of s 105E (Owner of commercial vehicle or vessel must ensure its gas systems are inspected and certified)	21
33	Replacement of s 105F (Issue of compliance certificates for gas systems in vehicle or vessel)	21
	105F Issue of compliance certificates for gas systems in vehicle or vessel	21
34	Amendment of s 105G (Certification by person who alters a gas system in a vehicle or vessel)	22
35	Amendment of s 107 (Repair of gas work that does not comply with the Act)	22
36	Insertion of new s 115A	23
	115A Causing existing gas system to not comply with safety requirements	23
37	Amendment of s 116 (Qualifications or experience for a gas work licence)	23
38	Amendment of s 117 (Particular apprentices and trainees taken to be holders of gas work licence)	24
39	Amendment s 122 (What gas work authorisation (industrial appliances) authorises)	24
40	Amendment of s 123 (What gas work authorisation (major project) authorises)	24
41	Amendment s 124 (What gas work authorisation (motor fuel) authorises)	25
42	Amendment s 135 (Who is liable to pay an audit and inspection fee)	25
43	Replacement of ch 7, pt 1, hdg	25
44	Amendment of s 156 (Definitions for pt 1)	25
45	Amendment of s 159 (Continuing effect of certificates of compliance)	26

1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2007*.

2 Commencement

- (1) This regulation, other than section 50(3), commences on 1 January 2008.
- (2) Section 50(3) commences on 1 April 2008.

3 Regulation amended

This regulation amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

4 Omission of s 4A (Notes in text)

Section 4A—
omit.

5 Amendment of s 7 (Mandatory and preferred standards for particular safety requirements)

Section 7(4)(b)—
omit, insert—

‘(b) a person may comply with the safety requirement without complying with the document if—

- (i) the person gives the chief inspector a notice that the person is not complying with the document; and
- (ii) the person has written evidence showing the level of risk for the activity or thing to which the safety requirement applies is equal to or less than the level of risk that would be achieved by complying with the document.

Example of written evidence—

a report setting out a risk assessment carried out by a competent person

Note—

See section 165 for the application of subsection 4(b)(i).’.

6 Insertion of new s 7A

After section 7—

insert—

‘7A Person must give inspector evidence of risk level for preferred standard

- ‘(1) This section applies if an inspector gives a person mentioned in section 7(4)(b) a notice requiring the person to give the inspector a copy of the evidence mentioned in section 7(4)(b)(ii).
- ‘(2) The person must give a copy of the evidence to the inspector within a reasonable period stated in the notice.
- Maximum penalty—20 penalty units.
- ‘(3) Subsections (4) and (5) apply if the chief inspector reasonably believes the evidence does not show the level of risk for the activity or thing is equal to or less than the level of risk (the ***required level of risk***) that would be achieved by complying with the relevant preferred standard under section 7(4)(a).
- ‘(4) The chief inspector may give the person a notice requiring the person to do either of the following within a stated reasonable period—
- (a) give the chief inspector further evidence showing the level of risk for the activity or thing is equal to or less than the required level of risk;
 - (b) take steps to achieve a level of risk for the activity or thing that is equal to or less than the required level of risk.
- ‘(5) If the person does not comply with the requirement under the notice, the person is taken to have not complied with the safety requirement to which the preferred standard relates.’.

7 Replacement of s 10 (Activities prescribed for definition of operating plant)

Section 10—

omit, insert—

‘10 Activities prescribed for definition of operating plant

- ‘(1) For section 670(5)(a) of the Act, the activity prescribed is an LPG delivery network for non-automotive LPG at a place if the total capacity of cylinders storing non-automotive LPG at the place, other than on a vehicle used to transport the cylinders, is more than 2500L.
- ‘(2) For section 670(5)(c) of the Act, the activity prescribed is the storage of LPG cylinders at premises if the total capacity of the cylinders at the premises is more than 2500L.
- ‘(3) For section 670(5)(e) of the Act, the following activities are prescribed—
- (a) an activity involving the use of gas devices at a place if the total gas capacity of the devices at the place is 50GJ/hr or more at any time;
 - (b) an activity involving the use of fuel gas to produce theatrical or other special effects;
 - (c) an activity involving the collection, transportation or use of a gas prescribed under section 5(1) as petroleum;
Example—
the collection of landfill gas and its use in power generation
 - (d) an activity associated with the exploration for storing, or the storage, treatment or use of, carbon dioxide for sequestration.’.

8 Amendment of s 11 (Prescribed incidents)

Section 11—

insert—

- ‘(5) If a written report must be given for the incident, the report must state the underlying cause of the incident.’.

9 Insertion of new s 54AA

After section 54—

insert—

‘54AA Operator to ensure drilling rig workers meet competency requirements

- ‘(1) The operator of a drilling operating plant must ensure each person working on a drilling rig, that is drilling a petroleum well at the plant, meets the required competencies identified for their position under the drilling competency standard.
- ‘(2) However, subsection (1) does not apply if the person is—
- (a) undergoing training for the required competencies; and
 - (b) acting under the direct supervision of a competent person for the drilling rig.

Note—

See also section 166 for the application of this section.’

- ‘(3) In this section—

drilling competency standard means the document titled ‘Competency Standard for the Petroleum and Gas Drilling Industry (2007)’ published on the department’s website.

10 Amendment of s 84 (Required gauge pressure)

Section 84(2)(a) and (b)—

omit, insert—

- ‘(a) for LPG in a vaporous state—3.0kPa; or
- (b) for processed natural gas—1.25kPa.’

11 Amendment of s 85 (Testing and inspection of fuel gas containers)

- (1) Section 85, heading, ‘and inspection’—

omit, insert—

‘, inspection and maintenance’.

- (2) Section 85(2), ‘tested or inspected’—

omit, insert—

‘tested, inspected and maintained’.

- (3) Section 85(3), ‘The test or inspection’—

omit, insert—

‘A test or inspection of the fuel gas container’.

- (4) Section 85—

insert—

- ‘(4) This section applies whether or not the fuel gas in the container has been sold, or otherwise supplied on a commercial basis, to another person by the owner of the container.’.

12 Amendment of s 86 (Operator of LPG delivery network must ensure only particular persons supply LPG through the network)

Section 86(a), ‘fuel gas’—

omit.

13 Amendment of s 87 (Fuel gas network operator must attend particular incidents)

- (1) Section 87, heading, ‘attend’—

omit, insert—

‘arrange attendance for’.

- (2) Section 87—

insert—

- ‘(1A) This section applies whether or not the location of the incident is in, or a part of, the fuel gas network.’.

14 Amendment of s 88 (Fuel gas network operator must keep records)

- (1) Section 88(1)(a), note, before ‘compliance’—

insert—

‘gas’.

(2) Section 88(1)(b), before ‘compliance’—

insert—

‘gas’.

15 Insertion of new s 88A and ch 5, pt 1, divs 3 and 4

Chapter 5, part 1, division 2—

insert—

‘88A LPG delivery network operator must give chief inspector contact details

‘The operator of an LPG delivery network must, at least every 12 months or as requested by an inspector, give the chief inspector the name, business address, email address and telephone number of each LPG delivery network to which the operator has supplied LPG in the previous 12 month period.

‘Division 3 Safety requirements for automotive LPG sites

‘88B Purpose of div 3

‘This division prescribes safety requirements in relation to automotive LPG sites.

‘88C Definitions for div 3

‘In this division—

LPGA automotive code of practice means the document titled ‘LP Gas Automotive Retail Outlets Code of Practice for Safe Operation’, issue 2.0 April 2007, produced by the Australian Liquefied Petroleum Gas Association Ltd ACN 002 703 951.

site occupier, for an automotive LPG site—

(a) means a person who is responsible for the safe operation of the site; but

- (b) does not include an individual at an automotive LPG site who is subject to the control of another person at the site.

'88D Safety management plan for automotive LPG site

- '(1) A site occupier for an automotive LPG site must make or adopt and implement and maintain a safety management plan for the site that—
 - (a) complies with the LPGA automotive code of practice; or
 - (b) ensures, and states that, the level of risk at the site is equal to or less than the level of risk that would be achieved by complying with the LPGA automotive code of practice.
- '(2) The site occupier for the site must—
 - (a) whenever the site is operating, keep a copy of the safety management plan for the site open for inspection at the site; and
 - (b) display, and keep displayed, in a conspicuous place at the site where it can be easily read by anyone to whom the plan may apply, a notice stating where the copy of the plan is open for inspection; and
 - (c) ensure each person mentioned in the plan who has an obligation under the plan is told they have an obligation under the plan within a reasonable period before the plan requires them to comply with the obligation.
- '(3) A person who has an obligation under the plan must comply with the obligation.
- '(4) If in a proceeding for an offence against section 708A of the Act for not complying with a safety requirement imposed under this section it is relevant to establish what was the safety management plan for the site at a particular time, the copy of the plan that was kept at the site at that time is taken to be the original of the plan.
- '(5) In this section—

open for inspection means open for inspection by anyone to whom the plan may apply.

‘88E Restrictions on product supplier supplying automotive LPG

- ‘(1) A product supplier must not supply automotive LPG to an automotive LPG site unless the site has a safety management plan that—
- (a) complies with the LPGA automotive code of practice; or
 - (b) states that the level of risk at the site is equal to or less than the level of risk that would be achieved by complying with the LPGA automotive code of practice.
- ‘(2) A product supplier must not supply automotive LPG to an automotive LPG site if the supplier knows, or ought reasonably to know, that the site does not comply with a relevant safety requirement.

‘88F Product supplier must give chief inspector contact details

‘A product supplier must, at least every 12 months or as requested by an inspector, give the chief inspector the name, business address, email address and telephone number of—

- (a) each automotive LPG site to which the supplier has supplied automotive LPG in the previous 12 month period; and
- (b) the site occupier of each site.

‘Division 4 Generic SMP

‘88G Prescription of generic SMP

For the Act, section 675A the ‘LPG Australia Safety Management Plan for Gas Supply and Cylinder Distribution Business’, revision 1 July 2007, produced by the Australian

Liquefied Petroleum Gas Association Ltd ACN 002 703 951 is prescribed for each stage of—

- (a) a bulk fuel gas storage facility if the tanks storing the fuel gas at the facility have a total volume of less than 30t; or
- (b) an LPG delivery network if the total capacity of the cylinders stored by the network is more than 2500L but no more than 5000L.’.

16 Amendment of s 91 (Copy of compliance certificate for a new gas system to be given to particular persons)

- (1) Section 91, before ‘compliance’—

insert—

‘gas’.

- (2) Section 91, ‘new’—

omit.

- (3) Section 91, after ‘practicable’—

insert—

‘but no later than 30 days’.

17 Amendment of s 92 (Requirements to be complied with before supplying fuel gas to a gas system for the first time)

- (1) Section 92, heading, ‘for the first time’—

omit.

- (2) Section 92(2)(a), after ‘system’—

insert—

‘that supplies fuel gas at the pressure mentioned in section 84(2)’.

- (3) Section 92(3)—

omit, insert—

‘(3) If subsection (1)(a) applies, the operator of the fuel gas network must ensure that, not later than 30 days after the operator becomes aware that gas has been used by the gas system—

- (a) a gas compliance certificate is issued by the installer of the gas system; and
- (b) a copy of the certificate is provided to the operator of the fuel gas network.

Maximum penalty—20 penalty units.

‘(3A) An operator is taken to be aware that gas has been used by the gas system if—

- (a) the operator has read or received data from a meter for the gas system showing that gas been used; or
- (b) the operator has provided LPG for the system.

‘(3B) It is a defence to the prosecution of an operator for an offence against subsection (3) for the operator to prove that the operator has—

- (a) obtained the licence number of the installer of the gas system before a meter or LPG container for the gas system was installed; and
- (b) taken reasonable steps to obtain a gas compliance certificate; and
- (c) given the chief inspector a written report, for each quarterly period, stating—
 - (i) the licence number of any installer of a gas system to which the operator has supplied fuel gas during the quarterly period, if the installer has not provided a gas compliance certificate to the operator; and
 - (ii) the addresses of the premises at which the gas systems were installed.’.

(4) Section 92(4), ‘start supplying’—

omit, insert—

‘supply’.

18 Amendment of s 93 (General obligations of owner of a gas system)

Section 93(1)(b), after ‘person’—

insert—

‘or an inspector’.

19 Amendment of s 94 (Operator must report safety concerns to owner of gas system)

(1) Section 94, heading, ‘Operator’—

omit, insert—

‘**User**’.

(2) Section 94(1)(a), ‘the operator of’—

omit, insert—

‘a person using’.

(3) Section 94(1)(b), (2) and (3), ‘operator’—

omit, insert—

‘person’.

(4) Section 94(3), ‘operator’s’—

omit, insert—

‘person’s’.

20 Amendment of s 95 (Owner of gas system must address operator’s safety concern)

(1) Section 95, heading, ‘operator’s’—

omit, insert—

‘**user’s**’.

(2) Section 95(1), ‘of the operator of the gas system’—

omit, insert—

‘by a person’.

(3) Section 95(2), ‘operator’s’—

omit, insert—

‘person’s’.

21 Amendment of s 97 (Definitions for pt 3)

(1) Section 97, definitions *inspection certificate* and *owner—*

omit.

(2) Section 97—

insert—

‘gas inspection certificate—

- (a) for the installation of a gas fuel system, means the certification under section 734(3)¹ of the Act by the person who installs the system; or
- (b) for the inspection or alteration of a gas fuel system—means a certificate, in the approved form, issued under section 101(2) or 102(2) by the authorised certifier who inspects or alters the system.

owner—

- (a) for a vehicle that is registered—means the registered operator of the vehicle under the *Transport Operations (Road Use Management) Act 1995*, or the registered operator or a similar person under a corresponding law; or
 - (b) for a vessel that is registered—means the registered owner of the vessel under the *Transport Operations (Marine Safety) Regulation 2004*, or the registered owner or a similar person under a corresponding law; or
 - (c) for a stationary engine, or a vehicle or vessel that is unregistered—the person in lawful possession of the vehicle, vessel or engine.’.
- (3) Section 97, definition *interstate compliance certificate*, before ‘compliance’—

insert—

¹ Section 734 (Safety obligations of gas system installer) of the Act

‘gas’.

- (4) Section 97, definition *interstate inspection certificate*, before ‘inspection’—

insert—

‘gas’.

22 Amendment of s 98 (New vehicle or vessel must not be offered for sale without inspection certificate or compliance plate)

- (1) Section 98, heading, before ‘inspection’ and ‘compliance’—

insert—

‘**gas**’.

- (2) Section 98(1), from ‘an inspection certificate’ to ‘vessel, or a’—

omit, insert—

‘a gas inspection certificate has been issued for the gas fuel systems in the vehicle or vessel, or a gas’.

- (3) Section 98(3), definition *compliance plate*, before ‘compliance’—

insert—

‘gas’.

- (4) Section 98(3), definition *inspection certificate*, before ‘inspection’—

insert—

‘gas’.

23 Amendment of s 99 (Copy of inspection certificate to be given to new owner of used vehicle or vessel)

- (1) Section 99, heading, before ‘inspection’—

insert—

‘**gas**’.

(2) Section 99(3), ‘an inspection’—

omit, insert—

‘a gas inspection’.

(3) Section 99(5), definition *inspection certificate*, before ‘inspection’—

insert—

‘gas’.

24 Amendment of s 100 (Owner of commercial vehicle or vessel must ensure its gas fuel system is inspected and certified)

Section 100, ‘and certified by an authorised certifier’—

omit, insert—

‘, and has a gas inspection certificate or an interstate gas inspection certificate issued in relation to it,’.

25 Replacement of s 101 (Issue of inspection certificate for gas fuel system in vehicle or vessel or for stationary engine)

Section 101—

omit, insert—

‘101 Issue of gas inspection certificate for gas fuel system in vehicle or vessel or for stationary engine

‘(1) This section applies if an authorised certifier inspects, for this division, the gas fuel system in a vehicle or a vessel or for a stationary engine.

‘(2) If the gas fuel system complies with the relevant safety requirements for the system, the certifier must issue to the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine a gas inspection certificate for the system.

Maximum penalty—20 penalty units.

‘(3) If the gas fuel system does not comply with the relevant safety requirements for the system, the certifier must give the owner,

or the person in lawful possession, of the vehicle, vessel or stationary engine, notice of the gas work or other action that must be carried out for a gas inspection certificate to be issued for the system.

Maximum penalty—20 penalty units.

Editor's note—

A book of pro-forma notices for this purpose (called 'gas system defect notices') may be purchased from the department's regional offices.

- '(4) If the certifier gives the owner of a vehicle, vessel or stationary engine a notice under subsection (3), and the gas work or other action stated in the notice is carried out, the certifier must issue to the owner, or the person in lawful possession, a gas inspection certificate for the system in the vehicle or vessel or for the stationary engine.

Maximum penalty—20 penalty units.'

26 Amendment of s 102 (Certification for alterations to a gas fuel system in a vehicle or vessel or for a stationary engine)

- (1) Section 102(2)(b), from 'or operator' to 'engine an'—

omit, insert—

' , or the person in lawful possession, of the vehicle, vessel or stationary engine a gas'.

- (2) Section 101(2) and (4)—

insert—

'Maximum penalty—20 penalty units.'

27 Amendment of s 105 (Requirement for owner of vehicle or vessel or for a stationary engine)

Section 105(b), before 'inspection'—

insert—

'gas'.

28 Amendment of s 105A (Non-application of ss 98 to 100 to owner of vehicle or vessel in exempt area)

Section 105A(1)—

omit, insert—

- ‘(1) Sections 98 to 100 do not apply to a person who is the owner of a vehicle or vessel if—
- (a) the person lives in an area mentioned under the vehicle standards and safety regulation, schedule 2, item 1;² or
 - (b) the person lives in an area mentioned under the vehicle standards and safety regulation, schedule 2, item 2 or 5, for that type of vehicle; or
 - (c) the person has received a notice from the chief inspector advising the person that there is no one authorised to issue a gas inspection certificate within a reasonable distance of the person’s residence.’.

29 Insertion of new s 105AB

Chapter 5, part 3, division 2—

insert—

‘105AB Person selling or transferring vehicle or vessel without a gas inspection certificate must advise

‘A person who, in relation to a vehicle or vessel, has received a notice under section 105A(1)(c) must advise anyone to whom the person sells or transfers the vehicle or vessel that a gas inspection certificate has not been issued for the gas fuel system in the vehicle or vessel.

Maximum penalty—20 penalty units.’.

30 Amendment of s 105C (New vehicle or vessel must not be offered for sale without a compliance certificate)

Section 105C, before ‘compliance’—

² *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999, schedule 2 (Exempt areas)*

insert—

‘gas’.

31 Amendment of s 105D (Copy of compliance certificate to be given to new owner of used vehicle or vessel)

Section 105D, before ‘compliance’—

insert—

‘gas’.

32 Amendment of s 105E (Owner of commercial vehicle or vessel must ensure its gas systems are inspected and certified)

Section 105E, ‘and certified by an authorised installer’—

omit, insert—

‘, and has a gas compliance certificate or an interstate gas compliance certificate issued in relation to it,’.

33 Replacement of s 105F (Issue of compliance certificates for gas systems in vehicle or vessel)

Section 105F—

omit, insert—

‘105F Issue of compliance certificates for gas systems in vehicle or vessel

‘(1) This section applies if an authorised installer inspects, for this division, the gas system in a vehicle or vessel.

‘(2) If the gas system complies with the relevant safety requirements, the installer must issue to the owner, or the person in lawful possession, of the vehicle or vessel a gas compliance certificate for the system.

Maximum penalty—20 penalty units.

‘(3) If the gas system does not comply with the relevant safety requirements, the installer must give the owner, or the person in lawful possession, of the vehicle or vessel, notice of the gas

work or other action that must be carried out in order for a gas compliance certificate to be issued for the gas system.

Maximum penalty—20 penalty units.

Editor's note—

A book of pro-forma notices for this purpose (called 'gas system defect notices') may be purchased from the department's regional offices.

- '(4) If the installer gives the owner of a vehicle or vessel a notice under subsection (3), and the gas work or other action stated in the notice is carried out, the installer must issue to the owner, or the person in lawful possession, a gas compliance certificate for the system in the vehicle or vessel.

Maximum penalty—20 penalty units.'

34 Amendment of s 105G (Certification by person who alters a gas system in a vehicle or vessel)

- (1) Section 105G(2)(b), 'or operator of the vehicle or vessel a'—

omit, insert—

' , or the person in lawful possession, of the vehicle or vessel a gas'.

- (2) Section 105G(2) and (3)—

insert—

'Maximum penalty—20 penalty units.'

35 Amendment of s 107 (Repair of gas work that does not comply with the Act)

- (1) Section 107(1)(b) and (c)—

omit, insert—

'(b) an inspector inspects the gas work within 3 years of the work being completed; and

(c) the chief inspector reasonably considers the gas work has not been carried out in a thorough and professional way.'

- (2) Section 107(2)—

omit, insert—

- ‘(2) The chief inspector may give the holder a notice requiring the holder to remedy the work in the way stated in the notice within 14 days after the holder receives the notice.’.
- (3) Section 107(3), ‘non-compliance, or cause it to be remedied,’—

omit, insert—

‘work, or cause it to be remedied, in the way stated’.

- (4) Section 107(4) and (5)(b), ‘non-compliance’—

omit, insert—

‘work’.

- (5) Section 107(6)—

omit.

36 Insertion of new s 115A

Chapter 4, part 4, division 4—

insert—

‘115A Causing existing gas system to not comply with safety requirements

‘A person must not cause an existing gas system to not comply with the safety requirements for the gas system.

Maximum penalty—20 penalty units.

Example—

placing an ignition source such as air-conditioner within the hazardous zone of a gas cylinder as defined under AS 1596 ‘The storage and handling of LP gas’ (2002)’.

37 Amendment of s 116 (Qualifications or experience for a gas work licence)

Section 116(3), definition *gas licensing requirements*, from ‘(2004)’—

omit, insert—

‘(2008) published on the department’s website.’.

38 Amendment of s 117 (Particular apprentices and trainees taken to be holders of gas work licence)

Section 117(1)—

omit, insert—

- ‘(1) This section applies to a person acting in the presence of, and under the direct supervision of, the holder of a gas work licence if the person is—
- (a) an apprentice or trainee of the holder; or
 - (b) enrolled in a course of training mentioned in section 116(1)(a).’.

39 Amendment s 122 (What gas work authorisation (industrial appliances) authorises)

Section 122—

insert—

- ‘(2) In this section—
- industrial appliance* does not include stationary engines capable of consuming fuel gas at a rate of 5GJ/hr or less.’.

40 Amendment of s 123 (What gas work authorisation (major project) authorises)

Section 123(1), from ‘operating plant’—

omit, insert—

‘operating plant, or part of a plant, if the total gas capacity of the devices at the plant, or the part of the plant, is 50GJ/hr or more.’.

41 Amendment s 124 (What gas work authorisation (motor fuel) authorises)

Section 124(1)(b), after ‘engine’—

insert—

‘capable of consuming fuel gas at a rate of 5GJ/hr or less’.

42 Amendment s 135 (Who is liable to pay an audit and inspection fee)

Section 135(2)(j)—

omit, insert—

‘(j) the operator of a site (a *major consumer*) if the gas devices at the site have a total gas capacity of 50GJ/hr or more and gas has been consumed at the site by a gas device.’.

43 Replacement of ch 7, pt 1, hdg

Chapter 7, part 1, heading—

omit, insert—

‘Part 1 Transitional and savings provisions for SL No. 309 of 2004

‘Division 1 Transitional provisions relating to the Gas (Residual Provisions) Regulation 1989’.

44 Amendment of s 156 (Definitions for pt 1)

(1) Section 156, heading, ‘pt 1’—

omit, insert—

‘div 1’.

(2) Section 156, ‘In this part’—

omit, insert—

‘In this division’.

45 Amendment of s 159 (Continuing effect of certificates of compliance)

Section 159(1) and (3), ‘an inspection’—

omit, insert—

‘a gas inspection’.

46 Renumbering of ch 7, pt 2

Chapter 7, part 2—

renumber as chapter 7, part 1, division 2.

47 Insertion of new ch 7, pt 2

After section 164—

insert—

**‘Part 2 Transitional provisions for the
Petroleum and Gas (Production
and Safety) Amendment
Regulation (No. 1) 2007**

‘165 Person not required to give notice about use of preferred standard for existing activity or thing

‘Section 7(4)(b)(i) does not apply to a person, who immediately before commencement of this section, was required to comply with a safety requirement that was a preferred standard under section 7(2) and schedule 1 for an activity or thing.

‘166 Application of provision about competency requirements for drilling rig workers

‘Section 54AA does not apply to the operator of a drilling operating plant until 1 January 2009.’.

48 Amendment of sch 1 (Mandatory and preferred standards for safety requirements)

- (1) Schedule 1, part 2, first item, column 1, ‘(1997)’—
omit, insert—
‘(2007)’.
- (2) Schedule 1, part 2, first item, column 1, ‘(2002)’, first mention—
omit, insert—
‘(2007)’.
- (3) Schedule 1, part 3—
omit, insert—

‘Part 3 Fuel gas distribution

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 1697 ‘Installation and maintenance of steel pipe systems for gas’ (2005)	design and construction of high pressure distribution systems	preferred
AS 2033 ‘Installation of polyethylene pipe systems’ (1980)	installation of distribution systems	preferred
AS/NZS 2648.1 ‘Underground marking tape—non-detectable tape’ (1995)	installation of buried distribution systems and consumer pipes	preferred

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 3723 'Installation and maintenance of plastics pipe systems for gas' (1989)	installation and maintenance of distribution systems	preferred
AS 4041 'Pressure piping' (2006)	installation of distribution pipelines, facilities and consumer piping	preferred
AS/NZS 4129 'Fittings for polyethylene (PE) pipes for pressure applications' (2000)	installation of distribution systems	preferred
AS 4645 'Gas distribution network management' (2005)	distribution of LPG vapour and natural gas	preferred'.
(4) Schedule 1, part 4, first item— <i>omit, insert—</i>		
'AS/NZS 1425 'LP gas fuel systems for vehicle engines' (2007)	design, installation, certification, repair, service and inspection of motor fuel gas systems	preferred'.
(5) Schedule 1, part 5, first item, column 1, '/AG 501'— <i>omit.</i>		
(6) Schedule 1, part 5, third item, column 1— <i>insert—</i> 'Part 0 'Functional safety and AS61508' (2006)'.		
(7) Schedule 1, part 6, fourth item, column 1, 'Part 3 'Inspection and testing of fibre reinforced plastics (FRP) gas cylinders' (1998)— <i>omit, insert—</i>		

‘Part 3 ‘Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders (ISO11623:2002, MOD) (2006)’.

(8) Schedule 1, part 6, eighth item—

omit.

(9) Schedule 1, part 6, tenth item, as amended, column 1, ‘(2001)’—

omit, insert—

‘(2006)’.

(10) Schedule 1, part 6, thirteenth item, as amended—

omit, insert—

‘AS/NZS 60079 ‘Electrical apparatus for explosive gas atmospheres’	design of a gas system for fuel gas or petroleum	preferred’.
--	--	-------------

Part 10 ‘Classification of hazardous areas’ (2004)

49 Amendment of sch 2 (Prescribed incidents)

Schedule 2, fifth item—

omit, insert—

‘an uncontrolled oil or gas leak attended by emergency services	by telephone	immediately
	in writing	as soon as practicable’.

50 Amendment of sch 7 (Safety requirements for transporting cylinders in vehicles)

(1) Schedule 7, section 4(1), ‘9kg’—

omit, insert—

‘8.5kg or more, but no more than 9kg.’.

(2) Schedule 7, part 3, heading, ‘LPG delivery networks’—

omit, insert—

‘supply of LPG’.

- (3) Schedule 7, section 7—

omit, insert—

‘7 Cylinders for supply of LPG must have screw plugs

‘A person who supplies LPG to consumers in cylinders with a capacity of 9kg or less must ensure each cylinder is fitted with a screw plug that—

- (a) is inserted into the cylinder outlet; and
(b) allows for its easy removal by a consumer.’.

- (4) Schedule 7, section 8, ‘through an LPG delivery network’—

omit.

- (5) Schedule 7, section 9—

omit, insert—

‘9 Signage required at places where cylinders are filled or exchanged

‘A person who supplies LPG to consumers must ensure a notice stating the requirements under part 2 is displayed at each place where the person fills or exchanges cylinders.’.

51 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, definitions *distribution system* and *tank*—

omit.

- (2) Schedule 12—

insert—

‘LPGA automotive code of practice, for chapter 5, part 1, division 3, see section 88C.

site occupier, for chapter 5, part 1, division 3, see section 88C.

total gas capacity, for gas devices at a place or site, means the total of the maximum gas consumption capacities of the gas devices at the place or site.’.

- (3) Schedule 12, definitions *compliance certificate* and *interstate compliance certificate*, before ‘compliance’—
insert—
‘gas’.
- (4) Schedule 12, definitions *inspection certificate* and *interstate inspection certificate*, before ‘inspection’—
insert—
‘gas’.
- (5) Schedule 12, definition *operator*, paragraph (b), after ‘management’—
insert—
‘and safe operation’.
-

ENDNOTES

- 1 Made by the Governor in Council on 6 December 2007.
- 2 Notified in the gazette on 7 December 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Mines and Energy.