



Queensland

Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 44

made under the

Petroleum and Gas (Production and Safety) Act 2004

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[s 1]

1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011*.

2 Commencement

- (1) Sections 4 and 32 commence immediately after the commencement of the *Mines and Energy Legislation Amendment Act 2010*, section 82.
- (2) Sections 13, 14(1) and 29(2) commence on 1 July 2011.

3 Regulation amended

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

4 Insertion of new s 6A

After section 6—

insert—

‘6A Devices prescribed for Act, section 724(1), definition *gas device (type A)*

For section 724(1) of the Act, definition *gas device (type A)*, each device mentioned in schedule 6 is prescribed.’.

5 Amendment of s 10 (Activities prescribed for definition of *operating plant*)

- (1) Section 10(1)—

omit, insert—

- ‘(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—
 - (a) the network includes filling, with LPG, a container with a water capacity of more than 30L; or

-
- (b) 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 5000L.’.
- (2) Section 10(2), ‘2500L’—
omit, insert—
‘5000L’.
- (3) Section 10—
insert—
- ‘(4) In this section—
non-automotive LPG means LPG other than automotive LPG.’.

6 Insertion of new ch 2, pt 3, div 1, sdiv 1 hdg

Chapter 2, part 3, division 1, after division 1 heading—

insert—

‘Subdivision 1 Drilling operating plant’.

7 Amendment of s 59 (Operation of div 1)

- (1) Section 59, heading, ‘div’—

omit, insert—

‘**sdiv**’.

- (2) Section 59, ‘division’—

omit, insert—

‘subdivision’.

8 Insertion of new ch 2, pt 3, div 1, sdiv 2

After section 59C—

insert—

[s 9]

‘Subdivision 2 Operating plant for processing etc. petroleum

‘59D Lower flammable limit alarm levels for unplanned or uncontrolled gas releases

- ‘(1) For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management plan for an operating plant where petroleum is processed, stored, transported or used—
- (a) the name of each relevant gas that could be released from the operating plant;
 - (b) the lower flammable limit alarm level for an unplanned or uncontrolled release of each relevant gas.
- ‘(2) In this section—
- relevant gas* means—
- (a) a gas that is petroleum; or
 - (b) a prescribed storage gas.’.

9 Insertion of new s 84A

After section 84—

insert—

‘84A Safety requirement for network operator to supply fuel gas to gas system

‘The operator of a fuel gas network must not supply fuel gas to a gas system if the operator knows, or ought reasonably to know, that the gas system does not comply with—

- (a) a safety requirement under this division, other than this section; or
- (b) a safety requirement mentioned in schedule 1, parts 2 to 6.’.

10 Amendment of s 88G (Prescription of generic SMP)

Section 88G(b)—

omit, insert—

‘(b) an LPG delivery network if—

- (i) the network includes filling, with LPG, a container with a water capacity of more than 30L; or
- (ii) the total capacity of the cylinders stored for the network is more than 5000L but no more than 12000L.’.

11 Amendment of s 91 (Persons to be given copy of relevant certificate for installation at operating plant)

Section 91(2)—

omit, insert—

- ‘(2) The installer must, before making the plant or equipment operational, give a copy of the relevant certificate for the installation to—
- (a) the owner, operator or proposed operator of the gas system immediately after installing the plant or equipment; and
 - (b) the relevant network operator within 5 business days after installing the plant or equipment.

Maximum penalty—20 penalty units.’.

12 Amendment of s 91A (Prescribed persons to be given copy of gas compliance certificate for installation not at operating plant—Act, s 734)

- (1) Section 91A, heading, from ‘persons’ to ‘copy of’—

omit, insert—

‘**persons, installation stage and period for giving**’.

- (2) Section 91A—

insert—

[s 13]

- ‘(3) For section 734(3) of the Act—
- (a) the prescribed stage of the installation at which the gas compliance certificate must be given to the owner, operator or proposed operator of the gas system is at the finish of the installation; and
 - (b) the prescribed period within which the gas compliance certificate must be given to the relevant network operator is 5 business days after the gas system or the part of the gas system is installed.’

13 Insertion of new s 91B

After section 91A—

insert—

‘91B Prescribed compliance plate and related matters for gas system installation—Act, s 734

- ‘(1) Subsections (2), (3) and (4) prescribe matters about compliance plates for section 734(3)(b) of the Act.
- ‘(2) A compliance plate complying with subsection (3) is prescribed for an installation of a gas system or part of a gas system (the *relevant gas system*) including, or expected to include, a gas device (type A) or gas device (type B), other than at an operating plant or proposed operating plant.
- ‘(3) The compliance plate must—
- (a) state the following information about the installation of the relevant gas system—
 - (i) the licence number of the person who installed the relevant gas system;
 - (ii) the number of the gas compliance certificate for the installation;
 - (iii) the type of device connected to the relevant gas system;
 - (iv) the date the relevant gas system was installed; and
 - (b) be in a form approved by the chief inspector.

‘(4) If the relevant gas system is installed in a building, the prescribed way to attach a prescribed compliance plate for the installation is to attach it to the interior surface of the door of the relevant electrical meter box.

‘(5) For section 734(3) of the Act, the prescribed stage of the installation at which a prescribed compliance plate must be attached is at the finish of the installation.

‘(6) In this section—

relevant electrical meter box, for installation of a relevant gas system in a building, means—

(a) if the gas system is installed for the use of the occupier of the entire building—the electrical meter box containing the main electrical switchboard servicing the building; or

Example—

the electrical meter box at a detached dwelling

(b) if the gas system is installed for the use of the occupier of only part of the building—the electrical meter box containing the electrical circuit protective devices exclusively servicing that part of the building.

Example—

the electrical meter box for a particular apartment in a unit block’.

14 Amendment of s 92 (Requirements to be complied with before supplying fuel gas to a gas system)

(1) Section 92(2)(c), before ‘there’—

insert—

‘the gas system is pressure tested in accordance with ‘AS/NZS 5601 Gas installations–Part 1: General installations (2010)’ and’.

(2) Section 92(4)—

omit.

[s 15]

- (3) Section 92(5)—
renumber as section 92(4).

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

- (1) Section 99(1)—
omit, insert—

- ‘(1) This section applies to a person who—
(a) owns a used vehicle and intends to dispose of it to someone else, other than a dealer; or
(b) sells or otherwise transfers ownership of a used vessel to someone else, other than a dealer.’.

- (2) Section 99(3), ‘the vehicle or vessel is sold or’—
omit, insert—

‘there is a disposal of the vehicle or to whom the vessel is sold or otherwise’.

- (3) Section 99(5)—
insert—

‘*disposal*, of a vehicle, see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, schedule 4.’.

16 Amendment of s 100A (Prescribed persons to be given copy of gas inspection certificate for installation—Act, s 734)

- (1) Section 100A, heading, from ‘persons’ to ‘copy of’—
omit, insert—

‘**persons, installation stage and period for giving**’.

- (2) Section 100A—
insert—

- ‘(3) For section 734(3) of the Act—

- (a) the prescribed stage of the installation at which the gas inspection certificate must be given to a prescribed person mentioned in subsection (2)(a) is at the finish of the installation; and
- (b) the prescribed period within which the gas inspection certificate must be given to a prescribed person mentioned in subsection (2)(b) is 5 business days after the gas system or the part of the gas system is installed.’.

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

- (1) Section 101(2), ‘must issue’—
omit, insert—
‘must, immediately after the inspection, issue’.
- (2) Section 101(4)—
omit, insert—
- ‘(4) Subsection (5) applies if the certifier gives the owner of the vehicle, vessel or stationary engine a notice under subsection (3) and the gas work or other action stated in the notice is carried out.
- ‘(5) The certifier must, immediately after being satisfied that the stated work has been carried out, 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.’.

18 Amendment of s 105EA (Prescribed person to be given copy of gas compliance certificate for installation—Act, s 734)

- (1) Section 105EA, heading, from ‘person’ to ‘copy of’—
omit, insert—
‘person and installation stage for giving’.

[s 19]

(2) Section 105EA—

insert—

‘(3) For section 734(3) of the Act, the prescribed stage of the installation at which the gas compliance certificate must be given to the prescribed person is at the finish of the installation.’.

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

(1) Section 105F(2), ‘must issue’—

omit, insert—

‘must, immediately after the inspection, issue’.

(2) Section 105F(4)—

omit, insert—

‘(4) Subsection (5) applies 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.

‘(5) The installer must, immediately after being satisfied that the stated work has been carried out, 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.’.

20 Amendment of s 105I (Persons to be given copy of relevant certificate for installation at operating plant)

Section 105I(2), from ‘The installer’ to ‘inspector’—

omit, insert—

‘The installer must, immediately after completing the installation, give a copy of the relevant certificate for the installation to the owner or operator of the operating plant or proposed operating plant’.

21 Amendment of s 105J (Prescribed person to be given copy of gas compliance certificate for installation not at operating plant—Act, s 734)

(1) Section 105J, heading, from ‘person’ to ‘copy of’—

omit, insert—

‘person and installation stage for giving’.

(2) Section 105J—

insert—

‘(3) For section 734(3) of the Act, the prescribed stage of the installation at which the gas compliance certificate must be given to the prescribed person is at the finish of the installation.’.

22 Omission of s 108 (Gas devices (type A))

Section 108—

omit.

23 Insertion of new s 113A

Chapter 5, part 4, division 3—

insert—

‘113A Additional requirements for safety management plans—lower flammable limit alarm levels for unplanned or uncontrolled gas releases

‘For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management plan for an operating plant where fuel gas is stored, transported or used—

- (a) the name of each fuel gas that could be released from the operating plant;
- (b) the lower flammable limit alarm level for an unplanned or uncontrolled release of the fuel gas.’.

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

(1) Section 116(1)(a), ‘A, B or C’—

omit, insert—

‘A, B, C or J’.

(2) Section 116(3), definition *gas licensing requirements*, ‘(2008)’—

omit, insert—

‘(2011)’.

25 Amendment of s 120 (Types of gas work authorisations)

(1) Section 120(a)—

omit.

(2) Section 120(b) to (e)—

renumber as section 120(a) to (d).

26 Omission of s 121 (What gas work authorisation (hydrocarbon refrigerant) authorises)

Section 121—

omit.

27 Amendment of s 125 (What gas work authorisation (servicing) authorises)

Section 125(1)(a), ‘121 or’—

omit.

28 Amendment of s 135 (Who is liable to pay a safety and health fee)

(1) Section 135(2)(e)—

omit, insert—

‘(e) the operator of a pipeline under a pipeline licence;’.

- (2) Section 135(2)(l), ‘petroleum well’—
omit, insert—
 ‘prescribed well’.

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

- (1) Schedule 1, part 1—
insert—

‘Code of Practice for coal seam gas well head emissions detection and reporting’, published by the department in 2011 on its website	operating plant that is a prescribed well for exploring, producing or processing coal seam gas	preferred’.
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- (2) Schedule 1, part 5, entry for AS 5601 / AG 601 ‘Gas installations’ (2004)—

omit, insert—

‘AS/NZS 5601 ‘Gas installations’ (2010) Part 1 ‘General installations’ and Part 2 ‘LP Gas installations in caravans and boats for non-propulsive purposes’	installation of gas systems	preferred’.
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- (3) Schedule 1, part 6—

insert—

‘AS 3645 ‘Essential requirements for gas equipment’ (2010)	design, construction, supply and use of gas devices (type A)	mandatory’.
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[s 30]

30 Amendment of sch 2 (Prescribed incidents)

- (1) Schedule 2, second item, column 2, from ‘in writing’ to ‘inspector’—

omit, insert—

‘in writing’

- (2) Schedule 2, fifth item—

omit, insert—

‘an unplanned or uncontrolled release of petroleum, fuel gas or prescribed storage gas, attended by emergency services	by telephone in writing	immediately as soon as practicable
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an unplanned or uncontrolled release of a gas that is petroleum or prescribed storage gas or fuel gas from an operating plant, at a concentration of more than the lower flammable alarm level for the gas stated in the safety management plan for the plant, not attended by emergency services	in writing	as soon as practicable’.
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- (3) Schedule 2, as amended under this regulation, tenth, eleventh and twelfth items—

omit, insert—

‘an incident at an operating plant to which the <i>Workplace Health and Safety Act 1995</i> does not apply, if the incident is not otherwise mentioned in this schedule	in writing	as soon as practicable but no later than 5 business days after the incident occurs
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<p>an incident that had the potential to, but did not, cause the death of, or injury to, a person or damage to plant or equipment</p>	<p>by telephone in writing</p>	<p>immediately as soon as practicable but no later than 5 business days after the incident occurs</p>
<p>a work related illness of a person at an operating plant to which the <i>Workplace Health and Safety Act 1995</i> does not apply</p>	<p>in writing</p>	<p>as soon as practicable but no later than 5 business days after the operator of the operating plant becomes aware or, ought reasonably to have been aware, of the illness’.</p>

31 Omission of sch 6 (Safety requirements for gas devices (type A))

Schedule 6—
omit.

32 Insertion of new sch 6

After schedule 5—
insert—

‘Schedule 6 Gas devices (type A)

section 6A

‘Note—

A device mentioned in this schedule is a gas device (type A) only if it is used or designed or intended for use for a purpose mentioned in section 724(2) of the Act. See section 724(1) of the Act.

[s 32]

- the following types of commercial catering gas equipment—
 - atmospheric steamers
 - barbecue grillers
 - boiling water units
 - chinese cooking tables
 - food warmers including bain-marie
 - fryers
 - open and closed top boiling tables
 - ovens
 - pasta cookers
 - re-thermalisers
 - salamanders, grillers and toasters
 - solid grill plates and griddles
 - stockpots and brat pans
- decorative gas log appliances and similar appliances
- domestic gas cooking appliances
- domestic gas refrigerators
- domestic outdoor gas barbeques
- indirect gas-fired ducted air-heaters
- gas air conditioners with the capacity to consume no more than 500MJ in an hour
- gas fired water heaters for hot water supply or central heating
- gas laundry dryers
- gas pool heaters
- gas space heating appliances
- LP gas portable and mobile appliances
- LPG mobile industrial direct fired air heaters

- overhead radiant tube gas heaters
- portable gas generators with the capacity to consume no more than 500MJ in an hour
- radiant gas heaters for outdoor and non-residential use’.

33 Amendment of sch 8 (Requirements for using flammable hydrocarbons for refrigeration or air conditioning)

Schedule 8, section 6(1)(a), ‘authorisation (hydrocarbon refrigerant)’—

omit, insert—

‘licence’.

34 Amendment of sch 9 (Fees)

(1) Schedule 9, part 6, items 1 to 4—

omit, insert—

‘1	Application for gas work licence—Act, s 728A(c)	35.20
2	Annual fee for gas work licence—s 118	23.50
3	Application for gas work authorisation—Act, s 728A(c)—	
	(a) for a gas work authorisation (industrial appliances) . . .	58.85
	(b) for a gas work authorisation (major project)	1 770.20
	(c) for a gas work authorisation (motor fuel)	58.85
	(d) for a gas work authorisation (servicing)	58.85
4	Annual fee for gas work authorisation—s 126—	
	(a) for a gas work authorisation (industrial appliances) . . .	35.20
	(b) for a gas work authorisation (major project)	1 770.20
	(c) for a gas work authorisation (motor fuel)	35.20
	(d) for a gas work authorisation (servicing)	35.20

(2) Schedule 9, part 8, section 2, ‘petroleum well’—

omit, insert—

‘prescribed well’.

[s 35]

35 Amendment of sch 12 (Dictionary)

Schedule 12—

insert—

‘health professional see the *Health Services Act 1991*, section 60.

lower flammable limit alarm level, for an unplanned or uncontrolled release of a gas from an operating plant, means the concentration, expressed as a percentage, of the released gas in air at which a control system for the plant detailed in the plant’s safety management plan is to be activated.

medical treatment, for schedule 2, does not include treatment that is not reasonably required to be administered by a health professional, whether or not a health professional administers the treatment.

Examples of treatment that is not medical treatment—

- initial cleaning of a wound, applying antiseptic or bandaging
- treating a superficial burn
- applying a hot or cold compress
- other minor first aid treatment’.

ENDNOTES

- 1 Made by the Governor in Council on 14 April 2011.
- 2 Notified in the gazette on 15 April 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Employment, Economic Development and Innovation.

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