



Queensland

*Petroleum Act 1923*

*Petroleum and Gas (Production and Safety) Act 2004*

# **Petroleum and Gas (Safety) Regulation 2018**

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Queensland

# Petroleum and Gas (Safety) Regulation 2018

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# Petroleum and Gas (Safety) Regulation 2018

## Chapter 1 Preliminary

### Part 1 Introduction

#### 1 Short title

This regulation may be cited as the *Petroleum and Gas (Safety) Regulation 2018*.

#### 2 Commencement

This regulation commences on 1 September 2018.

### Part 2 Interpretation

#### 3 Dictionary

The dictionary in schedule 7 defines particular words used in this regulation.

#### 4 Safety requirements

- (1) For section 669 of the Act, a requirement of this regulation, or a standard, code or other document mentioned in this regulation, is a safety requirement if a provision of this regulation prescribes it as a safety requirement.
- (2) Otherwise, a requirement of this regulation is not a safety requirement for section 669 of the Act.

## 5 References to particular terms in this regulation

Unless a contrary intention appears, in this regulation a reference to—

- (a) the Act is a reference to the 2004 Act; and
- (b) a petroleum tenure includes a reference to a 1923 Act petroleum tenure; and
- (c) a petroleum well includes a reference to a well under the 1923 Act.

## 6 References to standards

(1) In this regulation, unless otherwise stated, a reference to a standard is a reference to—

- (a) if the reference states an edition of the standard—the edition of the standard as in force from time to time, including any amendments to the edition; or
- (b) otherwise—
  - (i) for the transition period for a new edition—the edition of the standard as in force immediately before the new edition is published; or
  - (ii) otherwise—the standard as in force from time to time, regardless of the edition or any changes to the title of the standard.

*Example—*

‘AS/NZS 1425’ is a reference to the edition of the standard that is currently in force under that designation as amended from time to time, and as remade from time to time with any title.

(2) For a reference mentioned in subsection (1)(b), the title of a standard appearing after a standard’s designation in this regulation is included for information purposes only.

(3) In this section—

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*transition period*, for a new edition of a standard, means the period of 6 months starting on the day the new edition of the standard is published.

## Part 3 Preliminary matters prescribed for the Act

### 7 Meaning of *serious injury or illness*

A *serious injury or illness* of a person is an injury or illness that requires the person to have—

- (a) immediate treatment as an inpatient in a hospital; or
- (b) immediate treatment for any of the following—
  - (i) the amputation of any part of the person's body;
  - (ii) a serious head injury;
  - (iii) a serious eye injury;
  - (iv) a serious burn;
  - (v) the separation of the person's skin from underlying tissue (for example, degloving or scalping);
  - (vi) a spinal injury;
  - (vii) the loss of a bodily function;
  - (viii) a serious laceration; or
- (c) treatment by a doctor within 48 hours of exposure to a substance.

### 8 Meaning of *dangerous incident*

A *dangerous incident* is an incident that puts a person's health or safety at serious risk because the person is immediately, or may imminently be, exposed to any of the following—

- (a) an uncontrolled gas leak;

- (b) an uncontrolled escape, spill or leak of another substance;
- (c) an uncontrolled implosion, explosion or fire;
- (d) an uncontrolled release of pressure;
- (e) electric shock;
- (f) the fall or release from a height of a substance, plant or other thing;
- (g) the collapse, overturning, failure or malfunction of, or damage to, plant;
- (h) the collapse or partial collapse of a structure;
- (i) the collapse or failure of an excavation or of any shoring supporting an excavation;
- (j) the inrush of water, mud or gas in workings;
- (k) an uncontrolled movement of plant or another thing.

## **9 Meaning of *critical loss* of fuel gas supply**

A *critical loss* of fuel gas supply is a loss of fuel gas supply to consumers if the loss causes a significant disruption to the community, including, for example—

- (a) a loss of fuel gas supply to 50 or more residences or places of business; or
- (b) a loss of fuel gas supply to a hospital, power station or major event.

## **10 Prescribed incidents—Act, s 706**

- (1) For section 706 of the Act, each of the following types of incident is a prescribed incident—
  - (a) the death of a person;
  - (b) the serious injury or illness of a person;
  - (c) a dangerous incident;



- 
- (d) an incident at an operating plant that is a fuel gas network that—
    - (i) causes a critical loss of fuel gas supply; or
    - (ii) involves serious property damage if the damage could result in a critical loss of fuel gas supply.
  - (2) A prescribed incident must be reported to the chief inspector—
    - (a) by telephone immediately; and
    - (b) electronically within 2 business days after the incident.
  - (3) For subsection (2)(a), a prescribed incident is reported by telephone if the person reporting the incident—
    - (a) phones the telephone number notified on a Queensland Government website for the purpose; and
    - (b) provides the following information—
      - (i) the time and date of the incident;
      - (ii) the location of the incident;
      - (iii) a description of the incident;
      - (iv) the person’s name, contact details and position;
      - (v) information about the incident the chief inspector asks for and the person knows.
  - (4) For subsection (2)(b), a prescribed incident is reported electronically if the person reporting the incident uses the online system made available on a Queensland Government website for the purpose.

## **11 Activities prescribed for definition of *operating plant***

- (1) For section 670(5)(a) of the Act, the following fuel gas delivery networks are prescribed for fuel gas other than hydrogen—
  - (a) a network that includes filling a fuel gas container that has a water capacity of more than 30L with fuel gas;

- (b) a network that includes the delivery or supply of fuel gas in a tanker;
  - (c) a network with a combined water capacity of fuel gas containers of more than 5,000L;
  - (d) a network that includes dispensing fuel gas to a vehicle.
- (2) For section 670(5)(a) of the Act, the following fuel gas delivery networks are prescribed for hydrogen—
- (a) a network that includes filling a fuel gas container with hydrogen;
  - (b) a network that includes the delivery or supply of hydrogen in a fuel gas container;
  - (c) a network that includes the delivery or supply of hydrogen in a tanker;
  - (d) a network that includes dispensing hydrogen to a vehicle.
- (3) For section 670(5)(d) of the Act, the following activities are prescribed—
- (a) the use, at a place, of gas devices if the total gas capacity of the devices at the place is 50GJ/h or more at any time;
  - (b) the use of fuel gas to produce theatrical or other special effects;
  - (c) the collection, transportation or use of a gas prescribed under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 5(1) as petroleum;  
*Example—*  
the collection of gas from landfill and its use in power generation
  - (d) the blending of fuel gases.

## 12 Gas device (type A)—Act, s 724

For section 724(1) of the Act, the following devices are prescribed—

- 
- (a) each device mentioned in schedule 1;
  - (b) a small gas engine driven appliance that complies with AS/NZS 5263.1.11 Part 1.11 ‘Small gas engine driven appliances’.

## 12A Prescribed gas flares

For section 724(5) of the Act, definition *gas flare*, paragraph (b), a device is prescribed if the fuel gas disposed of by the device is biogas or biomethane.

## 13 Mandatory and preferred standards for particular safety requirements

- (1) A standard or other document listed in schedule 2, column 1 is prescribed as a safety requirement for the activity or thing stated opposite the document in column 2.
- (2) A standard or other document is a ***mandatory standard*** for an activity or thing if column 3 of the schedule, opposite the document and activity or thing, states it is a mandatory standard.
- (3) A standard or other document is a ***preferred standard*** for an activity or thing if column 3 of the schedule, opposite the document and activity or thing, states it is a preferred standard.
- (4) If a mandatory standard or preferred standard allows a competent person, or another person, to grant an exemption from, or change to, the requirements stated in the standard, the exemption or change must be granted or made by the chief inspector.

*Example—*

An Australian Standard mentioned in schedule 2 allows a competent person to grant an exemption from provisions of the standard. For the purpose of this regulation, the exemption can only be granted by the chief inspector.

- (5) If a safety requirement prescribed under this section is inconsistent with a safety requirement prescribed under

another provision of this regulation, the safety requirement prescribed under the other provision prevails to the extent of the inconsistency.

#### **14 Complying with mandatory standards for particular safety requirements**

If a document is a mandatory standard for a safety requirement, a person must comply with the document to comply with the safety requirement for the activity or thing.

#### **15 Complying with preferred standards for particular safety requirements**

- (1) If a document is a preferred standard for a safety requirement, a person may comply with the safety requirement in the way stated in subsection (2) or (3).
- (2) Subject to subsection (5), the person complies with the safety requirement if the person complies with the document for the activity or thing.
- (3) The person complies with the safety requirement if the person—
  - (a) gives the chief inspector a notice that states the person is not complying with the document for the activity or thing; and
  - (b) 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 for the activity or thing by complying with the document.

*Example of written evidence—*

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

- (4) Subsection (5) applies if—

- 
- (a) the document allows a person to comply with it by either—
- (i) requiring the person to achieve a standard stated in the document, without requiring the person to meet the standard in a particular way (an ***outcome-based approach***); or
- Example of outcome-based approach—*
- The approach outlined in AS/NZS 5601 ‘Gas installations’, Part 1 ‘General installations’, section 2.
- (ii) requiring the person to take the steps stated in the document to achieve a standard (a ***recommended approach***); and
- Example of recommended approach—*
- The approach outlined in AS/NZS 5601 ‘Gas installations’, Part 1 ‘General installations’, sections 3 to 6.
- (b) the person chooses the outcome-based approach to comply with the document.
- (5) The person complies with the safety requirement for the activity or thing if the person—
- (a) gives the chief inspector a notice that states the person is using the outcome-based approach for the activity or thing; and
- (b) has written evidence showing the level of risk for the activity or thing is equal to or less than the level of risk for the activity or thing that would be achieved by complying with the recommended approach.

*Example of written evidence—*

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

## 16 Person must give inspector evidence of risk level for preferred standard or outcome-based approach

- (1) This section applies if an inspector gives a person mentioned in section 15(3) or (4) a notice that requires the person to give

the inspector a copy of the evidence mentioned in section 15(3)(b) or (5)(b) for an activity or thing stated in the notice.

- (2) The person must give a copy of the evidence to the inspector within the 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—

(a) for evidence mentioned in section 15(3)(b)—the preferred standard for the activity or thing under section 15(2); or

(b) for evidence mentioned in section 15(5)(b)—the recommended approach for the activity or thing mentioned in section 15(4)(a)(ii).

- (4) The chief inspector may give the person a notice that requires the person to, 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; or

(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.

## **17 Matters for safety management system for all operating plants**

- (1) For section 675(1)(u) of the Act, a safety management system for an operating plant must include—

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

(2) In this section—

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

*relevant gas* means—

- (a) a fuel gas; or
- (b) a gas that is petroleum; or
- (c) a prescribed storage gas.

## 18 Prescription of generic SMS

For section 675A(3) of the Act, definition *generic SMS*, the document called ‘Safety management system for gas supply and cylinder distribution business’ published on a Queensland Government website is prescribed for each stage of the following operating plant—

- (a) a fuel gas delivery network if—
  - (i) the combined water capacity of fuel gas containers in the network is not more than 5,000L; and
  - (ii) the network includes filling a fuel gas container that has a water capacity of more than 30L with fuel gas;
- (b) a fuel gas delivery network if the combined water capacity of fuel gas containers in the network is more than 5,000L but not more than 12,000L.

## **18A Matters for information notice—Act, s 694A**

- (1) For section 694A(2) of the Act, the information is—
  - (a) if the operating plant is being commissioned—that the plant is being commissioned; or
  - (b) if the operating plant is being decommissioned—that the plant is being decommissioned.
- (2) For section 694A(4)(b) of the Act, the notice is to be given by using the online system made available on a Queensland Government website for the purpose.
- (3) For section 694A(4)(c)(ii) of the Act, the day is—
  - (a) for a notice under subsection (1)(a)—at least 20 business days before the operating plant mentioned in the notice is commissioned; or
  - (b) for a notice under subsection (1)(b)—within 20 business days after the operating plant mentioned in the notice is decommissioned.

# **Chapter 2 Petroleum**

## **Part 1 Safety requirements**

### **19 Purpose of part**

This part prescribes safety requirements in relation to exploring for, and producing, petroleum.

### **20 Operating plant used for drilling**

The operator of a drilling operating plant must ensure the plant is—



- (a) fit for all purposes for which it is designed to be used; and
- (b) equipped to carry out reasonable remedial measures if unplanned events happen in connection with the operation of the plant.

*Example of remedial measures—*

recovering lost drill string

## 21 Operator to ensure competency requirements are met

- (1) The operator of a drilling operating plant must ensure each person who works at the plant drilling or servicing a petroleum well or bore meets the competencies for drilling or servicing a petroleum well identified for the person's position under the drilling and servicing competency standard.
- (2) However, a requirement to meet particular competencies under subsection (1) does not apply to a person who is—
  - (a) undergoing training for the competencies; and
  - (b) acting under the direct supervision of a person who meets the competencies.
- (3) In this section—

*drilling and servicing competency standard* means the document titled 'Competency standard for petroleum and gas well drilling and well servicing' published on a Queensland Government website.

*servicing*, of a petroleum well or bore, includes—

- (a) completing, maintaining or working on the petroleum well or bore; and
- (b) plugging and abandoning the petroleum well or bore.

## 22 General requirements for training and supervision

- (1) The petroleum tenure holder for a tenure on which a drilling operating plant is located must ensure the holder's employees, agents and contractors who are supervising or involved in an

activity at the plant are trained in how to assess risk and perform a job safety analysis for carrying out the activity.

- (2) The operator of the drilling operating plant must ensure each person involved in the activity who is supervised by, or working under the direction of, the operator is trained in how to assess risk and perform a job safety analysis for carrying out the activity.
- (3) The site safety manager for the activity, or the place at the plant where the activity is carried out, must assess the skills, knowledge, competency and experience of each person carrying out the activity and decide—
  - (a) the appropriate supervision required for the activity; and
  - (b) whether it is necessary to check the tasks completed by any of the persons, including whether the person followed standard operating procedures for the activity.

## **23 Training for persons using well completion equipment**

- (1) The operator of a drilling operating plant must ensure each person installing well completion equipment—
  - (a) is trained in the standard operating procedure, or the part of the procedure, that applies to the activities the person carries out; and
  - (b) is made aware of the risks from the production tubing hanger not being landed and secured correctly.
- (2) If a person involved in landing the production tubing hanger or securing the tie down bolts for the production tubing hanger is not appropriately qualified for the activity, the operator of the plant must ensure—
  - (a) a job safety analysis for the activity is carried out; and
  - (b) the activity is directly supervised by a person who is appropriately qualified for installing well completion equipment.

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## 24 Requirements for job safety analysis in particular circumstances

- (1) This section applies if—
- (a) there is no standard operating procedure for carrying out an activity at the drilling operating plant; or
- Example of an activity for which there is no standard operating procedure—*
- an activity that is not routinely carried out at the plant
- (b) because of a change of circumstances, a standard operating procedure for carrying out an activity at the drilling operating plant is no longer suitable.
- Examples of a change in circumstances—*
- new equipment is used
  - unexpected geological conditions in the petroleum well are experienced
- (2) Before the activity is carried out, a job safety analysis must be carried out to assess—
- (a) for subsection (1)(a)—the potential risks of the activity; or
- (b) for subsection (1)(b)—additional risks because of the change in circumstances.

## 25 Emergency shutdown system for devices that are sources of ignition

- (1) The operator of a drilling operating plant must supply an emergency shutdown system for a device if the device—
- (a) may be a source of ignition; and
- (b) is located in an area where ignition caused by the device may create a hazard.
- (2) The emergency shutdown system must be located far enough away from the drilling operating plant to ensure a person using the system in an emergency is not exposed to more than an acceptable level of risk.

- (3) The emergency shutdown system mentioned in this section is in addition to another emergency shutdown system for the device that is located at the plant.

## 26 Requirement to keep petroleum well pressure low when using well completion equipment

- (1) The operator of a drilling operating plant must ensure a flare line is used during the live completion of a petroleum well to keep the pressure in the well as low as reasonably practical until the production tubing hanger is secured and all wellhead equipment for the well is installed.

*Example of a way to keep the pressure as low as reasonably practical—  
using a flare line off the tubing spool*

- (2) However, if the operator complies with subsection (3), the operator may allow the live completion of a petroleum well to be carried out—
  - (a) without using a flare line (an *alternative method*); or
  - (b) without keeping the pressure as low as reasonably practical (also an *alternative method*).
- (3) The operator must ensure—
  - (a) the risks of using the alternative method are assessed in consultation with the persons supervising or involved in the live completion of the well; and
  - (b) the assessment shows the alternative method has a level of risk that is equal to or less than the level of risk from complying with subsection (1); and
  - (c) the following persons give the operator written approval for using the alternative method—
    - (i) the site safety manager for the drilling operating plant;
    - (ii) the site safety manager for the petroleum well.

- (4) In this section—

***flare line*** means a line connected to the rotating head of a drilling operating plant through which gas entering the annulus of the petroleum well is vented to the atmosphere and flared.

***live completion***, of a petroleum well, means the insertion of well completion equipment into the petroleum well when petroleum is flowing or has the potential to flow from the petroleum well.

## 27 **Detecting and managing leaks at petroleum operating plant**

- (1) The operator of a petroleum operating plant must ensure the following activities are carried out in a way that complies with the leak management code—
  - (a) an assessment of the risks from petroleum leaks at the plant;
  - (b) inspections to detect petroleum leaks at the plant;
  - (c) remedial work to manage or repair petroleum leaks found at the plant.
- (2) The operator must also ensure that petroleum leaks found at the plant are reported in a way that complies with the leak management code.
- (3) In this section—

***leak management code*** means the document called ‘Code of practice for leak management, detection and reporting for petroleum operating plant’, published on a Queensland Government website.

***petroleum operating plant*** means an operating plant on the area of a petroleum tenure that consists of 1 or more of the following—

- (a) a facility for the distillation, processing, refinement or storage of petroleum (commonly called ‘a processing plant’);

- (b) a well site comprised of a petroleum well and the infrastructure above the ground that is joined to the well;
- (c) a system of pipelines that connects a well site to a processing plant (commonly called ‘a gathering system’).

## **28 Requirement to survey the surface location and elevation of a petroleum well or bore**

- (1) The holder of a petroleum tenure under which a petroleum well or bore is drilled must ensure the surface location and elevation of the well are surveyed—
  - (a) before, or as soon as practicable after, drilling of the well starts; but
  - (b) not later than 6 months after the drilling starts.
- (2) The survey must be carried out by a person—
  - (a) who is registered as a surveyor, surveying graduate or surveying associate under the *Surveyors Act 2003*; or
  - (b) who holds a corresponding registration as a surveyor in another State.
- (3) The survey must be tied to—
  - (a) the State control survey under the *Survey and Mapping Infrastructure Act 2003*; and
  - (b) a survey mark related to the AHD.
- (4) The location and elevation of the petroleum well or bore must be surveyed to the level of accuracy required under—
  - (a) a survey standard that applies to the type of survey and the area in which the survey is being carried out; and
  - (b) the *Survey and Mapping Infrastructure Act 2003*.
- (5) In this section—

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**AHD** means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.

**survey standard** means a survey standard under the *Survey and Mapping Infrastructure Act 2003*.

## **29 Survey plan to be submitted to chief executive**

- (1) If a survey of a petroleum well required under section 28 is completed, the holder of the petroleum tenure must lodge a survey plan for the survey with the chief executive.
- (2) The plan must be lodged as soon as practicable, but not later than 3 months, after the survey is completed.
- (3) The plan must—
  - (a) accurately represent the survey carried out; and
  - (b) be accompanied by a certificate, signed by the person who carried out the survey, that states—
    - (i) the name of the person; and
    - (ii) that the survey was carried out as required under the Act; and
    - (iii) that the plan accurately represents the survey carried out.
- (4) If the chief executive considers a lodged survey plan or certificate does not comply with subsection (3), the chief executive may—
  - (a) require the survey plan or certificate to be amended to comply within a stated period; or
  - (b) reject the survey plan.

## **30 Additional downhole survey required for relevant horizontal well or petroleum well or bore intersecting coal seam**

- (1) This section applies in relation to—

- (a) a petroleum well that is a relevant horizontal well; or
  - (b) a petroleum well, or bore, that intersects a coal seam more than 1m in thickness.
- (2) The holder of the petroleum tenure under which the well or bore is drilled must ensure a downhole survey of the well or bore is carried out—
- (a) as soon as practicable after drilling of the well or bore starts; but
  - (b) not later than 3 months after the rig release day for the well or bore.
- (3) For a relevant horizontal well, the downhole survey must achieve a level of accuracy that is within—
- (a) for inclination, plus or minus 0.5°; and
  - (b) for azimuth—
    - (i) plus or minus 1.0°; or
    - (ii) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 20m laterally.
- (4) However, if the relevant horizontal well intersects another well that is not a relevant horizontal well, the level of accuracy achieved by the downhole survey of the relevant horizontal well must be at least as good as the level of accuracy achieved by a downhole survey required to be carried out of the other well.
- (5) For a well (other than a relevant horizontal well) or bore that intersects a coal seam more than 1m in thickness, the downhole survey must achieve a level of accuracy that is within—
- (a) for inclination, plus or minus 0.5°; and
  - (b) for azimuth—
    - (i) for a well or bore drilled with an inclination of less than 6.0° (taking into account the tolerance of plus or minus 0.5° mentioned in paragraph (a))—



- (A) plus or minus 2.0°; or
- (B) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 40m laterally; or
- (ii) otherwise—
  - (A) plus or minus 1.0°; or
  - (B) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 20m laterally.
- (6) In this section—

*rig release day*, for a petroleum well or bore, means the day, after the holder of the petroleum tenure decides no further drilling of the well or bore will occur, that the drilling rig is moved so it is no longer above the well or bore.

## Part 2 Other requirements

### Division 1 Additional requirements for safety management systems for drilling operating plant

#### 31 Purpose of division

This division prescribes the additional matters that must be included in a safety management system for a drilling operating plant under section 675(1)(u) of the Act.

#### 32 Identification of ignition source risks and controls

The safety management system for the drilling operating plant must—

- (a) identify and assess the risks from sources, or potential sources, of ignition at the plant; and

*Examples of sources, or potential sources, of ignition—*

- electrical equipment and wiring
  - static electricity or lightning
  - frictional sources or hot surfaces
- (b) state controls to manage the risks; and
- (c) include a program to test the emergency shutdown system mentioned in section 25 at regular intervals.

### **33 Standard operating procedures for well completion equipment**

- (1) If the operator of the drilling operating plant installs well completion equipment for the plant, the safety management system for the plant must include the following standard operating procedures—
- (a) the manufacturer’s instructions for installing, operating and maintaining the well completion equipment;
- (b) a requirement that, before the B section is installed, a trial run of the installation of the production tubing hanger is conducted to confirm the length of each tie down bolt that protrudes from the flange when the bolts are secured correctly (commonly called ‘the tie down bolt extension lengths’);
- (c) a requirement that a person who is appropriately qualified for installing well completion equipment verifies that the equipment has been installed correctly.
- (2) In this section—

***B section*** means the part of the wellhead equipment that supports the production tubing hanger and into which the production tubing hanger is inserted.

### **34 Particular risk assessment for drilling near coal mining areas**

- (1) This section applies to a drilling operating plant that is—

- 
- (a) in, or adjacent to, the area of a coal mining lease; or
  - (b) in an area that the operator of the plant knows, or ought reasonably to know, contains current or abandoned mine workings.
- (2) The safety management system for the drilling operating plant must include—
- (a) an assessment of the likelihood of a drilling incident happening at the plant; and
  - (b) the risks for the plant if a drilling incident happens; and  
*Example of a potential risk—*  
the risk of drilling using air and creating an explosive mixture
  - (c) the technical or other measures to control the risks.
- (3) In this section—
- drilling incident*** means a petroleum well drilled at an operating plant that intersects—
- (a) current or abandoned mine workings; or
  - (b) broken strata created by mine workings.
- mine workings*** means parts of a coal mine that have been or are being excavated.

## Division 2                      Other requirements for petroleum wells, bores and holes

### 35            **Drilling petroleum well or bore and converting petroleum well to bore—Act, ss 281, 282 and 283 and 1923 Act, ss 75J, 75K and 75L**

- (1) The requirement mentioned in subsection (2) is prescribed for—
- (a) section 281(1) of the Act and section 75J(1) of the 1923 Act for drilling a petroleum well; and
  - (b) section 282(2) of the Act and section 75K(2) of the 1923 Act for drilling a bore; and

- (c) section 282(3) of the Act for drilling a water injection bore or water observation bore; and
  - (d) section 75K(3) of the 1923 Act for drilling a water observation bore; and
  - (e) section 283(1)(b) of the Act and section 75L(1)(b) of the 1923 Act for converting a petroleum well to a bore.
- (2) The drilling or conversion must be carried out—
- (a) in the way required by the construction and abandonment code; or
  - (b) in another way approved in writing by the chief inspector.

**36 Requirements for plugging and abandoning petroleum well or bore—Act, s 292 and 1923 Act, s 75U**

For section 292(4)(a) of the Act and section 75U(4)(a) of the 1923 Act, a petroleum well or bore must be plugged and abandoned—

- (a) in the way required by the construction and abandonment code; or
- (b) in another way approved in writing by the chief inspector.

**37 Requirement to plug shot holes**

- (1) This section applies if a hole is drilled in the area of a petroleum tenure for use as a shot hole.
- (2) The holder of the petroleum tenure must ensure—
  - (a) as soon as practicable after the hole is no longer required for use as a shot hole—
    - (i) the hole is plugged with solid material, including, for example, soil, rock or concrete; and

- (ii) any area around the hole that has been disturbed by firing an explosive is restored as far as is practicable to its original state; and
- (b) if the hole caves in or collapses after it is plugged as required under paragraph (a)—any area damaged because of the cave in or collapse is restored.

Maximum penalty—20 penalty units.

- (3) To the extent a requirement under subsection (2) is inconsistent with a relevant environmental condition for the tenure, the relevant environmental condition prevails.

### **38 Manufacturer's instructions for well completion equipment**

- (1) The manufacturer of well completion equipment must—
  - (a) prepare instructions about the installation, commissioning, use and maintenance of the equipment that comply with subsections (2) to (4); and
  - (b) ensure the instructions accompany the equipment when it is supplied to the operator of an operating plant.

Maximum penalty—20 penalty units.

- (2) The information about each activity mentioned in subsection (1)(a) must be sufficient to ensure a person has the information necessary to carry out the activity correctly and use the equipment safely.
- (3) Without limiting subsection (2), the instructions must state a physical method for identifying the position of the tie down bolts for the production tubing hanger relative to the fully secured position of the bolts.

*Example of a physical method—*

painting the engaged part of the tie down bolt

- (4) The instructions relating to the use of the equipment must prominently state—
  - (a) any restrictions on the use of the equipment imposed by the manufacturer; and

- (b) any special precautions that should be taken to ensure the equipment is used safely.

## Chapter 3 Coal mining and overlapping areas

### Part 1 Preliminary

#### 39 Purpose of chapter

This chapter—

- (a) prescribes requirements about exploring for or producing petroleum to ensure those activities do not adversely affect the safe and optimal mining, or future mining, of coal; and
- (b) imposes obligations on an operator of an operating plant in an overlapping area.

#### 40 Application of chapter

This chapter applies in relation to an operating plant in the area of a petroleum authority or 1923 Act petroleum tenure.

#### 41 Definitions for chapter

In this chapter—

*acceptable level*, of risk to a person from coal mining operations, see the *Coal Mining Safety and Health Act 1999*, section 29.

*authorised activities operating plant* means an operating plant under section 670(6) of the Act.

*joint interaction management plan* see section 705B(1)(a) of the Act.

*overlapping area* see section 705(a) of the Act.

*relevant coal mining area*, for an operating plant in or adjacent to the area of a coal mining lease, means the area of the coal mining lease.

## **Part 2                      Safety requirements**

### **Division 1                  Preliminary**

#### **42        Purpose of part**

This part prescribes safety requirements for the operating plant.

### **Division 2                  Requirements for all operating plants**

#### **43        Application of division**

The safety requirements in this division apply subject to section 53.

*Note—*

Section 53 prescribes additional safety requirements, and provides for alternative safety requirements, for the drilling of particular petroleum wells, bore or voids.

#### **45        Requirement to remove particular equipment from coal seam**

- (1) The operator of the operating plant must use the operator's best endeavours to ensure all prescribed equipment that is in, or immediately adjacent to, a coal seam in a petroleum well or

bore at the plant is removed before the well or bore is plugged and abandoned.

- (2) If the prescribed equipment can not be removed using the operator's best endeavours, the operator must ensure—
  - (a) the location of the equipment is surveyed before the well or bore is plugged and abandoned; and
  - (b) details of the equipment and its location are included in—
    - (i) an end of tenure report under section 546 of the Act or section 76 of the 1923 Act; and
    - (ii) a petroleum well or bore abandonment report under the *Petroleum and Gas (General Provisions) Regulation 2017*.
- (3) The survey must be carried out—
  - (a) by a person mentioned in section 28(2); and
  - (b) to the level of accuracy mentioned in section 28(4); and
  - (c) if section 30 applies to the petroleum well or bore—to the level of accuracy required for the well or bore under section 30(3), (4) or (5).

- (4) In this section—

***prescribed equipment*** means—

- (a) metal equipment, other than casing; and
- (b) other equipment that may create a hazard to coal mining operations.

*Examples of metal equipment—*

drilling equipment and geophysical logging tools

## **46 Requirement to cement particular voids in a petroleum well**

- (1) This section applies to plugging and abandoning a petroleum well at the operating plant if—



- 
- (a) a void is created by stimulating a coal seam in the well;  
and
  - (b) the void is large enough to adversely affect—
    - (i) the safe and optimal future mining of coal from the seam; or
    - (ii) the integrity of the natural underground reservoir in which the void is created.
- (2) The operator must ensure that, in plugging and abandoning the well, the void is filled with as much cement as is reasonably practicable.
- (3) The cement used to fill the void must not be so strong that it unduly prevents the future optimal mining of coal from the seam.
- (4) This section applies in addition to the standard abandonment requirements for the well.

### **Division 3                      Additional requirements for operating plants in or adjacent to the area of a coal mining lease**

#### **47            Application of division**

This division applies if the operating plant is in, or adjacent to, the area of a coal mining lease.

#### **48            Requirement to stop and not resume particular activities**

- (1) The operator of the operating plant must ensure an activity for which the operating plant is being used stops immediately if the operator becomes aware, or ought reasonably to be aware, that—
- (a) the activity creates a risk to a person who is carrying out coal mining operations in the relevant coal mining area;  
and

(b) the risk is not at an acceptable level.

*Note—*

See also section 699A of the Act.

- (2) The operator must ensure the activity does not resume until the operator has taken all reasonable and necessary steps to reduce the level of risk to an acceptable level.

## **Division 4 Additional requirements for operating plants in overlapping areas**

### **49 Application of division**

- (1) This division applies if the operating plant is in an overlapping area.
- (2) In this division, a reference to the site senior executive is a reference to the site senior executive for the coal mine in the overlapping area.

### **50 Additional information required for joint interaction management plan—coordination of obligations**

- (1) For section 705C(1)(i) of the Act, the joint interaction management plan must describe the way the operator of each operating plant in the overlapping area and the site senior executive for the coal mine intend to communicate about, and coordinate, each of the following obligations applying for the operating plant and the coal mine—
- (a) emergency obligations;
  - (b) incident response obligations;
  - (c) induction training obligations;
  - (d) information exchange obligations;
  - (e) vehicle safety obligations.

(2) In this section—

***emergency obligations*** means—

- (a) for the coal mine—the obligations under the *Coal Mining Safety and Health Regulation 2017*, chapter 2, part 5; and
- (b) for the operating plant—the obligations under—
  - (i) a safety management system about the matters mentioned in section 675(1)(l) of the Act; and
  - (ii) section 693(d) and (e) of the Act.

***incident response obligations*** means—

- (a) for the coal mine—the obligations under the *Coal Mining Safety and Health Act 1999*, part 11; and
- (b) for the operating plant—the obligations under sections 705D, 706 and 707 of the Act.

***induction training obligations*** means—

- (a) for the coal mine—the obligations under the *Coal Mining Safety and Health Regulation 2017*, sections 82(2)(a) and 83; and
- (b) for the operating plant—the obligations under section 693(a) of the Act.

***information exchange obligations*** means—

- (a) for the coal mine—the obligations under the Common Provisions Act, section 154; and
- (b) for the operating plant—the obligations under section 51.

***vehicle safety obligations*** means—

- (a) for the coal mine—the obligations under the *Coal Mining Safety and Health Regulation 2017*, sections 66, 74, 76, 128 and 135; and
- (b) for the operating plant—the obligations under section 52.

## **51 Requirement to provide notice and report to site senior executive about hydraulic fracturing**

- (1) This section applies if—
  - (a) the operating plant is an authorised activities operating plant; and
  - (b) underground coal mining operations are carried out, or are to be carried out, in the overlapping area.
- (2) The operator of the operating plant must provide a copy of each of the following to the site senior executive—
  - (a) a notice lodged under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 33 or 34;
  - (b) a report lodged under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 45.
- (3) The operator must provide a copy of the notice or report as soon as practicable after it is lodged.

## **52 Requirements for vehicle safety**

- (1) This section applies if coal mining operations take place in the overlapping area.
- (2) The operator of the operating plant and the site senior executive must—
  - (a) assess the risks from the movement of vehicles in the overlapping area; and
  - (b) agree on the requirements that will apply to ensure the safe movement of vehicles in the overlapping area.
- (3) In complying with subsection (2), the operator and site senior executive must consider whether the requirements should require the operator to comply with 1 or more vehicle safety provisions.
- (4) The requirements agreed under subsection (2)(b) must be included in the joint interaction management plan for the overlapping area.

(5) In this section—

*vehicle safety provision* means the *Coal Mining Safety and Health Regulation 2017*, sections 66, 74, 76, 128 or 135.

## **52A Steel casing not to be used in relevant horizontal wells in particular overlapping areas**

- (1) This section applies if the operating plant is in an overlapping area mentioned in section 705(a)(i) or (iii) of the Act.
- (2) The operator of the operating plant must ensure steel casing is not used to drill or complete a relevant horizontal well.
- (3) The safety requirement in this section applies subject to section 53.

*Note—*

Section 53 prescribes additional safety requirements, and provides for alternative safety requirements, for the drilling of particular petroleum wells, bores or voids.

## **53 Requirements for petroleum wells, bores and voids**

- (1) This section applies if the overlapping area is subject to—
  - (a) either—
    - (i) an authority to prospect granted before or after the relevant day; or
    - (ii) a petroleum lease granted after the relevant day, other than a replacement tenure under section 908(2) of the Act; and
  - (b) a coal mining lease granted, or an application for a coal mining lease made, after the relevant day.
- (2) If the coal mining lease is for an underground coal mine, the additional safety requirements mentioned in sections 54, 55 and 56 apply to a petroleum well, bore or void drilled in the overlapping area after the relevant day.
- (3) If the coal mining lease is for a surface coal mine, the additional safety requirements mentioned in section 55 apply

to a petroleum well, bore or void drilled in the overlapping area after the relevant day.

- (4) If the standard safety requirements for the petroleum well, bore or void are inconsistent with the additional safety requirements, the standard safety requirements do not apply to the well, bore or void to the extent of the inconsistency.
- (5) Despite subsections (2) and (3), the resource authority holders for the overlapping area may agree on a method or procedure for an activity carried out in relation to the petroleum well, bore or void (an *alternative safety requirement*) that—
  - (a) does not comply with the additional safety requirements for the activity; and
  - (b) achieves a level of risk equal to or less than the level of risk that would be achieved by complying with the additional safety requirements for the activity.
- (6) If the resource authority holders agree on an alternative safety requirement for a petroleum well, bore or void—
  - (a) the standard safety requirements do not apply to the activity to the extent the standard safety requirements are inconsistent with the alternative safety requirement; and
  - (b) the alternative safety requirement for the activity must be included in the joint interaction management plan for the overlapping area.

*Note—*

See section 705B(1)(c) of the Act for the requirement to comply with the joint interaction management plan.

- (7) In this section—

*additional safety requirements*, for a petroleum well, bore or void, means the requirements applying to the well, bore or void under section 54, 55 or 56.

*relevant day* means 27 September 2016.

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*standard safety requirements*, for a petroleum well, bore or void, means the requirements applying to the well, bore or void under section 45, 46 or 52A.

**54 Additional safety requirements—casing for petroleum wells and bores**

- (1) If the operating plant is being used to drill a petroleum well or bore in the overlapping area, the operator of the operating plant must ensure an approved casing is used to drill or complete the well or bore.
- (2) If steel casing is used to drill or complete the petroleum well or bore, the operator must ensure—
  - (a) the resource authority holders for the overlapping area agree to the spacing and layout of the steel casing; and
  - (b) the steel casing is removed when the petroleum well or bore is abandoned unless the site senior executive agrees to the steel casing remaining in the well or bore.
- (3) The resource authority holders must ensure an agreement under subsection (2)(b) is included in the joint development plan or the joint interaction management plan for the overlapping area.
- (4) In this section—

*approved casing* means a type of casing agreed to by the resource authority holders for the overlapping area.

*joint development plan* see the Common Provisions Act, section 103.

**55 Additional safety requirements—removal from and loss of prescribed equipment in petroleum wells and bores**

- (1) If the operating plant is being used to drill a petroleum well or bore in the overlapping area, the operator of the operating plant must—

- (a) ensure adequate equipment for the following purposes is available for use when drilling operations are being carried out—
    - (i) to prevent or mitigate the loss of prescribed equipment in the well or bore;
    - (ii) to recover prescribed equipment lost in the well or bore; and
  - (b) use the operator's best endeavours to ensure all prescribed equipment that is in, or immediately adjacent to, a coal seam in the well or bore at the plant is removed before the well or bore is plugged and abandoned.
- (2) If prescribed equipment is lost in the petroleum well or bore, the operator must—
- (a) within 24 hours after the equipment is lost—notify the site senior executive about the loss; and
  - (b) within 3 days after the equipment is lost—consult with the chief inspector about the period for which efforts to recover the lost equipment must be made; and
  - (c) ensure efforts are made to recover the lost equipment; and
  - (d) abandon the efforts under paragraph (c) only if the chief inspector consents to the efforts being abandoned.
- (3) In this section—
- prescribed equipment*** means—
- (a) metal equipment, other than casing; and
  - (b) other equipment or material that may create a hazard to coal mining operations.

## **56 Additional safety requirements—requirement to fill wells, bores and voids etc.**

- (1) This section applies—



- 
- (a) if a petroleum well, bore or void is being plugged and abandoned at the operating plant; and
  - (b) in addition to the standard abandonment requirements for a petroleum well or bore.
- (2) The operator of the operating plant must ensure—
- (a) the petroleum well, bore or void is filled with cement from the bottom of the well, bore or void to the surface of the well, bore or void, unless the site senior executive otherwise agrees; and
  - (b) packers and fluids are not left in the well, bore or void.

## **Part 3                      Other requirements**

### **57      Additional matters relating to coal mining for safety management system**

- (1) For section 675(1)(u) of the Act, a safety management system for the operating plant must—
  - (a) for an operating plant used to drill or complete a petroleum well—identify and assess the potential risks to the safe and optimal mining, or future mining, of coal that may be created by the proposed stimulation of a coal seam in the well, having regard to each of the following—
    - (i) the proposed method of stimulation;
    - (ii) the predicted characteristics of the strata immediately above and below the coal seam;
    - (iii) the stress regime of the coal seam and surrounding strata;
    - (iv) information reasonably available to the operator of the plant about similar stimulation cases; and
  - (b) for an operating plant in, or adjacent to, the area of a coal mining lease—

- (i) identify and assess the potential risks to the safe and optimal mining, or future mining, of coal in the relevant coal mining area from the operation of the operating plant; and
- (ii) state measures to minimise the risk.

*Example—*

a buffer zone or area adjacent to the boundary of the relevant coal mining area in which a particular activity must not be carried out at the operating plant

- (2) In this section—

*similar stimulation cases*, for the stimulation of a coal seam in a petroleum well, means previous instances involving stimulation of a coal seam in a petroleum well using similar methods and in similar geological and geotechnical conditions.

## 59 Coal seam gas potential hazard guide

- (1) The coal seam gas potential hazard guide in schedule 3 is a list of potential hazards to the current or future mining of coal that may be created by an operating plant used to explore for, or produce, petroleum.
- (2) The purpose of the guide is to help the operator of the operating plant identify the activities that, if carried out at the plant, may affect the safe and optimal mining, or future mining, of coal as required under the Act.

*Note—*

See, for example, sections 675 and 705C of the Act.

## 60 Additional requirement to stop activities in particular circumstances

- (1) If the operating plant is in, or adjacent to, the area of a coal mining lease, the operator of the operating plant must ensure an activity the operating plant is being used for stops immediately if—

- (a) the operator becomes aware, or ought reasonably to be aware, that the activity creates an adverse effect on the optimal way of carrying out coal mining operations in the relevant coal mining area; and
- (b) the holder of the coal mining lease has not consented in writing to the activity being carried out.

Maximum penalty—20 penalty units.

- (2) The operator must ensure the activity does not resume until—
  - (a) the activity is modified to not adversely affect the optimal way of carrying out coal mining operations; or
  - (b) the holder of the coal mining lease consents in writing to the activity being carried out.

Maximum penalty—20 penalty units.

## Part 4 Exemptions

### 61 Definitions for part

In this part—

*alternative safety measure*, in relation to a relevant requirement, means a system, method or procedure that—

- (a) does not comply with the relevant requirement that is the subject of an application for exemption under section 63; and
- (b) achieves a level of risk equal to or less than the level of risk that would be achieved by complying with the requirement.

*applicant*, for an exemption, see section 63(1).

*chief inspector of coal mines* means the chief inspector of coal mines under the *Coal Mining Safety and Health Act 1999*.

*operating plant requirement* means a relevant requirement other than the requirement under section 30.

***relevant coal or oil shale mining tenement holder***, in relation to an operating plant for which an application is made under section 63, means the holder of a coal or oil shale mining tenement if—

- (a) the operating plant is located in the area of the tenement;  
or
- (b) all of the following apply—
  - (i) the tenement is a coal or oil shale mining lease;
  - (ii) the application is for an exemption from complying with a relevant requirement other than the requirement under section 52A;
  - (iii) the operating plant is located adjacent to the area of the tenement.

***relevant requirement*** means—

- (a) a requirement under section 30, 45, 46, 52A, 54, 55, 56 or 57; or
- (b) a standard abandonment requirement.

***requirement*** includes part of a requirement.

## **62 Chief inspector may give exemption**

The chief inspector may, with the consent of the chief inspector of coal mines—

- (a) give the operator, or proposed operator, of the operating plant an exemption from complying with a stated operating plant requirement in relation to any of the following—
  - (i) a petroleum well drilled or to be drilled under a stated petroleum tenure;
  - (ii) a stated petroleum well;
  - (iii) a stated coal seam; or

- (b) give the holder of a petroleum tenure an exemption from complying with a requirement under section 30 in relation to the tenure.

### **63 Application for exemption**

- (1) Either of the following (the *applicant*) may apply to the chief inspector for an exemption under this part—
  - (a) the operator or proposed operator of the operating plant;
  - (b) the holder of a petroleum tenure.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) contain the information necessary to enable the chief inspector to decide the application; and
  - (c) if the applicant proposes to implement an alternative safety measure—contain details of the proposed measure; and
  - (d) be lodged at the office of the chief inspector.

### **64 Notice of application to be given to relevant coal or oil shale mining tenement holder**

- (1) After receiving an application for an exemption under this part, the chief inspector must give a relevant coal or oil shale mining tenement holder—
  - (a) a copy of the application; and
  - (b) a notice that states the holder may lodge submissions about the application at the office of the chief inspector within 20 business days after receiving the notice (the *submission period*).
- (2) The holder must give a copy of any submissions lodged by the holder to the applicant within the submission period.

- (3) The holder may give notice that the holder does not intend to lodge a submission to the chief inspector before the submission period ends.
- (4) If the holder lodges submissions within the submission period, the chief inspector must give the applicant at least 15 business days after the lodging of the holder's submissions to respond to the submissions in writing.

## **65 Consideration of application by chief inspector**

- (1) The chief inspector must consider—
  - (a) the application for exemption; and
  - (b) any submissions lodged by a relevant coal or oil shale mining tenement holder under section 64 within the submission period; and
  - (c) any response made by the applicant under section 64(4) within the stated period.
- (2) The application must not be decided unless—
  - (a) section 64(2) has been complied with; or
  - (b) the holder has given a notice to the chief inspector under section 64(3).
- (3) The chief inspector—
  - (a) in deciding the application, may seek advice or recommendations from a technical advisory committee for coal seam gas established under section 732B of the Act; and
  - (b) is not required to give the exemption merely because a relevant coal or oil shale mining tenement holder agrees to the exemption.
- (4) If advice or recommendations obtained by the chief inspector under subsection (3)(a) are adverse to the applicant, before making a decision about whether to grant the exemption the chief inspector must give the applicant—

- (a) a copy of the advice or recommendations; and
- (b) at least 15 business days to lodge submissions to the chief inspector about the advice or recommendations.

## **66 Chief inspector to decide application**

- (1) The chief inspector may—
  - (a) with the consent of the chief inspector of coal mines, give the exemption, with or without conditions; or
  - (b) refuse the application.
- (2) The chief inspector may give the exemption if the chief inspector is reasonably satisfied—
  - (a) for an exemption from complying with section 30—a coal seam intersected by the petroleum well under the exemption is not likely to be mined; and
  - (b) for an exemption from complying with an operating plant requirement—
    - (i) the likely impact on the future safe and optimal mining of coal is low; and
    - (ii) the likely level of risk to a person or property associated with the mining or future mining of coal is an acceptable level; and
    - (iii) the likely impact and level of risk are easily and reliably quantifiable.
- (3) Subsection (2) does not apply if—
  - (a) the applicant is the holder of a 1923 Act lease, or the operator or proposed operator of a well under the 1923 Act in the area of a 1923 Act lease, that was in effect immediately before 31 December 2004; and
  - (b) the area of the lease does not include land that is in the area of a coal or oil shale mining tenement.
- (4) If subsection (2) does not apply, in deciding the application, the chief inspector must consider optimising the development

and use of the State's coal, oil shale and petroleum resources to maximise the benefits for all Queenslanders.

- (5) Without limiting subsection (1), a condition may require the applicant to comply with a stated alternative safety measure.
- (6) The chief inspector must give notice of the decision to—
  - (a) the applicant; and
  - (b) if a relevant coal or oil shale mining tenement holder lodged a submission about the application—the holder.

## Chapter 4 Pipelines

### Part 1 Safety requirements

#### 67 Pipelines

- (1) This section prescribes a safety requirement for a pipeline other than a distribution pipeline that is part of a distribution system.
- (2) The operator of the pipeline must ensure the design, construction, operation, maintenance and abandonment of the pipeline complies with 1 of the following (each a *pipeline code or standard*)—
  - (a) 'APGA code of practice upstream polyethylene gathering networks - CSG industry' published by the Australian Pipelines and Gas Association Limited ACN 098 754 324;
  - (b) AS/NZS 4645;
  - (c) AS 2885.



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## 68 Processed natural gas transported through a pipeline

- (1) This section prescribes a safety requirement for processed natural gas that—
  - (a) contains oil; and
  - (b) is supplied for transport through a pipeline.

*Note—*

See section 626(2) of the Act.

- (2) The supplier of the gas must ensure that it does not contain more than 20mL of oil for each terajoule of gas.

## 69 Stated pipeline licence incidental activities

- (1) This section prescribes a safety requirement for a stated pipeline licence incidental activity carried out in the area of a pipeline licence.
- (2) A relevant person must not carry out the stated pipeline licence incidental activity if, because of the activity, a relevant pipeline will, or is likely to, stop complying with the pipeline code or standard used by the operator for the design, construction, operation, maintenance or abandonment of the pipeline.
- (3) In this section—

*relevant person* means—

- (a) the holder of the pipeline licence; or
- (b) a person acting for the holder of the pipeline licence.

*relevant pipeline*, for a pipeline licence, means either of the following—

- (a) an existing pipeline in the area of the licence;
- (b) a pipeline in the area of the licence for which construction has started, but is not complete.

## Part 2 Other requirements

### 70 Requirement for strategic pipeline to be inspected

- (1) The holder of a pipeline licence for a strategic pipeline must ensure the pipeline is inspected—
  - (a) if a system for pipeline integrity is in place for the pipeline under AS 2885—at the times required under the system, but at least—
    - (i) within 7 years after the pipeline first becomes operational; and
    - (ii) once in every subsequent 10-year period; or
  - (b) otherwise—at least once in every 5-year period.
- (2) In this section—

*inspected*, for a pipeline, means the inside of the pipeline is inspected to identify whether the pipeline is fit for the purpose for which it is used.

*strategic pipeline* means a pipeline listed in schedule 4.

### 71 Prescribed way for decommissioning pipelines—Act, s 559

For section 559(1) of the Act, a pipeline that is subject to a pipeline licence must be decommissioned in a way that complies with the pipeline code or standard used for its operation.

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## Chapter 5 Fuel gas networks

### Part 1 Preliminary matters

#### 72 Prescribed quality for fuel gas

- (1) For section 620(1) of the Act, the prescribed quality is—
- (a) for LPG used for heating—the quality required to comply with—
    - (i) the requirement that the average mole content of propylene in the fuel gas at the point of odourisation, calculated each day, must not be more than 50%; and
    - (ii) AS 4670 ‘Commercial propane and commercial butane for heating purposes’; and
  - (b) for processed natural gas—the quality required to comply with AS 4564 ‘Specification for general purpose natural gas’; and
  - (c) for hydrogen—the quality required to comply with—
    - (i) AS ISO 19880.8 ‘Gaseous hydrogen, Fuelling stations, Part 8: Fuel quality control’; or
    - (ii) SAE J2719 ‘Hydrogen fuel quality for fuel cell vehicles’.
- (2) In this section—
- average mole content*, of propylene in fuel gas, means the sum of the daily percentage measurements of the mole content of propylene in the fuel gas made for each day in the 90-day period ending on the day the calculation is made, divided by 90.

#### 73 Prescribed odour for fuel gas

- (1) For section 627 of the Act, the prescribed odour is an odour that—

[s 74]

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- (a) is distinct, unpleasant and non-persistent; and
  - (b) is of an intensity indicating the presence of gas down to one-fifth of the lower flammability limit; and
  - (c) for LPG—exists throughout the LPG’s vaporisation range from its liquid state.
- (2) LPG is taken to have the prescribed odour if it contains 25g of ethyl mercaptan for each tonne of liquid LPG.
- (3) Subsection (1) does not apply in relation to hydrogen if—
- (a) the hydrogen is supplied to a hydrogen fuel gas system; and
  - (b) the person who supplies the hydrogen complies with part 7.1 of the hydrogen safety code in relation to the hydrogen.
- (4) In this section—
- lower flammability limit* means the lowest concentration of the fuel gas in air that will ignite.

#### **74 Who is the *operator* of certain fuel gas delivery networks**

The *operator* of a fuel gas delivery network that is not an operating plant is the person who is responsible for managing and ensuring the safe operation of the network.

## **Part 2 Safety requirements for fuel gas networks**

#### **75 Purpose of part**

This part prescribes safety requirements for fuel gas networks.

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## 76 Operator must minimise leakages of fuel gas

The operator of a fuel gas network must take all reasonable and necessary steps to ensure fuel gas does not leak from—

- (a) if the network is a distribution system—any part of the network; or
- (b) if the network is a fuel gas delivery network—a fuel gas container or gas fitting that is part of the network.

## 77 Required gauge pressure

- (1) This section applies to a person who—
  - (a) connects a consumer’s gas system to a fuel gas network for the first time; or
  - (b) starts to supply fuel gas to a consumer’s gas system through a fuel gas network for the first time.
- (2) The person must ensure the fuel gas is supplied, at the relevant point, at a gauge pressure of at least—
  - (a) for LPG in a vaporous state—3.0kPa; or
  - (b) for processed natural gas—1.25kPa; or
  - (c) for hydrogen—2.0kPa.
- (3) Fuel gas may be supplied at a higher pressure if the higher pressure does not adversely affect the performance of the gas system.
- (4) In this section—

***relevant point*** means the outlet of—

  - (a) if there is a meter for the consumer’s gas system—the meter; or
  - (b) otherwise—the regulator nearest to the consumer’s gas system.

## **78 When operator must not supply fuel gas to gas system**

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

- (a) a safety requirement under this part, other than this section; or
- (b) a safety requirement mentioned in schedule 2, part 2, 3 or 4.

## **79 Testing, inspection and maintenance of fuel gas containers**

- (1) The owner of a fuel gas container must ensure the container is tested, inspected and maintained in accordance with the safety requirements that apply to the container under schedule 2, part 4.
- (2) This section applies whether or not the owner of the container sold, or otherwise supplied on a commercial basis, the fuel gas in the container to another person.

## **80 Operator of fuel gas delivery network must ensure only particular persons supply fuel gas through the network**

The operator of a fuel gas delivery network must ensure another person does not supply fuel gas through the network to a consumer's gas system unless—

- (a) there is a safety management system for the network; and
- (b) the other person is recorded as a fuel gas supplier for the network in the system; and
- (c) the operator is reasonably satisfied the other person has the skills, knowledge and experience required under the system to supply fuel gas through the network.

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## **81 Design etc. of distribution system**

- (1) The operator of a distribution system must ensure the design, construction, operation, maintenance and abandonment of the distribution system complies with—
  - (a) to the extent the distribution system transports hydrogen, or a blend of hydrogen and another fuel gas with a hydrogen content that is more than 15% by volume—part 5.4.1 of the hydrogen safety code; or
  - (b) otherwise—AS/NZS 4645.
- (2) Despite subsection (1)(b)—
  - (a) if AS/NZS 4645 does not apply to a particular distribution pipeline that is part of the distribution system, the operator must ensure the design, construction, operation, maintenance and abandonment of the pipeline complies with AS 2885; and
  - (b) if AS 2885 and AS/NZS 4645 both apply to a particular distribution pipeline that is part of the distribution system, the operator must ensure the design, construction, operation, maintenance and abandonment of the pipeline complies with either AS 2885 or AS/NZS 4645.

## **Part 3 Other requirements for fuel gas networks**

### **82 Requirements to be complied with before supplying fuel gas to a gas system**

- (1) This section applies to the operator of a fuel gas network, other than a network that dispenses fuel gas to a vehicle, who proposes to start supplying fuel gas through the network to a gas system if—
  - (a) the gas system has not previously been supplied with fuel gas by a fuel gas network; or

- (b) for a fuel gas network that is a fuel gas delivery network and to the extent that paragraph (a) does not apply—
  - (i) the fuel gas is LPG or hydrogen; and
  - (ii) the gas system is no longer pressurised because the connection of LPG or hydrogen supplied through the network has been interrupted.

*Example for paragraph (b)—*

a cylinder of LPG or hydrogen is removed from a gas system other than to exchange the cylinder

- (2) Before starting to supply fuel gas to the gas system, the operator of the network must ensure—
  - (a) a test point is installed on, or immediately downstream of, the regulator for the gas system that supplies fuel gas at the pressure mentioned in section 77(2); and
  - (b) the pressure at which fuel gas will be supplied to the gas system complies with section 77; and
  - (c) the gas system is checked in accordance with a relevant method and the check confirms there is no significant leakage of fuel gas from the gas system.

Maximum penalty—20 penalty units.

- (3) If subsection (1)(a) applies and the gas system is not installed at an operating plant, the operator of the fuel gas network must ensure that, within 30 days after the operator becomes aware that gas has been used by the gas system, the installer of the gas system—
  - (a) issues a gas compliance certificate; and
  - (b) gives a copy of the certificate to the operator.

Maximum penalty—20 penalty units.

- (4) 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 that shows gas has been used; or



- 
- (b) the operator has supplied LPG or hydrogen for the system.
- (5) In a proceeding for an offence against subsection (3), it is a defence for the operator to prove that the operator—
- (a) obtained the licence number of the installer of the gas system before a meter or fuel gas container for the gas system was installed; and
  - (b) took reasonable steps to obtain a gas compliance certificate; and
  - (c) gave the chief inspector a written report, for each quarterly period, that states—
    - (i) the licence number of the installer of each gas system the operator supplied fuel gas to during the quarterly period for which the installer has not given the operator a gas compliance certificate; and
    - (ii) the addresses of the premises where each gas system was installed.

- (6) In this section—

***quarterly period*** means each of the following periods in a year—

- (a) 1 January to 31 March;
- (b) 1 April to 30 June;
- (c) 1 July to 30 September;
- (d) 1 October to 31 December.

***relevant method***, for checking a gas system, means—

- (a) a method for checking a gas system detailed in a fuel gas network's safety management system if the method under the system is capable of—
  - (i) checking the pressure of the gas system; and
  - (ii) identifying a significant leakage of fuel gas from the gas system; or

- (b) otherwise—the gas system pressure test under AS/NZS 5601.1 ‘Gas installations’, Part 1 ‘General installations’.

*significant leakage*, of fuel gas from a gas system, means, a leakage of the fuel gas that, if the system was locked up for 10 minutes, would result in a discernible drop in pressure in the gas system as shown on a calibrated and appropriately scaled gauge.

### **83 Operator must arrange attendance for particular incidents**

- (1) This section applies if—
  - (a) an incident involving, or that may involve, fuel gas supplied through a fuel gas network is reported to the operator of the network; and
  - (b) the location of the incident is reported to the operator, whether or not the location is in, or part of, the fuel gas network; and
  - (c) the operator reasonably believes the incident is happening when it is reported.
- (2) The operator must ensure the number of competent persons and the equipment sufficient to deal with the incident go to the reported location of the incident as quickly as possible.

Maximum penalty—20 penalty units.

### **84 Operator must keep records**

- (1) The operator of a fuel gas network, other than a network that dispenses fuel gas to a vehicle, must keep the following records for a gas system supplied with fuel gas by the network for the required period—
  - (a) if the holder of a gas work licence or gas work authorisation installs the gas system—a record of the number of the holder’s licence or authorisation;

*Note—*

The number of the holder's gas work licence or gas work authorisation is stated in the gas compliance certificate for the gas system.

- (b) a record of the number of the gas compliance certificate, or certificate under section 697(3) of the Act, for the installation of the gas system;
- (c) a record of the day fuel gas is first made available to the gas system;
- (d) for a check of a gas system carried out under section 82(2)(c)—a record of the relevant method used to check the gas system and the result of the check.

Maximum penalty—20 penalty units.

- (2) In this section—

*required period* means the period for which fuel gas is supplied to the gas system through the fuel gas network.

## **85 Fuel gas delivery network operator must give chief inspector contact details**

The operator of a fuel gas delivery network (the *supplying operator*) must, at least once each year or when otherwise requested by an inspector, give the chief inspector the name, business address, email address and telephone number of each operator of a fuel gas delivery network that the supplying operator has supplied fuel gas to in the previous 1-year period.

## Chapter 6 Gas systems

### Part 1 Preliminary

#### 91 Who is the *relevant network operator* for gas systems

The *relevant network operator* for a gas system to which fuel gas is supplied by a fuel gas network is—

- (a) if the fuel gas network is an operating plant—the operator of the plant; or
- (b) otherwise—the person who is responsible for managing and ensuring the safe operation of the network.

### Part 2 Gas systems supplied with fuel gas by particular fuel gas networks

#### 92 Application of part

This part applies in relation to a gas system supplied, or to be supplied, with fuel gas through a fuel gas network other than a network that dispenses fuel gas to a vehicle.

#### 93 Requirements to be complied with before carrying out particular gas work

- (1) This section applies to gas work involving—
  - (a) the installation of a gas system that—
    - (i) is to be supplied with fuel gas through a fuel gas network that is a distribution system; and
    - (ii) has not previously been supplied with fuel gas through a distribution system; or

- 
- (b) the connection of 1 or more additional major use gas devices to an existing gas system that is supplied with fuel gas through a fuel gas network that is a distribution system.
- (2) Before a person carries out the gas work, the person must notify the relevant network operator for the gas system about—
- (a) the nature of the work to be carried out; and
- (b) the anticipated demands of the gas system or major use gas device on the network's supply of fuel gas.

Maximum penalty—10 penalty units.

- (3) In this section—

*major use gas device* means a gas device (type A), or gas device (type B), with the capacity to consume more than 100MJ in an hour.

## 94 Persons to be given copy of relevant certificate for installation at operating plant

- (1) This section applies if either of the following (each the *installer*) installs plant or equipment for a gas system at an operating plant or proposed operating plant—
- (a) the holder of a gas work licence or gas work authorisation;
- (b) a person who installs the plant or equipment under a safety management system, other than a generic SMS, and has been assessed under the system as competent to perform the installation.
- (2) Before making the plant or equipment operational, the installer must give a copy of the relevant certificate for the installation to—
- (a) the owner or operator of the operating plant or proposed operating plant when the installer completes the installation; and

- (b) the relevant network operator for the gas system within 5 business days after the installer completes the installation.

Maximum penalty—20 penalty units.

- (3) In this section—

*operator*, of a proposed operating plant, means the person who will be the operator of the plant when it becomes operational.

*relevant certificate* means the certificate under section 697(3) of the Act.

## **95 Prescribed matters for giving gas compliance certificate for installation not at operating plant—Act, s 734**

- (1) This section applies if the holder of a gas work licence or gas work authorisation installs all or part of a gas system other than at an operating plant or proposed operating plant.
- (2) For section 734(3) of the Act, the holder must give the gas compliance certificate to—
  - (a) the owner, operator or proposed operator of the gas system when the holder completes the installation; and
  - (b) the relevant network operator for the gas system within 5 business days after the holder completes the installation.

## **96 Prescribed compliance plate and related matters for gas system installation—Act, s 734**

- (1) This section prescribes matters about compliance plates for section 734(3) of the Act.
- (2) A compliance plate that complies with subsection (3) is prescribed for the 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.

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- (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 system;
    - (ii) the number of the gas compliance certificate for the installation;
    - (iii) the type of device connected to the system;
    - (iv) the date the system was installed; and
  - (b) be in a form approved by the chief inspector.
- (4) The compliance plate must be attached in the following way—
- (a) if the relevant gas system is installed in a building with 1 or more electrical meter boxes—
    - (i) to the interior surface of the door of the relevant electrical meter box; or
    - (ii) if the compliance plate can not be attached as mentioned in subparagraph (i)—to the exterior surface of the door of the relevant electrical meter box;
  - (b) for another system—
    - (i) if the system has a cylinder compartment—to a prominent place in or near the cylinder compartment; or
    - (ii) otherwise—to a prominent place adjacent to the first pressure regulator, first gas meter or gas isolation valve for the system.
- Examples of gas systems to which paragraph (b) applies—*
- a gas system installed in a caravan or boat or a building without an electrical meter box
- (5) The stage of the installation at which a compliance plate must be attached is when the installer completes the installation.
- (6) In this section—

***cylinder compartment*** means a compartment, enclosed area or partitioned-off space primarily used for installing a gas cylinder or other equipment associated with a relevant gas system.

***first gas meter***, for a relevant gas system, means the device used to measure the volume of gas passing through the device that is closest to the source of gas supplying the system.

***first pressure regulator***, for a relevant gas system, means the device regulating the pressure of gas passing through the device that is closest to the source of gas supplying the system.

***gas isolation valve***, for a relevant gas system, means a valve installed in the piping of the system to isolate the pipe work downstream of the source of gas supplying the system.

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

- (a) if the 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 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 servicing only that part of the building.

*Example—*

the electrical meter box for a particular apartment in a unit block or lot in commercial premises

## **97 General obligations of owner of a gas system**

- (1) The owner of a gas system must take all reasonable steps to ensure—



- 
- (a) a suitably qualified person carries out the installation, servicing, repair, decommissioning and disposal of all or part of the gas system; and
  - (b) if a suitably qualified person or an inspector notifies the owner that the gas system is unsafe, the gas system is not used until it is safe.

Maximum penalty—20 penalty units.

- (2) For this section and section 98, *owner* includes a person in possession of a gas system under—
  - (a) an agreement for sale; or
  - (b) a hire purchase agreement; or
  - (c) a lease; or
  - (d) any other similar arrangement.
- (3) In this section—

*suitably qualified person*, to carry out gas work for a gas device, means—

  - (a) for a gas system that includes a gas device (type A)—the holder of a gas work licence that authorises the person to carry out the gas work for the device; or
  - (b) for a gas system that includes a gas device (type B)—the holder of, or a person acting under, a gas work authorisation for the device.

## **98 Owner of gas system must address user's safety concern**

- (1) This section applies if an owner of a gas system is given a notice by a user of the gas system that states the user knows or suspects the gas system is unsafe for a reason stated in the notice.
- (2) The owner must take reasonable steps to address the user's safety concern as soon as practicable after receiving the notice.

Maximum penalty—20 penalty units.

(3) In this section—

*user*, of a gas system, means a person who uses the gas system, other than an owner of the gas system.

## Part 3                      Gas systems in vehicles and vessels and for stationary engines

### Division 1                Preliminary

#### 99        Definitions for part

In this part—

*alter*, a gas system, means—

- (a) relocate a component of the system; or
- (b) replace the system, or a component of the system, with a different make or model that changes the design or performance characteristics of the system.

*authorised certifier*, for inspecting or altering a gas fuel system, means the holder of a gas work authorisation (motor fuel) if the authorisation states the holder may inspect or alter, and certify the gas fuel system.

*authorised installer*, for inspecting or altering a gas system, means the holder of a gas work licence or gas work authorisation (industrial appliances) if the licence or authorisation states the holder may inspect or alter, and certify the gas system.

*commercial vehicle or vessel*—

- (a) means a vehicle or vessel, other than a road tank vehicle, that is used—
  - (i) for carrying passengers or goods for hire or reward; or

(ii) in a business, if the vehicle or vessel uses fuel gas other than to propel the vehicle or vessel; and

(b) includes a forklift.

***corresponding law*** means a law of another State that provides for the same or similar matters as the Act.

***currently registered vehicle*** means a used vehicle that is licensed or registered, whether under a law of this State or another State.

***currently registered vessel*** means—

(a) a used vessel that is licensed or registered, whether under a law of this State or another State; or

(b) a used vessel that has a current certificate of operation under the domestic commercial vessel national law.

***dealer***—

(a) for a vehicle—means the holder of a motor dealer licence under the *Motor Dealers and Chattel Auctioneers Act 2014*; and

(b) for a vessel—means a person who is in the business of buying and selling vessels.

***domestic commercial vessel national law*** see the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*, section 20.

***gas inspection certificate***—

(a) for the installation of all or part of a gas fuel system—means the certificate given under section 734(3) of the Act by the person who installs the system or part of the system; or

(b) for the inspection or alteration of a gas fuel system—means a certificate, in the approved form, issued under section 102 or 103 by the authorised certifier who inspects or alters the system.

***gas work authorisation (industrial appliances)*** means a gas work authorisation of that type.

**gas work authorisation (motor fuel)** means a gas work authorisation of that type.

**interstate gas compliance certificate** means a certificate for the gas system, other than the gas fuel system, in a vehicle or vessel if the certificate is issued under a corresponding law and states the system complies with the relevant safety requirements under schedule 2, parts 2 and 3, or equivalent requirements, under the corresponding law.

**interstate gas inspection certificate** means a certificate for the gas fuel system in a vehicle or vessel if the certificate is issued under a corresponding law and states the system complies with the relevant safety requirements under schedule 2, part 1, or equivalent requirements, under the corresponding law.

**owner** means—

- (a) for a vehicle that is registered—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 has a current certificate of operation under the domestic commercial vessel national law—the person who holds the certificate of operation; or
- (c) for a vessel that is registered—the registered owner of the vessel under the *Transport Operations (Marine Safety) Regulation 2016*, or the registered owner or a similar person under a corresponding law; or
- (d) for a stationary engine, a vehicle that is unregistered or a vessel that is not mentioned in paragraph (b) or (c)—the person in lawful possession of the engine, vehicle or vessel.

**road tank vehicle** means a road tank vehicle within the meaning of AS 2809.1 ‘Road tank vehicles for dangerous goods’, Part 1 ‘General requirements for all road tank vehicles’.

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*third-party certification* means an approval granted for a gas fuel system in accordance with the United Nations Economic Commission for Europe Regulation No 134.

*used vehicle or vessel* means—

- (a) a vehicle or vessel that has been licensed or registered at any time, whether under a law of this State or another State; or
- (b) a vessel that has had a certificate of operation under the domestic commercial vessel national law at any time; or
- (c) a used imported vehicle or vessel.

## **Division 2                    Gas fuel systems**

### **100    Application of division**

This division applies in relation to a gas fuel system in a vehicle or vessel or for a stationary engine.

### **101    Prescribed matters for giving gas inspection certificate for installation—Act, s 734**

- (1) This section applies if the holder of a gas work authorisation installs all or part of the gas fuel system.
- (2) For section 734(3) of the Act, the holder must give the gas inspection certificate to—
  - (a) the owner or other person in lawful possession of the vehicle, vessel or stationary engine when the holder completes the installation; and
  - (b) for a gas fuel system for a stationary engine to which fuel gas is supplied by a fuel gas network—the relevant network operator for the gas system within 5 business days after the holder completes the installation.

## **102 Issue of gas inspection certificate following inspection**

- (1) This section applies if an authorised certifier inspects the gas fuel system in a vehicle or vessel for this division.
- (2) If the gas fuel system complies with the relevant safety requirements for the system under schedule 2, part 1, the certifier must issue a gas inspection certificate for the system to the owner or other person in lawful possession of the vehicle or vessel immediately after the inspection.

Maximum penalty—20 penalty units.

- (3) If the gas fuel system does not comply with a relevant safety requirement for the system, the certifier must give notice of the gas work or other action that must be carried out for a gas inspection certificate to be issued for the system to the owner or other person in lawful possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (4) Subsection (5) applies if the certifier gives the owner of the vehicle or vessel a notice under subsection (3) and the certifier is satisfied gas work or other action stated in the notice is carried out.
- (5) The certifier must issue a gas inspection certificate for the system to the owner or other person in lawful possession of the vehicle or vessel immediately after inspecting the stated work.

Maximum penalty—20 penalty units.

## **103 Issue of gas inspection certificate after alterations**

- (1) This section applies to an authorised certifier who alters a gas fuel system—
  - (a) in a vehicle or vessel; or
  - (b) for a stationary engine that consumes fuel gas at a rate of 5GJ/hr or less.

*Note—*

For installing a gas system, see the requirements under section 734 of the Act.

- (2) The certifier must—
- (a) ensure the alteration of the gas fuel system complies with the relevant safety requirements under schedule 2, part 1; and
  - (b) issue a gas inspection certificate for the alteration of the system to the owner or other person in lawful possession of the vehicle, vessel or stationary engine immediately after completing the work.

Maximum penalty—20 penalty units.

- (3) If the certificate relates to a motor vehicle that uses fuel gas other than hydrogen, the certificate must include the result of a carbon monoxide analysis if—
- (a) the vehicle is a commercial vehicle; and
  - (b) the certifier believes the vehicle may be used in an unventilated place where excessive carbon monoxide levels might cause a hazard to the health of persons.

*Example—*

a forklift used in a refrigerated storeroom

- (4) The certifier must keep a copy of the certificate for 3 years after completing the work.

Maximum penalty—20 penalty units.

- (5) In this section—

***carbon monoxide analysis*** means an analysis of the level of carbon monoxide exhaust emissions from a vehicle—

- (a) when it is idling; and
- (b) under light, medium and heavy load conditions.

## 104 Labelling requirements for LPG gas fuel systems in vehicles

- (1) This section applies—
  - (a) in relation to a gas fuel system for a vehicle that uses LPG; and
  - (b) despite the requirements under AS/NZS 1425 ‘LP gas fuel systems for vehicle engines’ (the *relevant standard*).

*Note—*

See schedule 2, part 1.

- (2) The person who installs the gas fuel system in the vehicle must comply with this section.

Maximum penalty—10 penalty units.

- (3) A label used to identify a vehicle that uses LPG (an *identifying label*) required under the relevant standard may be—
  - (a) metallic; or
  - (b) adhesive and nonmetallic.
- (4) An identifying label is required for each place where gas cylinders are installed in the vehicle.

*Examples—*

- If 2 LPG tanks were installed in the boot of a vehicle, only 1 label would be required for the boot.
  - If 1 LPG tank was installed on the tray of a truck and another under the body, both places would be required to be labelled.
- (5) If the relevant standard requires a label to be fixed to the number plate of a vehicle but the label does not fit on the number plate, the label may be fixed in a place adjacent to the number plate where it is readily visible.



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**105 New vehicle or vessel must not be offered for sale without gas inspection certificate or gas compliance plate**

- (1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless—
- (a) a gas inspection certificate has been issued for the gas fuel system in the vehicle or vessel; or
  - (b) a gas compliance plate has been attached to the vehicle or vessel.

Maximum penalty—20 penalty units.

- (2) If a certificate has been issued, the person must give a copy of the certificate to the buyer of the vehicle or vessel before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) In this section—

***gas compliance plate*** means a plate attached to a vehicle or vessel that states the gas fuel system complies with the relevant standards for gas fuel systems for vehicles or vessels.

*Note—*

The standards for gas fuel systems in vehicles or vessels are stated in schedule 2, part 1.

***gas inspection certificate*** includes—

- (a) an interstate gas inspection certificate; and
- (b) for a gas fuel system in a vehicle or vessel that uses hydrogen—a third-party certification.

**106 Copy of gas inspection certificate to be given to new owner of used vehicle or vessel**

- (1) This section applies to a person who—
- (a) owns a currently registered vehicle and intends to dispose of it to another person (the ***buyer***), other than a dealer; or

[s 107]

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- (b) sells or otherwise transfers ownership of a currently registered vessel to another person (also the *buyer*), other than a dealer.
- (2) The person must give a copy of a gas inspection certificate that complies with subsection (3) for the gas fuel system in the vehicle or vessel to the buyer before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) The certificate must be issued no earlier than 3 months before the buyer takes possession of the vehicle or vessel.
- (4) In this section—

*disposal*, of a vehicle, see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, schedule 4.

*gas inspection certificate* includes—

- (a) an interstate gas inspection certificate; and
- (b) for a gas fuel system in a vehicle or vessel that uses hydrogen—a third-party certification.

## **107 Owner of commercial vehicle or vessel must ensure its gas fuel system is inspected and certified**

The owner of a commercial vehicle or vessel must ensure the gas fuel system in the vehicle or vessel is inspected, and a gas inspection certificate or an interstate gas inspection certificate is issued for it, at least once in every 1-year period.

Maximum penalty—20 penalty units.

## **108 Non-application of ss 105 to 107 to owner of vehicle or vessel in exempt area**

Sections 105 to 107 do not apply to a person who is the owner of a vehicle or vessel if—

- 
- (a) the person lives in an exempt area under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, mentioned in schedule 2, item 1 of that regulation; or
  - (b) the person lives in an exempt area under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, mentioned in schedule 2, item 2 or 5 of that regulation for that type of vehicle; or
  - (c) the person has received a notice from the chief inspector advising the person there is no one authorised to issue a gas inspection certificate within a reasonable distance of the person’s residence.

### **109 Person selling or transferring vehicle or vessel without a gas inspection certificate must advise**

- (1) This section applies to a person who has received a notice under section 108(c) that applies to a vehicle or vessel if the person sells or transfers the vehicle or vessel.
- (2) The person must advise a person 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.

### **110 Requirements for owner**

The owner of a vehicle, vessel or stationary engine must take all reasonable steps to ensure—

- (a) the gas fuel system in the vehicle, vessel or for the stationary engine complies with the relevant safety requirements under schedule 2, part 1; and
- (b) for a vehicle that uses fuel gas other than hydrogen—the carbon monoxide exhaust emissions from the vehicle are not more than the levels stated in the gas inspection certificate for the vehicle.

*Example of all reasonable steps taken—*

A regular testing program for a vehicle for hire is carried out before each hire or every 6 months, whichever happens first.

Maximum penalty—20 penalty units.

## **Division 3                      Other gas systems in a vehicle or vessel**

### **111      Application of division**

This division applies in relation to a gas system that uses fuel gas, other than a gas fuel system, in a vehicle or vessel.

*Example—*

a gas system for a gas cooker, water heater or refrigerator in a caravan, mobile home or food van

### **112      Prescribed matters for giving gas compliance certificate for installation—Act, s 734**

- (1) This section applies if the holder of a gas work licence or gas work authorisation installs all or part of the gas system.
- (2) For section 734(3) of the Act, the holder must give the gas compliance certificate to the owner, operator or proposed operator of the gas system when the holder completes the installation.

### **113      Issue of gas compliance certificate following inspection**

- (1) This section applies if an authorised installer inspects the gas system in a vehicle or vessel for this division.
- (2) If the gas system complies with the relevant safety requirements, the installer must issue a gas compliance certificate for the system to the owner or other person in lawful possession of the vehicle or vessel immediately after the inspection.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (4) Subsection (5) applies if the installer gives the owner of a vehicle or vessel a notice under subsection (3) and is satisfied the gas work or other action stated in the notice is carried out.
- (5) The installer must issue a gas compliance certificate for the gas system to the owner or other person in lawful possession of the vehicle or vessel immediately after inspecting the stated work.

Maximum penalty—20 penalty units.

- (6) For this section, a gas system complies with the relevant safety requirements if it complies with the requirements mentioned in subsections (7) and (8).
- (7) The gas system must comply with—
  - (a) for a gas system installed before 31 December 2004—AS 5601 ‘Gas installations’ (2004); or
  - (b) for a gas system installed on or after 31 December 2004—the safety requirements that applied under the Act to the installation of a gas system when the gas system was installed.
- (8) However, an alteration of the gas system must comply with—
  - (a) for an alteration carried out before 31 December 2004—AS 5601 ‘Gas installations’ (2004); or
  - (b) for an alteration carried out on or after 31 December 2004—the safety requirements that applied under the Act to the alteration of a gas system when the gas system was altered.

## **114 Issue of gas compliance certificate after alterations**

- (1) This section applies to an authorised installer who alters a gas system in a vehicle or vessel.

*Note—*

For installing a gas system, see the requirements under section 734 of the Act.

- (2) The installer must—
  - (a) ensure the alteration of the gas system complies with the relevant safety requirements under schedule 2, parts 2 to 4; and
  - (b) issue a gas compliance certificate for the alteration of the system to the owner or other person in lawful possession of the vehicle or vessel immediately after completing the work.

Maximum penalty—20 penalty units.

- (3) The installer must keep a copy of the certificate for 3 years after completing the work.

Maximum penalty—20 penalty units.

## **115 New vehicle or vessel must not be offered for sale without a gas compliance certificate**

- (1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless a gas compliance certificate has been issued for the gas system in the vehicle or vessel.

Maximum penalty—20 penalty units.

- (2) The person must give a copy of the certificate to the buyer of the vehicle or vessel before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) In this section—

*gas compliance certificate* includes an interstate gas compliance certificate.

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**116 Copy of gas compliance certificate to be given to new owner of used vehicle or vessel**

- (1) This section applies to a person who sells or otherwise transfers ownership of a currently registered vehicle or currently registered vessel to another person (the *buyer*), other than a dealer.
- (2) The person must give a copy of a gas compliance certificate that complies with subsection (3) for the gas system in the vehicle or vessel to the buyer before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) The certificate must be issued no earlier than 3 months before the buyer takes possession of the vehicle or vessel.
- (4) In this section—  
*gas compliance certificate* includes an interstate gas compliance certificate.

**117 Owner of commercial vehicle or vessel must ensure gas systems are inspected and certified**

The owner of a commercial vehicle or vessel must ensure a gas system in the vehicle or vessel is inspected, and a gas compliance certificate or an interstate gas compliance certificate is issued for it, at least once in every 1-year period.

Maximum penalty—20 penalty units.

## **Part 4 Other plant and equipment**

**118 Application of part**

This part applies to plant and equipment for a gas system other than—

- (a) a gas system supplied, or to be supplied, through a fuel gas network; or

- (b) a gas system in a vehicle or vessel or for a stationary engine.

### **119 Persons to be given copy of relevant certificate for installation at operating plant**

- (1) This section applies if either of the following (each the *installer*) installs plant or equipment for a gas system at an operating plant or proposed operating plant—
  - (a) the holder of a gas work licence or gas work authorisation;
  - (b) a person who installs the plant or equipment under a safety management system, other than a generic SMS, and has been assessed under the system as competent to perform the installation.
- (2) The installer must give a copy of the relevant certificate for the installation to the owner or operator of the operating plant or proposed operating plant when the installer completes the installation.

Maximum penalty—20 penalty units.

- (3) In this section—

*operator*, of a proposed operating plant, means the person who will be the operator of the plant when it becomes operational.

*relevant certificate* means the certificate under section 697(3) of the Act.

### **120 Prescribed matters for giving gas compliance certificate for installation not at operating plant—Act, s 734**

- (1) This section applies if the holder of a gas work licence or gas work authorisation installs all or part of a gas system other than at an operating plant or proposed operating plant.
- (2) For section 734(3) of the Act, the holder must give the gas compliance certificate to the owner, operator or proposed



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operator of the gas system when the holder completes the installation.

## Part 5                      **General offences about gas systems**

### 121      **Offence to tamper with a gas system**

A person must not knowingly tamper with a gas system.

Maximum penalty—20 penalty units.

### 122      **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 an air conditioner within the hazardous zone of a gas cylinder as defined under AS/NZS 1596 ‘The storage and handling of LP gas’

## Chapter 7                **Gas work**

### Part 1                      **Gas work licences and authorisations**

#### 123      **Definition for part**

In this part—

*gas work requirements* means the following documents published on a Queensland Government website—

- (a) in relation to a gas work licence—the document called ‘Queensland gas work licence requirements’;
- (b) in relation to a gas work authorisation—the document called ‘Queensland gas work authorisation requirements’.

### **123A Gas work licence not required for particular gas work**

For section 726(5) of the Act, the following circumstances are prescribed—

- (a) the gas work is—
  - (i) replacing a pigtail connected to a gas cylinder; and
  - (ii) carried out under the safety management system for a fuel gas delivery network; and
  - (iii) carried out by a person assessed under the safety management system as competent to replace a pigtail;
- (b) the gas work—
  - (i) relates to a small gas engine driven appliance that is a gas device (type A) and part of an operating plant; and
  - (ii) is carried out under the safety management system for the operating plant; and
  - (iii) is carried out by a person assessed under the safety management system as competent to carry out gas work in relation to the small gas engine driven appliance.

### **124 Qualifications or experience for gas work licences and gas work authorisations—Act, s 728C**

- (1) This section prescribes, for section 728C(2)(a) of the Act, the qualifications or experience required for—

- (a) if an applicant for a gas work authorisation is a corporation—each individual who is to perform gas work for the applicant under the authorisation; or
  - (b) an applicant for a gas work licence or gas work authorisation who is an individual.
- (2) The applicant or individual must—
- (a) have completed the qualification stated in schedule 5, part 2 or 3, column 2 opposite the type of gas work licence or gas work authorisation; or
  - (b) for a gas work licence, hold a gas work licence—
    - (i) authorising the same type of work as the licence being applied for; and
    - (ii) that is current or expired no earlier than 12 months before the application for the licence was made; or
  - (c) be a person the chief inspector reasonably believes otherwise demonstrates the skill and knowledge required to carry out the type of gas work to which the licence or authorisation applied for relates.
- (3) For subsection (2)(a) as it applies to an application for a gas work licence—
- (a) in schedule 5, part 2, column 2, a reference to a certificate III means a certificate III completed no earlier than 12 months before the application was made; and
  - (b) if schedule 5, part 2, column 2 states required units of competency for a type of licence and the required units of competency are not part of a certificate III required for the type of licence, at least 1 of the required units of competency must have been completed no earlier than 12 months before the application was made.
- (4) For subsection (2)(c), the chief inspector may require the applicant or individual to complete a written, oral or practical examination.

## **125 Particular apprentices and trainees taken to be holders of gas work licence**

- (1) This section applies to a person who carries out gas work 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 stated in the gas work requirements for a gas work licence.
- (2) The person is taken to be a holder of the gas work licence.
- (3) However, the person can not certify a gas system of a gas device (type A).
- (4) In this section—

*apprentice* see the *Further Education and Training Act 2014*, section 6.

*trainee* see the *Further Education and Training Act 2014*, section 7.

## **126 Annual fee payable by holder of gas work licence or gas work authorisation**

- (1) The holder of a gas work licence or gas work authorisation must pay an annual fee for each year of the term of the licence or authorisation.
- (2) The amount of the fee is stated in schedule 6, part 1.

## **127 Types of gas work licences and gas work authorisations**

- (1) This section applies if the chief inspector is deciding an application for a type of gas work licence or gas work authorisation.
- (2) If the chief inspector decides to grant the application, the chief inspector is taken to have decided to limit the gas work licence or gas work authorisation to the type of gas work stated in

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schedule 5, part 2 or 3, column 3 opposite the type of licence or authorisation in schedule 5, part 2 or 3, column 1.

- (3) This section does not affect the chief inspector's power under section 728C(3) of the Act to limit the type of gas work that may be carried out under a gas work licence or gas work authorisation.

### **128 Notice of change in circumstances**

- (1) This section applies if the holder of a gas work licence or gas work authorisation changes—
- (a) the holder's address; or
  - (b) the holder's contact details.
- (2) The holder must give the chief inspector notice of the change within 20 business days after the change happens.

Maximum penalty—10 penalty units.

### **129 Returning suspended or cancelled gas work licence or gas work authorisation to chief inspector**

- (1) If the chief inspector gives the holder a notice cancelling the holder's gas work licence or gas work authorisation under section 799 of the Act, the holder must return the licence or authorisation to the chief inspector within 10 business days after the cancellation takes effect, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If the chief inspector gives the holder a notice suspending the holder's gas work licence or gas work authorisation under section 794 or 799 of the Act and requires the holder to return the licence or authorisation, the holder must return the licence or authorisation to the chief inspector within 10 business days after the suspension takes effect, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If subsection (2) applies, the chief inspector must return the licence or authorisation to the holder as soon as practicable after the suspension ends.

### **130 Existing gas work licence or gas work authorisation taken to be in force while application is considered**

- (1) This section applies if—
  - (a) a holder’s gas work licence or gas work authorisation is issued for a stated period; and
  - (b) the holder applies for a gas work licence or the same type of authorisation before the period ends.
- (2) The holder’s gas work licence or gas work authorisation is taken to continue in force from the day it would, apart from this section, have expired until the day the chief inspector decides to grant or refuse the application.
- (3) Subsection (2) does not apply if the gas work licence or gas work authorisation is earlier cancelled or suspended under the Act.

## **Part 2 Performing gas work**

### **Division 1 Safety requirements**

#### **131 Installing particular cylinders in enclosed spaces**

- (1) This section prescribes safety requirements for a person who installs a cylinder inside premises in an enclosed space, including, for example, in a cupboard.
- (2) The person must ensure the enclosed space is—
  - (a) vented to the outside; and
  - (b) sealed from the gas device that consumes gas from the cylinder and other parts of the premises.

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## Division 2                      Other requirements

### 132      **Gas work carried out by holder of gas work licence or authorisation**

The holder of a gas work licence or gas work authorisation must ensure—

- (a) gas work carried out by or for the holder—
  - (i) complies with all relevant safety requirements; and
  - (ii) is carried out in a thorough and professional way; and
- (b) all reasonable precautions are taken, at the place where the work is carried out, to avoid injury or damage being caused to persons or property because of the work.

Maximum penalty—20 penalty units.

### 133      **Repair of gas work not carried out in a thorough and professional way**

- (1) This section applies if—
  - (a) gas work is carried out by or for the holder of a gas work licence or gas work authorisation; and
  - (b) an inspector inspects the gas work within 3 years after the work is completed; and
  - (c) the chief inspector reasonably considers the gas work was not carried out in a thorough and professional way.
- (2) The chief inspector may give the holder a notice that requires the holder to remedy the work in the way stated in the notice within 14 days after the holder receives the notice.
- (3) The holder must ensure the work is remedied in the way stated within the 14-day period.

Maximum penalty—20 penalty units.

- (4) The holder must bear the cost of remedying the work.

- (5) This section—
- (a) does not affect any other right or remedy available to a consumer under an Act or law; and
  - (b) does not entitle a consumer to recover the cost of remedying the work more than once.

## **Part 3                      Using flammable hydrocarbon gas for refrigeration or air conditioning**

### **Division 1                      Preliminary**

#### **134      Definitions for part**

In this part—

*approval person* means the chief inspector or a person who holds a gas device approval authority for a relevant gas device.

*relevant gas device* means a gas device (type A) or gas device (type B) that uses flammable hydrocarbon gas for refrigeration or air conditioning.

### **Division 2                      Safety requirements**

#### **135      Installation of flammable hydrocarbon gas in relevant gas device**

- (1) This section prescribes safety requirements for a person who installs flammable hydrocarbon gas in a relevant gas device.
- (2) The person must—
  - (a) be the holder of a gas work licence; and



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- (b) ensure a gas fitting of, or used with, the device complies with subsection (3); and
  - (c) ensure the device has been approved for use under section 731AA(1)(a) of the Act; and
  - (d) ensure a plate that states the device contains flammable hydrocarbon gas is fixed to the device in a place that is easily seen by a person carrying out gas work on the device.
- (3) The gas fitting must—
- (a) comply with AS/NZS 5149.2 ‘Refrigerating systems and heat pumps—safety and environmental requirements’, Part 2 ‘Design, construction, testing, marking and documentation’, section 4; and
  - (b) be fit for the purpose for which it is used.
- (4) The person must give the owner of the device a certificate, in the approved form, that states the installation of the gas in the device complies with the safety requirements.

*Note—*

For relevant safety requirements, other than the safety requirements in this section, see schedule 2, parts 2 and 3.

- (5) The person must keep a copy of the certificate for 3 years.

### **136 Application of other safety requirements to flammable hydrocarbon gas**

A safety requirement mentioned in schedule 2, part 2 or 3 that applies to the use of LPG as a propellant or a fuel to produce heat, light or power or to refrigerate also applies, with any necessary changes, to the use of flammable hydrocarbon gas as a refrigerant.

## **Division 3                    Other requirements**

### **137    Requirements for applications for approval of relevant gas device**

- (1) This section applies if a person applies for approval of the supply, installation or use of a relevant gas device under section 731AA(1)(a) of the Act.
- (2) The application must be accompanied by—
  - (a) evidence satisfactory to the approval person that the device complies with the safety requirements mentioned in schedule 2, parts 2 and 3; or
  - (b) a safety report for the device that complies with section 138.

### **138    Requirements for safety report**

- (1) For section 137(2)(b), a safety report must include a safety and risk assessment for each stage of use of the gas device, including at least the following—
  - (a) the effect a change in the refrigerant used by the device might have on the safety and reliability of the device;
  - (b) the hazards associated with each stage of use for the device, identified using a hazard identification model the approval person reasonably believes is appropriate, and the likely consequences and occurrence of each hazard;

*Examples of hazard identification models—*

- event tree analysis
  - failure modes and effect analysis (FMEA)
  - fault tree analysis
  - hazard and operability study (HAZOP)
- (c) the measures that could be carried out to control or avoid the risk associated with the hazards and the

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reasons why the applicant would or would not carry out the measures;

- (d) the classes of people who might be affected if the device is not safe and any particular characteristics that increase their vulnerability;
  - (e) the risks for each stage of use for the device, including—
    - (i) if the device was originally designed for use with a non-flammable gas—a comparison of the risks identified with the risks associated with using the device as originally designed; and
    - (ii) the risks to the community, whether direct or indirect; and
    - (iii) if practicable, an estimate of the likely number of injuries and deaths of persons caused by the device in a year;
  - (f) the results of any testing carried out on the device;
  - (g) details of—
    - (i) the sources of information and data relied on to prepare the report; and
    - (ii) any assumptions made in the report.
- (2) For subsection (1)(e), risks should be assessed quantitatively and qualitatively, to the extent appropriate in the circumstances.
- (3) In this section—
- stage of use*, for a relevant gas device, means each of the following for the device—
- (a) installation;
  - (b) maintenance;
  - (c) use;
  - (d) decommissioning;
  - (e) disposal;

- (f) obsolescence.

## Chapter 7A Gas device approval authorities

### Part 1 Preliminary

#### 138A Definitions for chapter

In this chapter—

*eligible gas device (type A)* means a gas device (type A) that—

- (a) meets the eligibility requirements stated in the GDAA code; and
- (b) is not an excluded gas device identified in the GDAA code.

*GDAA code* means the document called ‘Queensland code of practice—Gas device approval authority holders’, published on a Queensland Government website.

*interstate or New Zealand authority* means an authority granted by another State or New Zealand that is similar to a gas device approval authority.

*JAS-ANZ accreditation* means an accreditation by the Joint Accreditation System of Australia and New Zealand to operate a product certification scheme for gas-related products in accordance with AS/NZS ISO/IEC 17065 ‘Conformity assessment—Requirements for bodies certifying products, processes and services’.

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## Part 2 **Qualifications, experience and suitability**

### **138B Qualifications and experience for approving gas device—Act, s 731AD**

- (1) This section prescribes qualifications and experience for section 731AD(2)(a) of the Act.
- (2) For a gas device approval authority for a gas device (type A) other than an eligible gas device (type A), the qualifications and experience are that the applicant must hold a JAS-ANZ accreditation.
- (3) For a gas device approval authority for an eligible gas device (type A), the qualifications and experience are—
  - (a) if an applicant for the authority is a corporation—
    - (i) the applicant must hold a JAS-ANZ accreditation; or
    - (ii) each device approval individual must have the qualifications and experience mentioned in subsection (5); or
  - (b) if an applicant for the authority is an individual—the applicant must—
    - (i) hold a JAS-ANZ accreditation; or
    - (ii) have the qualifications and experience mentioned in subsection (5).
- (4) For a gas device approval authority for a gas device (type B), the qualifications and experience are—
  - (a) if an applicant for the authority is a corporation—each device approval individual must have the qualifications and experience mentioned in subsection (5); or
  - (b) if an applicant for the authority is an individual—the applicant must have the qualifications and experience mentioned in subsection (5).

- (5) For subsections (3)(a)(ii) and (b)(ii) and (4)(a) and (b), the qualifications and experience are that the applicant or device approval individual must—
- (a) have the qualifications and experience stated in schedule 5A, column 2 opposite the gas device stated in column 1 to which the authority applied for relates; or
  - (b) hold a gas device approval authority—
    - (i) for the same gas device as the authority being applied for; and
    - (ii) that is current or expired no earlier than 12 months before the application for the authority was made; or
  - (c) be a person the chief inspector reasonably believes otherwise demonstrates the skill and knowledge required to approve the supply, installation or use of a gas device to which the authority applied for relates.
- (6) For subsection (5)(c), the chief inspector may require the applicant or device approval individual to complete a written, oral or practical examination.
- (7) In this section—
- device approval individual*, in relation to a gas device approval authority for an applicant, means an individual who is to approve the supply, installation or use of a gas device for the applicant under the authority.

### **138C Matters for deciding whether applicant suitable person—Act, s 731AD**

For section 731AD(3)(c) of the Act, the following matters are prescribed—

- (a) any disability or medical condition the applicant has that prevents the applicant from complying with the technical requirements stated in the GDAA code for the gas device to which the authority applied for relates;

- (b) whether the applicant held an interstate or New Zealand authority that was cancelled;
- (c) whether an application by the applicant for an interstate or New Zealand authority has been refused.

## Part 3                      Conditions

### 138D    **Conditions of gas device approval authority—Act, s 731AF**

This part prescribes, for section 731AF(a) of the Act, the conditions of a gas device approval authority.

### 138E    **General conditions**

- (1) The holder of a gas device approval authority must do the following—
  - (a) make, implement and maintain a documented process for approving the supply, installation or use of gas devices;
  - (b) keep a record of each approval given by the holder under the authority for 7 years after the approval is given;
  - (c) notify the chief inspector of any of the following changes immediately after the change happens—
    - (i) the holder is convicted of an indictable offence;
    - (ii) the holder has a disability or medical condition that prevents the holder from complying with the technical requirements stated in the GDAA code for the gas device to which the authority relates;
    - (iii) the holder's interstate or New Zealand authority is cancelled;
    - (iv) an application by the holder for an interstate or New Zealand authority is refused;

- (d) if the holder decides to approve the supply, installation or use of a gas device—ensure the design of the device has the safety outcomes.
- (2) For subsection (1)(d), the holder is taken to comply with the condition mentioned in that paragraph if the holder—
  - (a) complies with the safety requirement for the design of the gas device; or
  - (b) if there is no safety requirement for the design of the gas device—
    - (i) uses a risk assessment process in deciding to approve the supply, installation or use of the device; and
    - (ii) notifies the chief inspector of the use of the risk assessment process before giving the approval; and
    - (iii) keeps a record of the use of the risk assessment process for 7 years after giving the approval.

- (3) In this section—

*risk assessment process* means a process that—

- (a) allows the holder of a gas device approval authority to assess the risks associated with the design of a gas device to ensure the design of the device has the safety outcomes; and
- (b) complies with the technical requirements stated in the GDAA code for the gas device.

*safety outcomes*, for the design of a gas device, means both of the following outcomes—

- (a) the device is designed to use fuel gas safely;
- (b) the device is designed so that its use will not cause harm to persons, domestic animals or property.



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**138F Additional conditions of authority granted on basis of JAS-ANZ accreditation**

- (1) This section applies to the holder of a gas device approval authority for a gas device (type A) if the authority was granted on the basis the holder holds a JAS-ANZ accreditation.
- (2) The holder must comply with the gas equipment certification rules.
- (3) In this section—

*gas equipment certification rules* means the document called ‘Gas equipment certification scheme—“The rules”’, published on the Gas Technical Regulators Committee’s website.

**138G Additional conditions of authority granted other than on basis of JAS-ANZ accreditation**

- (1) This section applies to the holder of a gas device approval authority if the authority was granted other than on the basis the holder holds a JAS-ANZ accreditation.
- (2) The holder must do the following—
  - (a) comply with the technical requirements and conduct requirements stated in the GDAA code for the gas device to which the authority relates;
  - (b) if the holder decides to refuse to approve the supply, installation or use of a gas device—notify the chief inspector within 5 business days of making the decision;
  - (c) if a person applies to the holder for approval of the supply, installation or use of a gas device and the device is unsafe—notify the chief inspector immediately;
  - (d) if the holder becomes aware a person is installing gas devices the person is not appropriately qualified to install—notify the chief inspector within 5 business days of becoming aware of the matter;

- (e) notify the chief inspector at least 5 business days before deciding to suspend or cancel an approval given by the holder under the authority.
- (3) The holder must not, without the chief inspector's authorisation, approve the supply, installation or use of a gas device if the holder, the holder's employer or an employee of the holder—
  - (a) designed or constructed the device; or
  - (b) intends to install the device.
- (4) For subsection (3), the chief inspector may give the authorisation if the chief inspector is satisfied there is, or will be, appropriate separation between—
  - (a) the person approving the supply, installation or use of the gas device; and
  - (b) the person designing, constructing or installing the device.

## **Chapter 8      Transport and supply of fuel gas**

### **Part 1            Safety requirements**

#### **Division 1        Preliminary**

##### **139    Transporting and supplying fuel gas cylinders**

This part prescribes safety requirements for transporting and supplying fuel gas cylinders.

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## 140 Meaning of *enclosed vehicle*

- (1) For this part, an *enclosed vehicle* is a vehicle, or part of a vehicle, that is enclosed when all of the doors and windows to the vehicle are closed, even if 1 or more of the vehicle's windows are open.
- (2) For subsection (1), it does not matter whether the vehicle is used for private purposes, business purposes or providing public transport.
- (3) However, a vehicle to which the *Transport Operations (Road Use Management) Act 1995*, chapter 5A, applies, is not an enclosed vehicle.

## Division 2 Transporting fuel gas cylinders

### 141 Prohibition on carrying cylinders more than 25L in enclosed vehicles

A person must not carry a cylinder with a water capacity of more than 25L in an enclosed vehicle.

*Example of a cylinder that could not be carried in an enclosed vehicle—*

a 13.5kg cylinder that has a water capacity of 32L

### 142 Restriction on carrying cylinders 22L to 25L in enclosed vehicles

- (1) A person may carry a cylinder with a water capacity of 22L or more, but no more than 25L, in an enclosed vehicle only to transport the cylinder to or from a place where the cylinder is exchanged or filled.
- (2) However, subsection (1) does not apply if the cylinder is transported in a part of the vehicle that is—
  - (a) not enclosed because it is vented to outside the vehicle; and
  - (b) sealed from other parts of the vehicle that are enclosed.

**143 No more than 2 cylinders may be carried at a time**

- (1) A person must not carry more than 2 cylinders in an enclosed vehicle at the same time.
- (2) However, subsection (1) does not apply to a cylinder that is transported in a part of the vehicle that is—
  - (a) not enclosed because it is vented to outside the vehicle; and
  - (b) sealed from other parts of the vehicle that are enclosed.

**144 Requirements for transporting cylinders in enclosed vehicles**

A person who carries a cylinder in an enclosed vehicle must ensure—

- (a) the cylinder is stored—
  - (i) securely in an upright position and, if possible, in the boot of the vehicle; and
  - (ii) in a way that avoids excessive exposure of the cylinder to heat or direct exposure to sunlight; and
- (b) the service valve of the cylinder is tightly closed.

**Division 3 Provisions for supply of fuel gas**

**145 Application of division**

This division applies to a person who supplies fuel gas in cylinders to consumers.

**146 Sealing of cylinders**

The person must ensure a cylinder with a water capacity of 25L or less supplied to a consumer is—

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- (a) sealed in a way that prevents the unintended release of fuel gas from the cylinder; and
  - (b) sealed in a way that prevents dirt or debris from entering the cylinder; and
  - (c) if the cylinder is fitted with a screw plug—fitted with the screw plug in a way that allows a consumer to easily remove the plug.

#### **147 Cylinders not to be overfilled**

The person must fill the cylinder with fuel gas in a way that prevents the cylinder being overfilled.

#### **148 Signage required at places where cylinders are filled or exchanged**

The person must ensure a notice that states the requirements under division 2 is displayed at each place where the person fills or exchanges cylinders.

### **Division 4 Labelling of cylinders for LPG**

#### **149 Required labels for cylinders**

- (1) A person who supplies LPG in a new cylinder with a water capacity of 25L or less to a consumer must ensure the required label is attached to the cylinder.
- (2) An authorised test station must ensure the required label is attached to a cylinder for LPG that is tested by the station.
- (3) In this section—

*authorised test station*, for a cylinder for LPG, means a cylinder test station certified to test the cylinder under—

- (a) AS 2337.1, ‘Gas cylinder test stations’, Part 1 ‘General requirements, inspection and tests—Gas cylinders’; or

- (b) AS 2337.2, ‘Gas cylinder test stations’ Part 2 ‘LP Gas fuel vessels for automotive use’.

**required label** means the following label, or a label containing words to the following effect—

**CYLINDER SAFETY INSTRUCTIONS**

LPG cylinders are safe if used correctly. It is important that—

- cylinders are carried and stored upright at all times
- cylinders are secured upright in vehicles, preferably in the boot, and not more than 2 cylinders are carried at a time
- valves are checked to ensure they are tightly turned off
- cylinders are kept away from heat or direct sun
- the contents of cylinders are not inhaled.

For added safety, fit the supplied plug or cap to the cylinder outlet when not in use.

## **Division 5                      Signage of vehicles transporting particular cylinders**

### **150      Filling or supplying particular cylinders**

- (1) A person (a **supplier**) must not fill a cylinder for another person, or supply a cylinder to another person, if the supplier knows, or ought reasonably to know, that—
- (a) the other person will transport the cylinder in a vehicle with other cylinders and the cylinders have a combined water capacity of more than 250L; and
- (b) the vehicle is not fitted with ‘flammable gas’ signs as required under the dangerous goods code.
- (2) In this section—

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*dangerous goods code* means the code called ‘Australian code for the transport of dangerous goods by road and rail’, published by the National Transport Commission.

## Part 2 Other requirements

### 151 Offence to transfer fuel gas between fuel gas containers in residential area

- (1) A person must not, without the written approval of the chief inspector, transfer fuel gas from 1 fuel gas container to another fuel gas container at or adjacent to residential premises.

Maximum penalty—20 penalty units.

- (2) This section does not apply to the operator, or a person acting under the direction of the operator, of a fuel gas delivery network.

## Chapter 9 Fees

### Part 1 General

#### 152 Fees generally

The fees payable under the Act are stated in schedule 6.

*Note—*

For other fees payable under the Act and 1923 Act, see also the *Petroleum and Gas (Royalty) Regulation 2021*, section 39 and the *Petroleum and Gas (General Provisions) Regulation 2017*, part 7.

## Part 2 Purpose of fees and liability to pay fees

### 153 Purpose of safety and health fees

The purpose of safety and health fees is to cover the costs (the *safety and health operating costs*) for each financial year of activities carried out for the purposes of safety and health for petroleum and gas.

*Note—*

See the Geothermal Act, section 4(a) and the GHG Storage Act, section 4(c).

### 154 Estimation and publication of safety and health costs

- (1) Each financial year, the CEO must prepare a written estimate (a *costs estimate*) of the safety and health operating costs of RSHQ and the commissioner for each relevant category of liable person for the year.
- (2) Each costs estimate must be published on a Queensland Government website no later than the 31 March that occurs before the start of the financial year to which the estimate relates.
- (3) A failure to comply with subsection (2) does not limit or otherwise affect the operation of the fee-capping provisions.
- (4) In this section—

*fee-capping provisions* means schedule 6, part 3, sections 2(2), 3(2), 4(2), 5(2), 7(2) and 8(3).

### 155 Who is liable to pay a safety and health fee

- (1) Subject to sections 156, 160 and 162, a person (a *liable person*) who is a person mentioned in subsection (2) at any time during a financial year must pay a safety and health fee for the year.



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- (2) For subsection (1), the persons are each of the following—
- (a) the operator of an operating plant used to drill a petroleum well, geothermal well (other than a well drilled for wet geothermal production), GHG well or UCG well;
  - (b) the operator of a workover rig that performs well completion or maintenance work for a petroleum well, geothermal well, GHG well or UCG well;
  - (c) the holder of an authority to prospect;
  - (d) the holder of a geothermal permit;
  - (e) the holder of a GHG permit;
  - (f) the holder of a petroleum lease under which petroleum was produced;
  - (g) the operator of a petroleum facility that is any of the following types—
    - (i) a major processing facility;
    - (ii) a facility that produces syngas;
    - (iii) a facility that produces a gasification or retorting product, other than mineral (f) produced by an underground gasification activity;
    - (iv) a facility that produces LPG from petroleum;
    - (v) a facility that produces LNG and—
      - (A) is not a major hazard facility under the *Work Health and Safety Regulation 2011*; and
      - (B) must operate under a safety management system under the Act;
    - (vi) a facility that produces CNG and—
      - (A) is not a major hazard facility under the *Work Health and Safety Regulation 2011*; and
      - (B) must operate under a safety management system under the Act;

- (vii) a facility that produces mineral (f) under an underground gasification activity;
  - (viii) a petroleum facility on an area to which a petroleum facility licence applies that is not mentioned in subparagraphs (i) to (vii);
  - (h) the operator of a facility, including a GHG well, or a series of GHG wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project;
  - (i) the operator of a pipeline under a pipeline licence;
  - (j) the operator of a distribution pipeline that is not part of a distribution system;
  - (k) the operator of a GHG stream pipeline;
  - (l) the operator of a distribution system;
  - (m) the operator of a non-automotive LPG delivery network if the combined water capacity of fuel gas containers for non-automotive LPG in the network is more than 12,000L;
  - (n) a product supplier of automotive LPG;
  - (p) the operator of a site (a *major consumer*) if the gas devices installed 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;
  - (q) the operator of a facility that produces or processes biogas or biomethane;
  - (r) the operator of a special effects gas system.
- (3) The amount of the fee must be calculated in the way provided under schedule 6, part 3.
- (4) A liable person who is mentioned in more than 1 category of liable persons for a year must pay a safety and health fee for each category for the year.

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## 156 Who is not liable to pay a safety and health fee

- (1) Despite section 155, the following are not liable persons—
- (a) an operator mentioned in section 155(2)(q) if either of the following apply—
    - (i) the operator has received a positive advance finding for an activity at the facility that relates to the production or processing of biogas or gas carried out at the facility on or before the 9 November that occurs after the financial year for which the safety and health fee would otherwise be payable;
    - (ii) for an operator mentioned in section 155(2)(q)—all the gas produced or processed is passively vented and the facility is a waste disposal tip;
  - (b) the operator of a coal mining-CSG operating plant.
- (2) In this section—

***passively vented*** means vented to the atmosphere, without mechanical assistance, in reliance on natural pressure gradients.

*Example of passive venting—*

venting gas to the atmosphere, without mechanical assistance, through a borehole

***positive advance finding***, for an operator's activity at a facility, means an advance finding, issued by Innovation and Science Australia under the *Industry Research and Development Act 1986* (Cwlth), confirming the activity is either of the following under that Act—

- (a) a core R&D activity;
- (b) a supporting R&D activity.



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- geothermal production), GHG wells or UCG wells drilled by the person; and
- (b) for a person mentioned in section 155(2)(b)—the total number of petroleum wells, geothermal wells, GHG wells or UCG wells the person performed completion or maintenance work for; and
  - (c) for a person mentioned in section 155(2)(c)—the number of authorities to prospect held by the person and the area in sub-blocks of the authorities; and
  - (d) for a person mentioned in section 155(2)(d)—the number of geothermal permits held by the person and the area in sub-blocks of the permits; and
  - (e) for a person mentioned in section 155(2)(e)—the number of GHG permits held by the person and the area in sub-blocks of the permits; and
  - (f) for a person mentioned in section 155(2)(f)—the number of petroleum wells within the area of the petroleum lease that have produced petroleum; and
  - (g) for a person mentioned in section 155(2)(g)—
    - (i) which type of petroleum facility mentioned in section 155(2)(g) is operated by the person; and
    - (ii) the amount of petroleum (in m<sup>3</sup>) processed by the petroleum facility (the *relevant petroleum facility*); and
    - (iii) the number of other petroleum facilities operated at the same site and under the same safety management system as the relevant petroleum facility; and
  - (h) for a person mentioned in section 155(2)(h)—the number of GHG projects started; and
  - (i) for a person mentioned in section 155(2)(i)—the length in kilometres and outside diameter in millimetres of the pipeline; and

- (j) for a person mentioned in section 155(2)(j)—the length in kilometres and diameter in millimetres of the part of the distribution pipeline that is not part of a distribution system; and
- (k) for a person mentioned in section 155(2)(k)—the length in kilometres and diameter in millimetres of the GHG stream pipeline; and
- (l) for a person mentioned in section 155(2)(l)—the length in kilometres of the distribution system; and
- (m) for a person mentioned in section 155(2)(m)—the maximum number of each of the following fuel gas containers for non-automotive LPG in the non-automotive LPG delivery network—
  - (i) containers with a water capacity of less than 50L;
  - (ii) containers with a water capacity of 50L or more but less than 1kL;
  - (iii) containers with a water capacity of 1kL or more but less than 8kL;
  - (iv) containers with a water capacity of 8kL or more; and
- (n) for a person mentioned in section 155(2)(n)—the number of times the person supplied automotive LPG to an automotive LPG site; and
- (p) for a person mentioned in section 155(2)(p)—the maximum consumption rate (in GJ/hr) for which each gas device, forming part of a gas system installed at the site, is designed; and
- (q) for a person mentioned in section 155(2)(q)—
  - (i) the number of sites operated by the person with a facility that produces or processes biogas or biomethane; and
  - (ii) the actual gas usage, or nameplate capacity, for each site operated by the person with a facility that produces or processes biogas or biomethane; and

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- (r) for a person mentioned in section 155(2)(r)—
    - (i) the number of special effects gas systems operated by the person; and
    - (ii) the number of times each special effects gas system was operated; and
    - (iii) the amount of fuel gas used by each special effects gas system.
  - (2) The information that must be included in the return under subsection (1) is the *required information*.

### **159 Fee for late lodgement of safety and health fee return**

- (1) This section applies if—
  - (a) a liable person does not lodge a safety and health fee return under section 157; or
  - (b) a purported safety and health fee return lodged by a liable person does not contain all of the required information.
- (2) The obligation under section 157 to lodge a safety and health fee return continues to apply until that section is complied with.
- (3) When the return is lodged it must be accompanied by the late return fee.
- (4) The late return fee applies and is payable in addition to any penalty imposed under section 157.

### **160 Requirement for invoice to be given**

- (1) The CEO must give a liable person an invoice for the amount of the safety and health fee payable by the person for a financial year on or before the invoice date for the year.
- (2) However, if the person has not lodged a safety and health fee return for the year by the invoice date, the CEO must give the person the invoice within 30 days after the day the person lodges the return.

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- (3) Also, if the liable person does not pay the fee on or before the payment date, the CEO must, within 10 days after the payment date, give the liable person an invoice for the late payment fee.
- (4) The CEO's failure to give an invoice within a period stated in subsection (1), (2) or (3) does not affect the validity of an invoice given under this section.
- (5) In this section—  
*invoice date*, for a financial year, means the 10 November that occurs after the end of the financial year.

## 161 Invoice may be reissued if incorrect

- (1) This section applies if the CEO—
  - (a) has given a liable person an invoice under section 160(1) or (2); and
  - (b) after giving the invoice, is of the opinion, based on information available to the CEO, the safety and health fee stated in the invoice is incorrect.
- (2) The CEO may give the liable person an invoice (a *reissued invoice*) for the correct amount of the safety and health fee within 30 days after becoming aware of the information.

## 162 Date for payment

- (1) The safety and health fee for a financial year must be paid by a liable person on or before the payment date for the invoice for the fee.
- (2) However, if the amount of the safety and health fee for the year stated in a reissued invoice for the person (the *reissued amount*) is—
  - (a) higher than the amount the person has already paid for the fee, the person must pay the balance amount on or before the payment date for the reissued invoice; or



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- (b) lower than the amount the person has already paid for the fee, the CEO must refund the balance amount within 30 days after giving the reissued invoice.
  - (3) For subsection (1), if the person does not pay the fee on or before the payment date, when the fee is paid it must be accompanied by the late payment fee.
  - (4) In this section—
    - balance amount*—
    - (a) for subsection (2)(a)—means the amount of the reissued amount that remains after subtracting the amount of the fee already paid; and
    - (b) for subsection (2)(b)—means the amount of the fee already paid that remains after subtracting the reissued amount.

### **163 Interest payable on unpaid fees**

- (1) This section applies if a liable person does not pay an amount of a safety and health fee payable under this part.
- (2) The liable person must pay interest on the unpaid amount at the rate of 15% a year.
- (3) The interest must be calculated as simple interest.
- (4) The interest payable on the unpaid amount may be recovered by the CEO as a debt.

### **164 Notice may be given to liable person if return not lodged or is inadequate**

- (1) This section applies if the CEO is of the opinion, based on information available to the CEO, that a liable person—
  - (a) has failed to lodge a safety and health fee return as required under sections 157 and 158; or
  - (b) has lodged a safety and health fee return that does not contain all of the required information; or

- (c) has lodged a safety and health fee return containing required information that is incorrect.
- (2) The CEO may give the person a notice—
  - (a) that states each of the following—
    - (i) the ground mentioned in subsection (1)(a), (b) or (c) the CEO reasonably believes applies to the person;
    - (ii) the required information the CEO reasonably believes is correct;
    - (iii) the amount of the safety and health fee the CEO reasonably believes is payable by the person;
    - (iv) the facts and circumstances forming the basis for the beliefs mentioned in subparagraphs (i) to (iii); and
  - (b) that invites the person to lodge, at the office of the CEO and within a stated reasonable period, submissions about why the person should not be invoiced for the amount mentioned in paragraph (a)(iii).
- (3) The CEO must consider any submissions the person lodges within the stated period.
- (4) If, after complying with subsection (3), the CEO is satisfied a safety and health fee is payable by the person, the CEO may give the person an invoice for the fee.
- (5) Subsection (4) applies even if the person has already been given an invoice for, or paid, a different amount for the fee.

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## Part 4 Overpayment of safety and health fee

### 165 Refund of overpayment of safety and health fee

- (1) If a safety and health fee is overpaid by a liable person, the CEO may refund the amount of the overpayment to the person.
- (2) No interest is payable on the amount refunded.

## Chapter 10 Transitional provisions

### Part 1 Transitional provisions for SL No. 135 of 2018

#### 166 Definitions for part

In this part—

*existing*, for an approval, certificate or notice under the old regulation, means in effect immediately before the commencement.

*old regulation* means the *Petroleum and Gas (Production and Safety) Regulation 2004* as in force before the commencement.

*requirement* includes part of a requirement.

#### 167 Existing exemptions and applications for exemptions

- (1) An existing exemption from complying with a requirement under an old provision in relation to a petroleum well or coal seam is taken to be a new exemption from complying with the

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requirement in relation to the well or coal seam under the provision that corresponds to the old provision.

- (2) An existing exemption from complying with a requirement under section 57 in relation to a petroleum tenure is taken to be a new exemption from complying with the equivalent requirement of section 30 in relation to the tenure.
- (3) An application for an exemption made under the old regulation, section 76, but not decided before the commencement—
  - (a) is taken to be an application for an exemption made under section 63 from complying with the requirement under the provision that corresponds to the old provision to which the application relates; and
  - (b) must be decided under this regulation.
- (4) In this section—

*corresponds*, for a provision of this regulation in relation to an old provision, means is stated in column 2 of the following table, opposite the old provision—

<b>Column 1</b>	<b>Column 2</b>
<b>Old provision</b>	<b>Corresponding provision</b>
section 57	section 30
section 60(1)	section 36
section 65	section 57
section 68	section 44
section 69	section 45
section 70	section 46
section 72F	section 54
section 72G	section 55
section 72H	section 56

*existing exemption* means an exemption—

- (a) given under the old regulation, section 75; and
- (b) that is in effect immediately before the commencement.

***new exemption*** means an exemption given under section 62.

***old provision***, in relation to a particular provision, means that provision of the old regulation.

### **168 Safety management system for automotive LPG site until changeover date**

- (1) This section applies until the end of 31 August 2019.
- (2) A safety management system for an automotive LPG site is taken to comply with section 88(1) and (3) if it complies with the old regulation, section 88D(1).

### **169 Existing gas certificates and notices**

- (1) An existing gas compliance certificate, gas inspection certificate or notice issued or given under an old provision is taken to have been issued or given under the provision that corresponds to the old provision.
- (2) A reference to an old provision in a gas inspection certificate or gas compliance certificate issued during the transitional period is taken to be a reference to the provision that corresponds to the old provision.
- (3) In this section—

***corresponds***, for a provision of this regulation in relation to an old provision, means is stated in column 2 of the following table, opposite the old provision—

<b>Column 1</b>	<b>Column 2</b>
<b>Old provision</b>	<b>Corresponding provision</b>
section 101	section 102
section 102	section 103
section 105A(1)(c)	section 108(c)

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<b>Column 1</b>	<b>Column 2</b>
<b>Old provision</b>	<b>Corresponding provision</b>
section 105F	section 113
section 105G	section 114

*old provision*, in relation to a particular provision, means that provision of the old regulation.

*transitional period* means the period—

- (a) starting on the commencement; and
- (b) ending at the end of the day on 30 June 2019.

### **170 Existing approvals about transferring LPG between fuel gas containers**

An existing approval given for section 114 of the old regulation is taken to have been given for section 151 of this regulation.

### **171 Repair of gas work**

- (1) This section applies to gas work mentioned in section 133.
- (2) For the purpose of that section, it does not matter whether the gas work was carried out before or after commencement.

### **172 Existing costs estimate**

- (1) A costs estimate for the current financial year prepared by the chief executive and published on a Queensland Government website under the old regulation, section 134AA is taken to be the costs estimate for the current financial year prepared and published under section 154.
- (2) In this section—  
*current financial year* means the financial year that started on 1 July 2018.

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**173 Old regulation applies in relation to s 135 persons**

- (1) This section applies to a person who was a person mentioned in the old regulation, section 135 or 135A(1)(a) during the financial year that started on 1 July 2017 or an earlier financial year.
- (2) The previous fee provisions continue to apply to the person for that financial year as if that regulation had not been amended by this regulation.
- (3) In this section—

*previous fee provisions* means the following provisions of the old regulation, as in force from time to time before the commencement—

  - (a) chapter 6, part 2, division 2; and
  - (b) schedule 9, part 8.

**174 Application of fee provisions for current financial year**

- (1) Chapter 9 and schedule 6, part 3 apply for the financial year that started on 1 July 2018.
- (2) For the purpose of subsection (1), it does not matter that the financial year started before the commencement.

**Part 2 Transitional provision for  
Petroleum and Gas (Safety)  
(Gas Devices) Amendment  
Regulation 2021**

**175 Existing biogas flares**

- (1) This section applies to a biogas flare in existence immediately before the commencement.

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- (2) Despite section 12A, on the commencement, the biogas flare is not prescribed for section 724(5) of the Act until immediately after any of the following occurs—
  - (a) the biogas flare is installed in an operating plant;
  - (b) the biogas flare is removed from an operating plant and installed in another operating plant;
  - (c) an integral part of the biogas flare is replaced with another part that differs substantially in design or function to the replaced part.
- (3) In this section—

*biogas flare* means a device that uses combustion for the disposal of biogas or biomethane.

## **Part 3**

# **Transitional provision for Petroleum and Gas (Safety) and Other Legislation Amendment Regulation 2022**

### **176 Existing exemptions and applications for exemptions relating to horizontal wells**

- (1) An exemption from complying with former section 44 for operating plant in effect immediately before the commencement is taken to be an exemption from complying with section 52A for the operating plant.
- (2) An application for an exemption from complying with former section 44 for operating plant made but not decided before the commencement—
  - (a) is taken to be an application for an exemption from complying with section 52A for the operating plant; and
  - (b) must be decided under this regulation as in force from the commencement.
- (3) In this section—



*exemption* means an exemption under chapter 3, part 4.

*former section 44* means section 44 as in force before the commencement.

## **Schedule 1      Gas devices (type A)**

### section 12

*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.

- the following types of commercial catering gas equipment—
  - atmospheric steamer
  - barbecue griller
  - boiling water unit
  - Chinese cooking table
  - food warmer including bain-marie
  - fryer
  - open and closed top boiling table
  - oven
  - pasta cooker
  - re-thermaliser
  - salamander, griller and toaster
  - solid grill plate and griddle
  - stockpot and bratt pan
- decorative gas log appliance and similar appliances
- domestic gas cooking appliance
- domestic gas refrigerator
- domestic outdoor gas barbeque
- indirect gas-fired ducted air heater
- gas air conditioner with the capacity to consume no more than 500MJ in an hour

- gas-fired water heater for hot water supply or central heating
- gas laundry dryer
- gas pool heater
- gas space heating appliance
- LPG mobile industrial direct fired air heater
- LPG portable and mobile appliance
- overhead radiant tube gas heater
- portable gas generator with the capacity to consume no more than 500MJ in an hour
- radiant gas heater for outdoor and non-residential use

## **Schedule 2 Mandatory and preferred standards for safety requirements**

sections 13, 136 and 137(2)(a)

### **Part 1 Gas fuel systems in vehicles, vessels and stationary engines**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS/NZS 1425 'LP Gas fuel systems for vehicle engines'	design, installation, certification, alteration, repair, service and inspection of gas fuel systems, for LPG, in vehicles	preferred
AS/NZS 2739 'Natural gas (NG) fuel systems for vehicle engines'	design, installation, certification and alteration of gas fuel systems, for natural gas, in vehicles	preferred
AS 2746 'Working areas for gas-fuelled vehicles'	design and operation of workshops where gas devices in gas-fuelled vehicles are installed or repaired	preferred
AS 4732 'LP gas fuel systems for marine engines'	design, installation, certification and alteration of gas fuel systems, for LPG, in vessels	preferred

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS 4983 'Gas fuel systems for forklifts and industrial engines'	design, installation, certification and alteration of gas fuel systems for forklifts and industrial engines	preferred

## **Part 1A**

## **Hydrogen fuel gas systems in vehicles, vessels or stationary engines**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
Part 7.3 of the hydrogen safety code	design and installation of hydrogen fuel gas systems in vehicles, vessels or stationary engines	preferred

## Part 2 General gas systems and gas work

Column 1	Column 2	Column 3
Name of standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 4575 ‘Gas appliances—Servicing of type A appliances’	repairing, servicing and testing of gas devices (type A)	preferred
The following standards that are part of the series AS/NZS 5601 ‘Gas installations’—	installation and alteration of gas systems	preferred
AS/NZS 5601.1 Part 1 ‘General installations’		
AS/NZS 5601.2 Part 2 ‘LP gas installations in caravans and boats for non-propulsive purposes’		
The following standards that are part of the series AS/NZS 60079 ‘Explosive atmospheres’—	assessing hazards created by a gas system for fuel gas	preferred
AS/NZS 60079.0 Part 0 ‘Equipment—general requirements’		
AS/NZS 60079.10.1 Part 10.1 ‘Classification of areas—explosive gas atmospheres’		

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS/NZS 60079.10.1 'Explosive atmospheres', Part 10.1 'Classification of areas—explosive gas atmospheres'	design of a gas system for fuel gas	preferred
The following standards that are part of the series AS 61508 'Functional safety of electrical / electronic / programmable electronic safety-related systems'—	installation and operation of gas systems	preferred
AS 61508.0 Part 0 'Functional safety and AS 61508'		
AS 61508.1 Part 1 'General requirements'		
AS 61508.2 Part 2 'Requirements for electrical / electronic / programmable electronic safety-related systems'		
AS 61508.3 Part 3 'Software requirements'		
AS 61508.4 Part 4 'Definitions and abbreviations'		
AS 61508.5 Part 5 'Examples of methods for the determination of safety integrity levels'		

Schedule 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
<p>AS 61508.6 Part 6 ‘Guidelines on the application of IEC 61508-2 and IEC 61508-3’</p>		
<p>AS 61508.7 Part 7 ‘Overview of techniques and measures’</p>		
<p>The following standards that are part of the series AS/IEC 61511 ‘Functional safety—safety instrumented systems for the process industry sector’ —</p>	<p>installation and operation of gas systems</p>	<p>preferred</p>
<p>AS/IEC 61511.1 Part 1 ‘Framework, definitions, systems, hardware and software requirements’</p>		
<p>AS/IEC 61511.2 Part 2 ‘Guidelines for the application of AS IEC 61511.1’</p>		
<p>AS/IEC 61511.3 Part 3 ‘Guidance for the determination of the required safety integrity levels’</p>		
<p>Part 7.2 of the hydrogen safety code</p>	<p>operation of hydrogen fuel gas systems</p>	<p>preferred</p>
<p>Part 7.3 of the hydrogen safety code</p>	<p>design and installation of hydrogen fuel gas systems</p>	<p>preferred</p>



## Part 3 Gas devices

Column 1	Column 2	Column 3
Name of standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 3645 'Essential requirements for gas equipment'	design, construction, supply and use of gas devices (type A)	preferred
AS 3814 'Industrial and commercial gas-fired appliances'	design and certification of gas devices (type B), other than hydrogen fuel cells	preferred
The following standards that are part of the series AS/NZS 5149 'Refrigerating systems and heat pumps—safety and environmental requirements'—	design of gas devices (type B) that use flammable hydrocarbon gas as a refrigerant	preferred
AS/NZS 5149.1 Part 1 'Definitions, classification and selection criteria'		
AS/NZS 5149.2 Part 2 'Design, construction, testing, marking and documentation'		
AS/NZS 5149.3 Part 3 'Installation site'		
AS/NZS 5149.4 Part 4 'Operation, maintenance, repair and recovery'		
Part 7.3 of the hydrogen safety code	design and installation of hydrogen fuel cells that power vehicles or vessels	preferred

## Part 4 LPG and fuel gas containers

Column 1	Column 2	Column 3
Name of standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 1596 ‘The storage and handling of LP gas’	storing and handling LPG, including installing and handling fuel gas containers	preferred
The following standards that are part of the series AS 2030 ‘Gas cylinders’— AS 2030.1 Part 1 ‘General requirements’ AS 2030.5 Part 5 ‘Filling, inspection and testing of refillable cylinders’	verification, filling, inspection and maintenance of cylinders	preferred
AS/NZS 2229 ‘Fuel dispensing equipment for explosive atmospheres’	design and construction of LPG liquid dispensing systems	preferred
The following standards that are part of the series AS 2337 ‘Gas cylinder test stations’— AS 2337.1 Part 1 ‘General requirements, inspection and tests—gas cylinders’ AS 2337.2 Part 2 ‘LP gas fuel vessels for automotive use’	inspection and testing of fuel gas containers	mandatory

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS 2337.3 Part 3 ‘Transportable gas cylinders—periodic inspection and testing of composite gas cylinders’	inspection of tanks	mandatory
AS/NZS 3788 ‘Pressure equipment—in-service inspection’	storage, handling and distribution of cylinders to which the standard applies, other than those to which AS/NZS 1596 ‘The storage and handling of LP gas’ applies	preferred

## **Schedule 3      Coal seam gas potential hazard guide**

section 59(1)

<b>Type of hazard</b>	<b>Potential impact of hazard</b>
<b>Physical disturbance of environment</b>	
stimulation of coal seam	may adversely affect structural integrity of coal seam and strata immediately above and below the coal seam may cause air paths over pillars
dewatering of a significant area of coal	may invalidate earlier exploration data if there are permanent geotechnical or quality changes to coal, roof or floor impact on mining horizon may stress field and coal strength, with potential shearing or deformation of coal, roof or floor may cause problems with coal exploration activity, including, for example, an inability to core friable coal for sampling, and may cause changes in coal characteristics may cause spontaneous combustion at the subcrop of the coal may cause impact on coal quality (unlikely)
<b>Creation of hazardous objects</b>	
unrecovered steel casing or drill string	may damage equipment, create delays, cause additional costs, reduce productivity, sterilise resources or create safety issues

<b>Type of hazard</b>	<b>Potential impact of hazard</b>
unrecovered radioactive device	<p>may create health hazard to coal miners</p> <p>may make coal unmineable or cause additional costs and delays to mining</p>
introduction of sand or other foreign material, including, for example, gels	<p>may affect coal quality and production (unlikely because of small quantities typically used by operating plants)</p>
<b>Creation of hazardous zones</b>	
gas-filled voids	<p>may cause explosion or asphyxiation due to the entry of methane into working face after intersecting void, including, for example, an open horizontal hole</p>
unsealed holes and voids	<p>an open petroleum well, including, for example, a surface to in-seam well, that connects with underground mine workings or goaf may increase the risk of spontaneous combustion due to the entry of air into the mine working or goaf</p> <p>an open relevant horizontal well may allow an air path through pillars</p> <p>an open petroleum well may connect a significant accumulation of water (surface or upper seam goafs or aquifers) to a location underground, allowing the entry of water to the location</p>
isolated areas and patches containing high amounts of residual gas	<p>require supplementary gas drainage as the gas may cause a hazard if not detected</p> <p>a pressurised gas reservoir may connect to mine workings</p>

**Type of hazard**

**Potential impact of hazard**

**Hazards associated with adjacent or overlapping mining operations**

dewatering affecting adjacent mine

may increase risk of spontaneous combustion in some circumstances, including, for example, goaf and up-dip areas of the coal seam

may impact on stress field and strength characteristics of the coal seam, roof or floor

may affect strata control in coal mining operations

may cause additional release of gas into mine workings and the atmosphere

may cause a fire or an explosion in a goaf due to the migration of the air/methane explosive zone

may increase dust

gas drainage paths connecting with adjacent mine workings

may cause a fire or explosion if mine workings intersect uncontrolled underground heating

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## Schedule 4      Strategic pipelines

section 70(2), definition *strategic pipeline*

<b>Description of pipeline</b>	<b>Pipeline licence number</b>
pipeline from Moonie to Brisbane	1
pipeline from Roma to Brisbane	2
pipeline from Jackson to Moonie	6
pipeline from Ballera to the South Australian border	13
pipeline from Ballera to Wallumbilla	24
pipeline from Wallumbilla to Gladstone and Rockhampton	30
pipeline from Ballera to Mount Isa	41
pipeline from Moranbah to Townsville	89
pipeline from Durham to ML1A	90

## Schedule 5 Gas work licences and gas work authorisations

section 124(2) and 127

### Part 1 Preliminary

#### 1 Definition for schedule

In this schedule—

*refrigerant handling licence* see the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* (Cwlth).

### Part 2 Gas work licences

Column 1 Type of gas work licence	Column 2 Qualification	Column 3 Limit on type of work
gas work licence	(a) a certificate III in plumbing and the required units of competency for the type of licence; or  (b) a certificate III in gasfitting and the required units of competency for the type of licence	carrying out gas work to a gas system in relation to a gas device (type A)
gas work licence (servicing)	the required units of competency for the type of licence	repairing, servicing and testing a gas device (type A)



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Type of gas work licence</b>	<b>Qualification</b>	<b>Limit on type of work</b>
gas work licence (servicing and caravan certification)	the required units of competency for the type of licence	repairing, servicing and testing a gas device (type A) and certifying a gas system installed in a caravan
gas work licence (hydrocarbon refrigerant)	(a) a current refrigerant handling licence of a type listed in the gas work requirements for the type of gas work licence; and  (b) the required units of competency for the type of licence	carrying out gas work to a gas system in relation to a fuel gas refrigeration device

## **Part 3 Gas work authorisations**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Type of gas work authorisation</b>	<b>Qualification</b>	<b>Type of work</b>
gas work authorisation (industrial appliances)	the required units of competency for the type of authorisation	carrying out gas work in relation to an industrial appliance, group of industrial appliances or gas system, as stated in the authorisation

Schedule 5

Column 1	Column 2	Column 3
Type of gas work authorisation	Qualification	Type of work
gas work authorisation (major project)	a tertiary degree in engineering	carrying out gas work for a project to develop and build an 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
gas work authorisation (motor fuel)	<p>for the type of work mentioned in—</p> <p>(a) column 3, paragraph (a)—a certificate III in automotive specialist and the required units of competency for the type of authorisation; or</p> <p>(b) column 3, paragraph (b)—the required units of competency for the type of authorisation</p>	<p>carrying out gas work stated in the authorisation for a gas system that supplies fuel—</p> <p>(a) to the engine of a vehicle or vessel; or</p> <p>(b) to a stationary engine capable of consuming fuel gas at a rate of 5GJ/hr or less.</p>

<b>Column 1</b> <b>Type of gas work authorisation</b>	<b>Column 2</b> <b>Qualification</b>	<b>Column 3</b> <b>Type of work</b>
gas work authorisation (servicing)	the required units of competency for the type of authorisation	<p>carrying out gas work—</p> <ul style="list-style-type: none"> <li data-bbox="819 462 1119 717">(a) that involves repairing, servicing and testing a gas device (type B) of a type or group stated in the authorisation; and</li> <li data-bbox="819 735 1119 1215">(b) other than gas work— <ul style="list-style-type: none"> <li data-bbox="883 815 1119 1002">(i) carried out under a gas work authorisation (motor fuel); or</li> <li data-bbox="883 1021 1119 1215">(ii) that changes the design layout or operating parameters of a gas system</li> </ul> </li> </ul>

## Schedule 5A Gas device approval authorities

section 138B(5)(a)

<b>Column 1</b>	<b>Column 2</b>
<b>Gas device</b>	<b>Qualifications and experience</b>
eligible gas device (type A)	(a) a current gas work licence; and (b) either— (i) a current gas work authorisation; or (ii) the required unit of competency for a gas device approval authority for an eligible gas device (type A); and (c) at least 5 years experience in gas work in relation to gas devices (type A)
gas device (type B) that is not a fuel gas refrigeration device	(a) 1 of the following— (i) a current gas work licence; (ii) a current gas work authorisation; (iii) a tertiary degree in engineering; and (b) at least 5 years experience in the fuel gas industry
gas device (type B) that is a fuel gas refrigeration device	(a) a tertiary qualification in mechanical engineering, electrical engineering, refrigeration engineering or air conditioning engineering; and (b) the required unit of competency for a gas device approval authority for a gas device (type B) that is a fuel gas refrigeration device; and (c) at least 10 years experience in the refrigeration gas industry

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## Schedule 6 Fees

sections 126, 152, 155, 159 and 162

### Part 1 Gas work licence and gas work authorisation fees

	<b>Fee units</b>
1 Application for gas work licence (Act, s 728A(b))	48.75
2 Annual fee for gas work licence (s 126(2))	32.45
3 Application for gas work authorisation (Act, s 728A(b))—	
(a) for a gas work authorisation (industrial appliances)	81.40
(b) for a gas work authorisation (major project)	2,454.00
(c) for a gas work authorisation (motor fuel)	81.40
(d) for a gas work authorisation (servicing)	81.40
4 Annual fee for gas work authorisation (s 126(2))—	
(a) for a gas work authorisation (industrial appliances)	48.75
(b) for a gas work authorisation (major project)	2,454.00
(c) for a gas work authorisation (motor fuel)	48.75
(d) for a gas work authorisation (servicing)	48.75
5 Replacement of gas work licence or gas work authorisation	48.75

## Part 2 Other fees mentioned in 2004 Act

	Fee units
1 Application for gas quality approval (Act, s 622(2)(b))	398.80
2 Copy of a document or information held in the register of gas work licences and authorisations (Act, s 734AC(1)(c))	15.55

## Part 3 Safety and health fees

### 1 Purpose of part

The purpose of this part is to prescribe—

- (a) the safety and health fee payable by a liable person for a financial year; and
- (b) the late return fee for section 159(3) and the late payment fee for section 162(3).

### 2 Drilling wells

- (1) The safety and health fee payable by the operator (the *relevant drilling plant operator*) of an operating plant used to drill a petroleum well, geothermal well (other than a well drilled for wet geothermal production), GHG well or UCG well (*relevant drilling plant*) during the year is 1,606 fee units for each kilometre drilled.
- (2) However, if the amount of the safety and health fees calculated under subsection (1) for all operators of relevant drilling plant during the year is more than the costs estimate for the category of liable person mentioned in section 155(2)(a) for the year, the fee payable by the relevant drilling operator is the amount worked out using the formula—

$$C \times \frac{W}{T}$$

where—

*C* means the costs estimate.

*W* means the number of kilometres the relevant drilling plant operator drills using the relevant drilling plant during the year.

*T* means the number of kilometres all operators of relevant drilling plant drill using the plant during the year.

### 3 Well completion or maintenance work

- (1) The safety and health fee payable by the operator (the *relevant workover rig operator*) of a workover rig that performs well completion or maintenance work for a petroleum well, geothermal well, GHG well or UCG well (a *relevant workover rig*) is 302.30 fee units for each well for which completion or maintenance work was done during the year.
- (2) However, if the amount of the safety and health fees calculated under subsection (1) for all operators of relevant workover rigs during the year is more than the costs estimate for the category of liable person mentioned in section 155(2)(b) for the year, the fee payable by the relevant workover rig operator is the amount worked out using the formula—

$$C \times \frac{W}{T}$$

where—

*C* means the costs estimate.

*W* means the number of petroleum wells, geothermal wells, GHG wells and UCG wells for which completion or maintenance work was done by the relevant workover rig operator during the year.

*T* means the number of petroleum wells, geothermal wells, GHG wells and UCG wells for which completion or

maintenance work was done by all operators of relevant workover rigs during the year.

#### 4 Exploration

- (1) The safety and health fee payable by the holder (the *relevant authority or permit holder*) of an authority to prospect, a geothermal permit or a GHG permit is 2.60 fee units for each sub-block within the area of the authority or permit.
- (2) However, if the amount of the safety and health fees calculated under subsection (1) for all holders of an authority to prospect, a geothermal permit or a GHG permit during the year is more than the total of the costs estimates for the categories of liable person mentioned in section 155(2)(c), (d) and (e) for the year, the safety and health fee payable by the relevant authority or permit holder is the amount worked out using the formula—

$$C \times \frac{N}{T}$$

where—

*C* means the total of the costs estimates.

*N* means the number of sub-blocks within the area of the authorities to prospect, geothermal permits or GHG permits held by the relevant authority or permit holder during the year.

*T* means the number of sub-blocks within the areas of all authorities to prospect, geothermal permits or GHG permits held during the year.

#### 5 Producing petroleum under a petroleum lease

- (1) The safety and health fee payable by the holder (the *relevant lease holder*) of a petroleum lease is 1,656 fee units for each petroleum well within the area of the lease that has produced petroleum during the year.
- (2) However, if the amount of the safety and health fees calculated under subsection (1) for all holders of petroleum leases during the year is more than the costs estimate for the



category of liable person mentioned in section 155(2)(f) for the year, the fee payable by the relevant lease holder is the amount worked out using the formula—

$$C \times \frac{P}{T}$$

where—

*C* means the costs estimate.

*P* means the number of petroleum wells within the area of the petroleum lease that produced petroleum during the year.

*T* means the total number of petroleum wells within the areas of petroleum leases that produced petroleum during the year.

## 6 Petroleum facilities

- (1) The safety and health fee payable by the operator of a petroleum facility is as follows—
  - (a) for the operation of a major processing facility—13,870 fee units;
  - (b) for the operation of a facility that produces syngas—6,933 fee units;
  - (c) for the operation of a facility that produces a gasification or retorting product, other than mineral (f), produced by an underground gasification activity—6,933 fee units;
  - (d) for the operation of a facility that produces LPG from petroleum—10,401 fee units;
  - (e) for the operation of a facility that produces LNG, is not a major hazard facility under the *Work Health and Safety Regulation 2011* and must operate under a safety management system—10,401 fee units;
  - (f) for the operation of a facility that produces CNG, is not a major hazard facility under the *Work Health and Safety Regulation 2011* and must operate under a safety management system—4,852 fee units;

- (g) for the operation of a facility that produces mineral (f) under an underground gasification activity—13,870 fee units;
  - (h) for the operation of a facility on an area to which a petroleum facility licence applies that is not included in any of paragraphs (a) to (g)—13,870 fee units.
- (2) However—
- (a) if there is more than 1 facility mentioned in subsection (1)(a) to (h) operated at a single site under a single safety management system, the operator of the petroleum facility is only required to pay—
    - (i) if the fee under subsection (1) for any of the facilities is higher than the fee for any of the other facilities—the highest of the fees; or  
*Example for subparagraph (i)—*

If there is a facility that produces syngas and a facility that produces mineral (f) under an underground gasification activity and both facilities are operated at a single site under a single safety management system, the operator of the facilities is only required to pay a fee of 13,870 fee units rather than fees totalling 20,803 fee units.
    - (ii) otherwise—the fee for 1 of the facilities; and
  - (b) if a facility is a facility of more than 1 facility type—
    - (i) if the fee under subsection (1) for any of the facility types is higher than the fee for any of the other facility types—the highest of the fees; or  
*Example for subparagraph (i)—*

If there is a major processing facility that produces LPG from petroleum, the operator of the facility is only required to pay a fee of 13,870 fee units rather than fees totalling 24,271 fee units.
    - (ii) otherwise—the fee for 1 of the facility types.
- (3) In this section—
- facility type** means a type of facility mentioned in subsection (1)(a) to (h).

## 7 Facility used to carry out a GHG storage activity

- (1) The safety and health fee payable by the operator (the *relevant GHG storage facility operator*) of a facility, including a GHG well, or a series of GHG wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project (a *relevant GHG storage facility*) is 13,870 fee units for each GHG project for which any work was started by the operator during the year.
- (2) However, if the amount of the safety and health fees calculated under subsection (1) for all operators of relevant GHG storage facilities during the year is more than the costs estimate for the category of liable person mentioned in section 155(2)(h) for the year, the fee payable by the relevant GHG storage facility operator is the amount worked out using the formula—

$$C \times \frac{F}{T}$$

where—

*C* means the costs estimate.

*F* means the number of relevant GHG storage facilities operated by the relevant GHG storage facility operator during the year.

*T* means the number of relevant GHG storage facilities operated by all operators during the year.

## 8 Pipelines

- (1) The safety and health fee payable by the operator (the *relevant pipeline operator*) of a pipeline under a pipeline licence, a distribution pipeline that is not part of a distribution system or a GHG stream pipeline (each a *relevant pipeline*) is 0.0004020 fee units for each pipeline index for the pipeline.
- (2) The *pipeline index* for a pipeline means the amount calculated using the formula—

$$L \times D^2$$

where—

*L* means the length in kilometres of the pipeline.

*D* means the outside diameter in millimetres of the pipeline.

- (3) However, if the amount of the safety and health fees calculated under subsection (1) for all operators of relevant pipelines during the year is more than the total of the costs estimates for the categories of liable person mentioned in section 155(2)(i), (j) and (k) for the year, the fee payable by the relevant pipeline operator is the amount worked out using the formula—

$$C \times \frac{P}{T}$$

where—

*C* means the total of the costs estimates.

*P* means the total of the pipeline indexes for all relevant pipelines operated by the relevant pipeline operator during the year.

*T* means the total of the pipeline indexes for all relevant pipelines operated by all operators during the year.

## 9 Operating a distribution system

The safety and health fee payable by the operator of a distribution system is 210.50 fee units for each kilometre of pipeline in the distribution system that was in use for any period during the year.

## 10 Non-automotive LPG delivery network

- (1) The safety and health fee payable by the operator of a non-automotive LPG delivery network mentioned in section 155(2)(m) is—

- (a) if the container index for the operator for the year is 10,000 or less—3,142 fee units; or
- (b) if the container index for the operator for the year is more than 10,000 but not more than 50,000—7,542 fee units; or
- (c) otherwise—0.94 fee units multiplied by the container index for the operator for the year.
- (2) However, the maximum fee payable by the operator under subsection (1)(c) for a financial year is 693,616 fee units.
- (3) The *container index* of the operator for the year must be worked out using the formula—

$$\frac{D}{40} + (E \times 2) + (G \times 5) + (H \times 25)$$

where—

*D* is the number of fuel gas containers in the non-automotive LPG delivery network at any time during the year with a water capacity of less than 50L.

*E* is the number of fuel gas containers in the network at any time during the year with a water capacity of 50L or more but less than 1kL.

*G* is the number of fuel gas containers in the network at any time during the year with a water capacity of 1kL or more but less than 8kL.

*H* is the number of fuel gas containers in the network at any time during the year with a water capacity of 8kL or more.

## 11 Product supplier of automotive LPG

The safety and health fee payable by a product supplier of automotive LPG is 4.65 fee units for each time the supplier supplied automotive LPG to an automotive LPG site during the year.

### **13 Major consumer**

The safety and health fee payable by a major consumer, for each site operated by the consumer, is as follows—

- (a) if the gas devices installed at the site have a total gas capacity of not more than 150GJ/hr—7,542 fee units;
- (b) if the gas devices installed at the site have a total gas capacity of more than 150GJ/hr but not more than 500GJ/hr—11,945 fee units;
- (c) if the gas devices installed at the site have a total gas capacity of more than 500GJ/hr—14,457 fee units.

### **14 Facility that produces or processes biogas or biomethane**

The safety and health fee payable by the operator of a facility mentioned in section 155(2)(q), for each site operated by the operator during the year, is as follows—

- (a) if the actual gas usage, or nameplate capacity, of the facility is less than 50kW—nil fee units;
- (b) if the actual gas usage, or nameplate capacity, of the facility is at least 50kW and not more than 2MW—2,326.99 fee units;
- (c) if the actual gas usage, or nameplate capacity, of the facility is more than 2MW and not more than 5MW—4,653.98 fee units.

### **15 Special effects gas system**

The safety and health fee payable by the operator of a special effects gas system is 1,384 fee units for each special effects gas system operated by the person during the year.

### **16 Late fees**

- (1) For section 159(3), the late return fee is 691 fee units.
- (2) For section 162(3), the late payment fee is the lesser of the following—

- (a) 691 fee units;
- (b) the safety and health fee.

## Schedule 7 Dictionary

### section 3

***acceptable level***, for chapter 3, see section 41.

***alter***, for chapter 6, part 3, see section 99.

***alternative safety measure***, for chapter 3, part 4, see section 61.

***applicant***, for chapter 3, part 4, see section 61.

***approval person*** for chapter 7, part 3, see section 134.

***AQF*** means the Australian Qualifications Framework within the meaning of the *Higher Education Support Act 2003* (Cwlth).

***AS 2885*** means the following standards that are part of the series AS and AS/NZS 2885 ‘Pipelines—gas and liquid petroleum’—

- (a) AS 2885.0 Part 0 ‘General requirements’;
- (b) AS 2885.1 Part 1 ‘Design and construction’;
- (c) AS/NZS 2885.2 Part 2 ‘Welding’;
- (d) AS 2885.3 Part 3 ‘Operation and maintenance’;
- (e) AS/NZS 2885.4 Part 4 ‘Submarine pipeline systems’;
- (f) AS/NZS 2885.5 Part 5 ‘Field pressure testing’;
- (g) AS/NZS 2885.6 Part 6 ‘Pipeline safety management’.

***AS/IEC*** means a standard published jointly by Standards Australia and the International Electrotechnical Commission.

***AS/NZS*** means a standard published jointly by Standards Australia and Standards New Zealand.

***AS/NZS 4645*** means the following standards that are part of the series AS/NZS 4645 ‘Gas distribution networks’—

- (a) AS/NZS 4645.1 Part 1 ‘Network management’;



- (b) AS/NZS 4645.2 Part 2 ‘Steel pipe systems’;  
(c) AS/NZS 4645.3 Part 3 ‘Plastics pipe systems’.

**authorised activities operating plant**, for chapter 3, see section 41.

**authorised certifier**, for chapter 6, part 3, see section 99.

**authorised installer**, for chapter 6, part 3, see section 99.

**authority to prospect** includes a 1923 Act ATP.

**automotive LPG** means LPG that is intended for fuelling motor vehicles.

**automotive LPG site** means a site that supplies automotive LPG.

*Examples—*

- service station
- depot where automotive LPG is used to refuel taxis

**biogas** means a gas derived or recovered from organic matter other than fossilised organic matter.

**biomethane** means a substance—

- (a) that is in a gaseous state at standard temperature and pressure; and
- (b) the principal constituent of which is methane; and
- (c) that is produced by refining biogas; and
- (d) that is suitable for consumption.

**bore** means a water injection bore, water observation bore or water supply bore.

**caravan—**

- (a) means a structure—
- (i) that is designed or adapted for human habitation or use as a workshop or kitchen; and
- (ii) that can be moved from 1 place to another, whether by being towed by, or transported on, a vehicle or trailer; and

(b) includes a vehicle designed or adapted for use as a structure mentioned in paragraph (a).

**category of liable person** means each type of liable person mentioned in section 155(2).

**certificate II** means a qualification by that name under the AQF.

**certificate III** means a qualification by that name under the AQF.

**certificate IV** means a qualification by that name under the AQF.

**chief inspector of coal mines**, for chapter 3, part 4, see section 61.

**CNG** means compressed natural gas.

**coal mining operations** see the *Coal Mining Safety and Health Act 1999*, schedule 3.

**commercial vehicle or vessel**, for chapter 6, part 3, see section 99.

**construction and abandonment code** means the document called ‘Code of practice for the construction and abandonment of petroleum wells and associated bores in Queensland’, published on a Queensland Government website.

**corresponding law**, for chapter 6, part 3, see section 99.

**costs estimate**, of safety and health operating costs for a relevant category of liable person for a financial year, see section 154(1).

**critical loss**, of fuel gas supply, see section 9.

**currently registered vehicle**, for chapter 6, part 3, see section 99.

**currently registered vessel**, for chapter 6, part 3, see section 99.

**cylinder** means a cylinder to which AS 2030.1 ‘Gas cylinders’, Part 1 ‘General requirements’ applies.

**dangerous incident** see section 8.

**dealer**, for chapter 6, part 3, see section 99.

**domestic commercial vessel national law**, for chapter 6, part 3, see section 99.

**drilling operating plant** means an operating plant used for any of the following—

- (a) to drill a petroleum well;
- (b) to complete, maintain or work on a petroleum well for the production of petroleum;
- (c) to plug and abandon a petroleum well.

**edition**, of a standard, means a version of the standard identified by the year the version was published.

*Example of edition of a standard—*

AS/NZS 4645.1 ‘Gas distribution networks’, Part 1 ‘Network management’ (2018) is the 2018 edition of standard AS/NZS 4645.1.

**eligible gas device (type A)** see section 138A.

**enclosed vehicle**, for chapter 8, part 1, see section 140.

**explosive** has the meaning given under the *Explosives Act 1999*.

**flammable hydrocarbon gas** means a gas consisting predominantly of hydrocarbons that forms an explosive gas atmosphere when mixed with air in certain proportions.

**fuel gas container** means a cylinder or tank.

**fuel gas network** means—

- (a) a distribution system, including meters and meter regulators whether or not the meters or meter regulators are owned by the operator of the distribution system; and
- (b) a fuel gas delivery network, including a gas pressure regulator through which fuel gas is delivered to a consumer’s gas system, whether or not the regulator is owned by the operator of the network.

**gas compliance certificate** means—

- (a) for the installation of a gas system—the certificate given under section 734(3) of the Act by the person who installs the system; or
- (b) for the inspection or alteration of a gas system, other than a gas fuel system—the certificate, in the approved form, given under section 113 or 114 by the authorised installer who inspects or alters the system.

**gas fuel system** means a gas system that supplies—

- (a) gas as a fuel to an engine; or
- (b) hydrogen fuel gas as a fuel to a hydrogen fuel cell that powers a vehicle or vessel.

**gas inspection certificate**, for chapter 6, part 3, see section 99.

**gas work** see section 725 of the Act.

**gas work authorisation (industrial appliances)**, for chapter 6, part 3, see section 99.

**gas work authorisation (motor fuel)**, for chapter 6, part 3, see section 99.

**gas work requirements** see section 123.

**GDAA code**, for chapter 7A, see section 138A.

**GDAA requirements** means the document called ‘Gas device approval authorities requirements’, published on a Queensland Government website.

**geothermal well** see the Geothermal Act, schedule 2.

**GHG project** means a group of facilities—

- (a) located in the same geographic area; and
- (b) used to carry out GHG stream storage, or GHG storage injection testing, under a single safety management system.

**GHG stream pipeline** see the GHG storage Act, section 17.

**GHG storage injection testing** see the GHG storage Act, section 16.

**GHG well** see the GHG storage Act, schedule 2.

**hazard** means a thing or situation with potential to cause harm to any of the following—

- (a) a person, including, for example, financial losses or increased liabilities;
- (b) property;
- (c) the environment.

**hydraulic fracturing activities** means a form of stimulation that involves hydraulic fracturing fluid being pumped at a high pressure and rate into a reservoir for the purpose of opening fractures.

**hydraulic fracturing fluid** means a fluid that is—

- (a) a mixture of water, liquid chemicals and other additives, including, for example, proppants; and
- (b) commonly known as slurry.

**hydrogen fuel gas system** means a gas system that is used with, or designed or intended to be used with, hydrogen.

**hydrogen safety code** means the document called ‘Hydrogen Safety Code of Practice’, published by RSHQ on its website.

**industrial appliance** means a gas device (type B) designed for using fuel gas as a fuel or feedstock in an industrial process.

**interstate gas compliance certificate**, for chapter 6, part 3, see section 99.

**interstate gas inspection certificate**, for chapter 6, part 3, see section 99.

**interstate or New Zealand authority**, for chapter 7A, see section 138A.

**JAS-ANZ accreditation**, for chapter 7A, see section 138A.

**job safety analysis** means a method to identify existing and potential hazards associated with each step in an activity and to establish safe work practices for controlling or avoiding the hazards.

**joint interaction management plan**, for chapter 3, see section 41.

**late payment fee** means the fee mentioned in schedule 6, part 3, section 16(2).

**late return fee** means the fee mentioned in schedule 6, part 3, section 16(1).

**liable person** see section 155(1).

**LNG** means liquefied natural gas.

**major consumer** see section 155(2)(p).

**major processing facility** means a petroleum processing facility that processes more than 2,000,000,000 cubic metres of petroleum during a financial year.

**mandatory standard** see section 13(2).

**motor vehicle** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**non-automotive LPG** means LPG other than automotive LPG.

**non-automotive LPG delivery network** means a fuel gas delivery network—

- (a) for non-automotive LPG; and
- (b) that is an operating plant.

**operating plant requirement**, for chapter 3, part 4, see section 61.

**operator**, of a fuel gas delivery network that is not an operating plant, for chapter 5, see section 74.

**overlapping area**, for chapter 3, see section 41.

**owner**, for chapter 6, part 3, see section 99.

**payment date**—

- (a) for an invoice given under section 160(1)—
  - (i) if the invoice is not given on or before the invoice date for the financial year—means the day that is 30 days after the day the invoice is given; or

- (ii) otherwise—means the 10 December that occurs after the end of the financial year to which the invoice relates; or
- (b) for an invoice given under section 160(2) or a reissued invoice—means the day that is 30 days after the day the invoice is given.

***petroleum lease*** includes a 1923 Act lease.

***petroleum processing facility*** means—

- (a) a petroleum facility used for processing petroleum and operated under a petroleum facility licence; or
- (b) a facility for processing petroleum operated under a petroleum lease.

***pipeline code or standard*** see section 67(2).

***preferred standard*** see section 13(3).

***production tubing hanger*** means a device screwed to the top of tubing used to produce petroleum from a petroleum well.

***product supplier***, of automotive LPG, means a person who sells, or otherwise supplies on a commercial basis, automotive LPG to the owner or operator of an automotive LPG site.

*Example of supplies on a commercial basis—*

P provides automotive LPG to the operator of an automotive LPG site. The operator sells the automotive LPG to the owner of a motor vehicle for refuelling the vehicle. The operator receives commission on the sale and gives the remainder of the proceeds of the sale to P.

***proppant*** means well-sorted and consistently sized sand or manufactured materials that are mixed into a hydraulic fracturing fluid to hold the fracture faces apart after the fluid used for hydraulic fracturing activities has been pumped under pressure into a petroleum well and the pressure has been released.

***Queensland Government website*** means a website with a URL that contains ‘qld.gov.au’, other than the website of a local government.

***refrigerant handling licence***, for schedule 5, see schedule 5, section 1.

**reissued invoice** see section 161(2).

**relevant category of liable person** means each type of liable person mentioned in section 155(2)(a) to (f) and (h) to (k).

**relevant coal mining area**, for chapter 3, see section 41.

**relevant coal or oil shale mining tenement holder**, for chapter 3, part 4, see section 61.

**relevant gas device** for chapter 7, part 3, see section 134.

**relevant horizontal well** means a petroleum well, any part of which travels in a generally horizontal direction within or adjacent to a coal seam.

**relevant network operator**, for a gas system, for chapter 6, see section 91.

**relevant requirement**, for chapter 3, part 4, see section 61.

**required information** see section 158(2).

**required unit of competency** means—

- (a) for a type of gas work licence or gas work authorisation—a unit of competency, under a certificate II, III or IV, that is listed in the gas work requirements as required for the type of licence or authorisation; or
- (b) for a gas device approval authority—a unit of competency, under a certificate II, III or IV, that is listed in the GDAA requirements as required for the gas device to which the authority relates.

**requirement**, for chapter 3, part 4, see section 61.

**road tank vehicle**, for chapter 6, part 3, see section 99.

**safety and health fee** means a fee payable under section 155.

**safety and health fee return** see section 157(1).

**safety and health operating costs** see section 153.

**serious injury or illness** see section 7.

**seismic survey** means a survey carried out to determine the subsurface features by transmitting sound waves into the



ground and measuring the time they take to return to the surface.

**shot hole** means a hole that has been drilled for the purpose of firing an explosive in connection with carrying out a seismic survey.

**small gas engine driven appliance** means a device for fixed installation that consists of—

- (a) a gas fuelled reciprocating internal combustion engine with the capacity to consume no more than 1,000MJ in an hour; and
- (b) an air conditioner, heat pump, electricity generator or gas compressor powered by the engine.

**special effects gas system** means a gas system used for special effects for entertainment or amusement purposes.

**standard** means a standard using a designation made up of ‘AS’, ‘AS/NZS’ or ‘AS/IEC’ and a number.

*Example of a standard—*

AS/NZS 4645.1 ‘Gas distribution networks’, Part 1 ‘Network management’

**standard abandonment requirements**, for a petroleum well or bore, means the requirements mentioned in section 36.

**standard temperature and pressure** see the 2004 Act, section 11(4).

**stimulation** means a technique used to increase the permeability of a natural underground reservoir, including, for example, hydraulic fracturing, cavitations, fracture acidising, and the use of proppant treatments.

**syngas** means a mixture of gases that includes hydrogen and carbon monoxide.

**third-party certification**, for chapter 6, part 3, see section 99.

**total gas capacity**, for gas devices at an operating plant, place or site, means the total of the maximum gas consumption capacities of the gas devices at the plant, place or site.

**type**, of gas work licence or gas work authorisation, means a licence or authorisation of a type stated in schedule 5, part 2 or 3, column 1 to carry out the gas work stated in schedule 5, part 2 or 3, column 3 opposite the type.

**UCG well** means a hole in the ground made or being made by drilling, boring or any other means as part of an underground gasification activity.

**used vehicle or vessel**, for chapter 6, part 3, see section 99.

**vehicle** means a caravan or a motor vehicle.

**vessel** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**well completion equipment** means equipment used to prepare a petroleum well for the production of oil and gas and includes a system of hangers, packers, tubulars and other tools installed below the wellhead in the production casing.