



Queensland

Petroleum and Gas (Production and Safety) and Other Legislation Amendment Regulation (No. 1) 2005

Subordinate Legislation 2005 No. 300

made under the

Coal Mining Safety and Health Act 1999

Petroleum and Gas (Production and Safety) Act 2004

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) and Other Legislation Amendment Regulation (No. 1) 2005*.

2 Commencement

This regulation commences on the later of the following days—

- (a) 11 December 2005;
- (b) the day it is notified in the gazette.

Part 2 Amendment of Coal Mining Safety and Health Regulation 2001

3 Regulation amended in pt 2

This part amends the *Coal Mining Safety and Health Regulation 2001*.

4 Amendment of s 12A (Application of div 4)

Section 12A(a)—

insert—

‘(iii) adjacent to the area of a mineral hydrocarbon mining lease, within the meaning of the *Mineral Resources Act 1989*, section 739;¹ and’.

¹ *Mineral Resources Act 1989*, section 739 (Definitions for div 6)

5 Amendment of s 100 (Requirements for drilling and abandoning boreholes)

Section 100(3)—

omit, insert—

- ‘(3) The provisions of the petroleum and gas regulation apply to a coal mine—
- (a) as if—
 - (i) the coal mine were an operating plant under the provisions; and
 - (ii) a reference in the provisions to a prescribed well were a reference to a borehole; and
 - (iii) a reference in the provisions to the holder of a petroleum tenure or 1923 Act petroleum tenure were a reference to the site senior executive; and
 - (iv) a reference in the provisions to the *Petroleum and Gas (Production and Safety) Act 2004* were a reference to the Act; and
 - (b) with other necessary changes.’.

Part 3 Amendment of Petroleum And Gas (Production and Safety) Regulation 2004

6 Regulation amended in pt 3

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

7 Insertion of new s 4A

Part 2—

insert—

‘4A Notes in text

‘A note in the text of this regulation is part of the regulation.’.

8 Amendment of s 5 (Substances that are petroleum)

Section 5—

insert—

- ‘(3) For section 10(1)(e) of the Act, carbon dioxide is prescribed to be petroleum.
- ‘(4) However, subsection (3) applies only—
- (a) to an authority to prospect holder evaluating or testing natural underground reservoirs for petroleum storage under section 32(1)(d) of the Act; and
 - (b) if the testing is carried out on a particular block of the authority within—
 - (i) 2 years after the testing first starts; or
 - (ii) if, within the 2 years, the Minister decides a longer period—the longer period; and
 - (c) if the Minister approves the testing on the particular block; and
 - (d) if any conditions the Minister imposes on the approval are complied with.’.

9 Amendment of s 6 (Substances that are fuel gas)

- (1) Section 6(a), ‘for the propulsion of motor vehicles’—
omit.
- (2) Section 6(b)—
omit, insert—
- ‘(b) biogas;
 - (c) gas produced from a waste disposal tip;
 - (d) gas produced during the treatment of sewage;

- (e) a substance that is a mixture of LPG and air, known as ‘synthetic natural gas’.’.

10 Amendment of s 8 (Prescribed quality for fuel gas)

Section 8(1)(c), ‘(2003)’—

omit, insert—

‘(2005)’.

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

Section 10—

omit, insert—

‘10 Activities prescribed for definition of *operating plant*

For section 670(5)(e)² of the Act, the following activities are prescribed—

- (a) the delivery, in the course of business, of non-automotive LPG in fuel gas containers that have an aggregate capacity of more than 1000L;
- (b) the storage at a place of fuel gas containers that have an aggregate capacity of more than 2000L;
- (c) an activity at a place if the activity involves the consumption of fuel gas at a rate equal to or greater than 50GJ/hr at any time at the place;
- (d) an activity involving the use of fuel gas to produce theatrical or other special effects;
- (e) an activity involving the collection, transportation or use of a gas prescribed under section 5(1) as petroleum;

Example—

the collection of landfill gas and its use in power generation

² Section 670 (What is an *operating plant*) of the Act

- (f) an activity associated with the exploration for storing, or the storage, treatment or use of, carbon dioxide for sequestration.’.

12 Insertion of new ss 54A–54E

After section 54—

insert—

‘54A General requirements for training and supervision

- ‘(1) This section applies to an activity carried out at a drilling operating plant.
- ‘(2) The petroleum tenure holder for the tenure on which the plant is situated must ensure the following persons supervising or involved in the activity are trained in the assessment of risk and job safety analysis for carrying out the activity—
- (a) the holder’s employees;
 - (b) agents of, or contractors for, the holder.
- ‘(3) The operator of the drilling operating plant must ensure everyone involved in the activity who is supervised by, or working under the direction of, the operator is trained in assessment of risk and job safety analysis for carrying out the activity.
- ‘(4) The site safety manager for the activity must assess the level of skills, knowledge, competencies and experience of each person carrying out the activity and take this into account to decide—
- (a) the appropriate extent of supervision required for the activity; and
 - (b) the necessity for checking the tasks completed by a person, including whether the person has followed standard operating procedures for the activity.

‘54B Training program 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 relevant part of the procedure, that applies to the activities the person carries out; and
 - (b) is made aware of the risks arising from failing to ensure the production tubing hanger is 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 an appropriately qualified person for installing well completion equipment.

‘54C Requirements for job safety analysis in particular circumstances

- ‘(1) This section applies if—
- (a) there is no standard operating procedure for an activity at the drilling operating plant; or
- Note—*
- there may not be an operating procedure for an activity that is not routinely carried out at the plant
- (b) a change of circumstances happens that means a standard operating procedure for carrying out an activity at the drilling operating plant is no longer sufficient.
- Examples of change in circumstances—*
- using new equipment
 - unexpected geological conditions in the well
- ‘(2) Before the activity is carried out, a job safety analysis must be carried out for the activity to assess—

- (a) for subsection (1)(a)—the potential risks for the activity;
or
- (b) for subsection (1)(b)—any additional risks that may
result from the change in circumstances.

**‘54D Emergency shut down system for devices that are
sources of ignition**

- ‘(1) The operator of a drilling operating plant must provide a
emergency shutdown system for all devices that may be a
source of ignition in an area of the plant where a hazard may
be created.
- ‘(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 operator of the drilling operating plant must include in the
safety management plan for the plant a program to test the
emergency shutdown system at regular intervals.
- ‘(4) The emergency shutdown system mentioned in this section is
in addition to another emergency shutdown system for the
devices that is located at the plant.

**‘54E Requirement to keep bore pressure low when
using well completion equipment**

- ‘(1) Subject to subsections (2) and (3), the operator of a drilling
operating plant must, during a live well completion, use a
flare line to keep the pressure in the well as low as reasonably
practical until the production tubing hanger is secured and all
wellhead equipment is installed in the well.

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

- ‘(2) Subsection (3) applies if the operator decides (each an
alternative action)—
 - (a) not to use a flare line; or
 - (b) not to keep the pressure as low as reasonably practical.

- ‘(3) The operator must, before making the decision, ensure—
- (a) an assessment of risk in relation to the alternative action is carried out in consultation with the persons supervising or involved in the live well completion; and
 - (b) the assessment of risk shows the level of risk achieved in relation to the alternative action is equal to or less than the level of risk that would be achieved by complying with subsection (1); and
 - (c) each of the following gives the operator written approval for the alternative action—
 - (i) the site safety manager for the drilling operating plant;
 - (ii) the relevant site safety manager for the petroleum tenure.

- ‘(4) In this section—

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

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

13 Replacement of s 59 (General additional requirements for safety management plan)

Section 59—

omit, insert—

‘Division 1 Additional requirements for safety management plans

‘59 Operation of div 1

‘This division prescribes the additional matters under section 675(1)(u)³ of the Act that must be included in a safety management plan for a drilling operating plant.

‘59A 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 the operator of the plant knows, or ought reasonably to know, current or abandoned mine workings exist.

- ‘(2) The safety management plan for the plant must include the following—
- (a) an assessment of the likelihood of a drilling incident happening at the plant;
 - (b) an identification of the potential risks for the plant associated with a drilling incident identified as required under paragraph (a);

Example of a potential risk—

the risk of drilling using air and creating an explosive mixture

- (c) a description of the technical or other measures undertaken, or proposed to be undertaken, to control the risks mentioned in paragraph (b).
- ‘(3) In this section—
- drilling incident*** means a prescribed well drilled at an operating plant intersecting—
- (a) current or abandoned mine workings; or

3 Section 675 (Content requirements for safety management plans) of the Act

(b) broken strata created by mine workings.

mine workings means parts of a coal mine that have been or are being excavated.

‘59B Requirement for identification of, and controls for, ignition sources for safety management plan

‘The safety management plan for the drilling operating plant must include—

(a) the identification and assessment of the specific risks that may arise 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) the controls developed to manage the risk.

‘59C 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 plan for the plant must ensure the plant has 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 installation of the B section, 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 an appropriately qualified person for installing well completion equipment verifies 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.

‘Division 2 Other requirements for wells, bores and holes’.

14 Insertion of new s 61A

Chapter 2, part 3, division 2, as inserted by this regulation—
insert—

‘61A Manufacturer’s instructions for well completion equipment

- ‘(1) The manufacturer of well completion equipment must—
- (a) prepare instructions for the equipment that comply with subsections (2) to (5); 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 instructions must contain information about the installation, commissioning, use and maintenance of the equipment.
- ‘(3) The information must be sufficient, about each matter mentioned in subsection (2), to ensure—
- (a) a person carrying out the matter has sufficient information to carry it out correctly; and
 - (b) a person using the equipment is sufficiently informed about how to use the equipment safely.
- ‘(4) Without limiting subsection (3), 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

- ‘(5) The instructions relating to use of the equipment must prominently state—
- (a) any restrictions on use of the equipment imposed by its manufacturer; and
 - (b) any special precautions that should be taken by the user to ensure safe use of the equipment.’

15 Amendment of s 69 (Requirement to remove particular equipment from coal seam)

Section 69(1), example—
relocate to section 69(4).

16 Amendment of s 76 (Application for exemption)

Section 76(1)—
omit, insert—

- ‘(1) Each of the following may apply to the chief inspector for an exemption under this part—
- (a) the operator or proposed operator of an operating plant;
 - (b) the holder of a petroleum tenure or 1923 Act petroleum tenure;
 - (c) the site senior executive for a coal mine under the Coal Mining Safety and Health Act.’

17 Amendment of s 77 (Notice of application to be given to relevant coal or oil shale mining tenement holder)

(1) Section 77(1) to (4)—
renumber as section 77(2) to (5).

(2) Section 77—
insert—

- ‘(1) This section does not apply to an applicant who is the site senior executive for a coal mine under the Coal Mining Safety and Health Act.’

18 Amendment of s 78 (Consideration of application by chief inspector)

- (1) Section 78(1)(c), ‘section 77(4)’—
omit, insert—
‘section 77(5)’.
- (2) Section 78(2)(a), ‘section 77(2)’—
omit, insert—
‘section 77(3)’.
- (3) Section 78(2)(b), ‘section 77(3)’—
omit, insert—
‘section 77(4)’.

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

- (1) Section 85(1), ‘that are part of an LPG delivery network’—
omit.
- (2) Section 85(2)—
omit, insert—
- ‘(2) The owner of a fuel gas container must ensure the container is tested or inspected in accordance with all relevant safety requirements under schedule 1.’.
- (3) Section 85(4)—
omit.

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

- (1) Section 88(1)(a)—
omit, insert—
‘(a) a record of the number of the gas work licence or authorisation for the person who installs the gas system;
Note—

The number of the installer's gas work licence or authorisation is stated in the compliance certificate, a copy of which the installer must, under section 91, give the owner, operator or proposed operator of the gas system.

- (aa) the number of the compliance certificate for the installation of the gas system;’.
- (2) Section 88(1)(b), ‘supplied’—
omit, insert—
‘made available’.
- (3) Section 88(1)(a) to (b)—
renumber as section 88(1)(a) to (c).

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

- (1) Section 92(2)(a) and (b)—
renumber as section 92(2)(b) and (c).
- (2) Section 92(2)—
insert—
‘(a) a test point is installed on the regulator for the gas system, or immediately downstream of the regulator; and’.

22 Amendment of ch 5, pt 3, hdg (Gas systems in vehicles and vessels)

Chapter 5, part 3, after ‘vessels’—
insert—
‘and for stationary engines’.

23 Insertion of new ch 5, pt 3, div 1, hdg

Chapter 5, part 3, before section 96—
insert—

‘Division 1 Preliminary’.

24 Omission of s 96 (Application of pt 3)

Section 96—

omit.

25 Amendment of s 97 (Definitions for pt 3)

- (1) Section 97, definitions *authorised certifier*, *commercial vehicle or vessel*, *inspection certificate* and *used vehicle or vessel*—

omit.

- (2) Section 97—

insert—

‘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 relevant 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 appliance) if the licence or authorisation states the holder may inspect, or alter, and certify the relevant 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 the course of business, if the vehicle or vessel uses fuel gas other than for the propulsion of 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.

inspection certificate—

(a) for the installation of a gas fuel system, means the certification given as required under section 734(3)⁴ of the Act by the person who installs the system; or

(b) for the inspection or alteration of a gas fuel system—means a certificate, in the approved form, given under section 101(2) or 102(2), by the authorised certifier who inspects or alters the system.

interstate 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 all relevant safety requirements, or equivalent requirements, under the corresponding law.

interstate 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 all relevant safety requirements, or equivalent requirements, under the corresponding law.

used vehicle or vessel means—

(a) a vehicle or vessel that has, at any time, been licensed or registered, whether under a law of this State or of any other State; or

(b) a used imported vehicle or vessel.’.

26 Insertion of new ch 5, pt 3, div 2, hdg, and s 97A

After section 97—

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

insert—

‘Division 2 Gas fuel systems

‘97A Application of div 2

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

27 Replacement of ss 98 and 99

Sections 98 and 99—

omit, insert—

‘98 New vehicle or vessel must not be offered for sale without inspection certificate or compliance plate

‘(1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless an inspection certificate has been issued for the gas fuel systems in the vehicle or vessel, or a 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—

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 1.

inspection certificate includes an interstate inspection certificate.

‘99 Copy of inspection 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 used vehicle or vessel, other than to a dealer.
- ‘(2) However, this section does not apply to a used vehicle or vessel that is not licensed or registered, whether under a law of this State or of any other State.
- ‘(3) The person must give a copy of an inspection certificate complying with subsection (4) for the gas fuel system in the vehicle or vessel to the person (the *buyer*) to whom the vehicle or vessel is sold or transferred before the buyer takes possession of the vehicle or vessel.
- Maximum penalty—20 penalty units.
- ‘(4) The certificate must be issued not earlier than 3 months before the buyer takes possession of the vehicle or vessel.
- ‘(5) In this section—
inspection certificate includes an interstate inspection certificate.’.

28 Amendment of s 100 (Owner of commercial vehicle or vessel must ensure its gas systems are inspected and certified)

- (1) Section 100, heading, ‘gas systems are’—
omit, insert—
‘gas fuel system is’.
- (2) Section 100, ‘gas systems in the vehicle or vessel are’—
omit, insert—
‘gas fuel system in the vehicle or vessel is’.

29 Replacement of ss 101 and 102

Sections 101 and 102—
omit, insert—

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

- ‘(1) This section applies if an authorised certifier inspects the gas fuel system in a vehicle or vessel or for a stationary engine.
- ‘(2) If the certifier reasonably believes the gas fuel system complies with all relevant safety requirements, the certifier must issue to the owner of the vehicle, vessel or stationary engine an inspection certificate for the system.
- ‘(3) If the certifier reasonably believes the gas fuel system does not comply with all relevant safety requirements, the certifier must give the owner of the vehicle, vessel or stationary engine notice of the gas work or other action that must be carried out for an inspection certificate to be issued for the system.⁵
- ‘(4) If the certifier gives the owner of a vehicle, vessel or stationary engine a notice under subsection (3), and the gas work or other action stated in the notice is carried out to the certifier’s reasonable satisfaction, the certifier must issue to the owner an inspection certificate for the gas fuel system in the vehicle, vessel or stationary engine.

‘102 Certification for alterations to a gas fuel system in a vehicle or vessel or for a stationary engine

- ‘(1) This section applies to an authorised certifier who alters a gas fuel system in a vehicle or vessel or for a stationary engine.

Note—

For installing a gas system, see the requirements under section 734 (Safety obligations of gas system installer) of the Act.

- ‘(2) The certifier must, immediately after completing the work—
 - (a) ensure the gas fuel system complies with all relevant safety requirements; and
 - (b) issue to the owner or operator of the vehicle, vessel or stationary engine an inspection certificate for the system.

⁵ A book of pro-forma notices for this purpose (called ‘gas system defect notices’) may be purchased from the department’s regional offices.

- ‘(3) If the certificate relates to a motor vehicle, the certificate must include 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 store room

- ‘(4) The certifier must keep a copy of the certificate for 3 years after the completion of the work.
- ‘(5) In this section—
- carbon monoxide analysis*** means an analysis of the level of the carbon monoxide exhaust emissions from a vehicle—
- (a) when it is idling; and
 - (b) under light, medium and heavy load conditions.’.

30 Amendment of s 103 (Labelling requirements for LPG fuel systems in vehicles)

- (1) Section 103, heading, ‘fuel systems’—
omit, insert—
‘gas fuel systems’.
- (2) Section 103(1) and (2), ‘gas system’—
omit, insert—
‘gas fuel system’.

31 Amendment of s 104 (Use of gas system for propulsion of a vessel)

- (1) Section 104, heading, ‘gas system’—
omit, insert—
‘gas fuel system’.
- (2) Section 104, ‘fuel gas system’—

omit, insert—

‘gas fuel system’.

- (3) Section 104, ‘the gas system’—

omit, insert—

‘the gas fuel system’.

32 Replacement of s 105 (Requirements for owner of vehicle or vessel)

Section 105—

omit, insert—

‘105 Requirements for owner of vehicle or vessel or for a stationary engine

‘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 all relevant safety requirements; and
- (b) for a vehicle—the carbon monoxide exhaust emissions from the vehicle do not exceed the levels stated in the 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.’.

33 Insertion of new s 105A

Chapter 5, part 3—

insert—

‘105A Non-application of ss 98 to 100 to owner of vehicle or vessel in exempt area

- ‘(1) Sections 98 to 100 do not apply to a person who is the owner of a vehicle or vessel if the person lives—

- (a) in an area mentioned under the vehicle standards and safety regulation, schedule 2, section 1; or
- (b) in an area mentioned under the vehicle standards and safety regulation, schedule 2, section 2 or 5, for that type of vehicle.⁶

‘(2) In this section—

vehicle standards and safety regulation means the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.’

34 Insertion of new ch 5, pt 3, div 3

Chapter 5, part 3, after section 105A—

insert—

‘Division 3 Other gas systems

‘105B Application of div 3

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

Example—

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

‘105C New vehicle or vessel must not be offered for sale without a compliance certificate

- ‘(1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless a 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.

⁶ *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, schedule 2 (Exempt areas)

Maximum penalty—20 penalty units.

‘(3) In this section—

compliance certificate includes an interstate compliance certificate.

‘105D Copy of 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 used vehicle or vessel, other than to a dealer.

‘(2) However, this section does not apply to a used vehicle or vessel that is not licensed or registered, whether under a law of this State or of any other State.

‘(3) The person must give a copy of a compliance certificate complying with subsection (4) for the gas system in the vehicle or vessel to the person (the *buyer*) to whom the vehicle or vessel is sold or transferred before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

‘(4) The certificate must be issued not earlier than 3 months before the buyer takes possession of the vehicle or vessel.

‘(5) In this section—

compliance certificate includes an interstate compliance certificate.

‘105E Owner of commercial vehicle or vessel must ensure its gas systems are inspected and certified

‘The owner of a commercial vehicle or vessel must ensure the gas system in the vehicle or vessel is inspected and certified by an authorised installer at least once in every 1 year period.

Maximum penalty—20 penalty units.

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

- ‘(1) This section applies if an authorised installer inspects the gas system in a vehicle or vessel.
- ‘(2) If the installer reasonably believes the gas system complies with all relevant safety requirements, the installer must issue to the owner of the vehicle or vessel a compliance certificate for the system.
- ‘(3) If the installer reasonably believes the gas system does not comply with all relevant safety requirements, the installer must give the owner of the vehicle or vessel notice of the gas work or other action that must be carried out in order for a compliance certificate to be issued for the gas system.⁷
- ‘(4) If the installer gives the owner of a vehicle or vessel a notice under subsection (3), and the gas work or other action stated in the notice is carried out to the installer’s reasonable satisfaction, the installer must issue to the owner a compliance certificate for the gas system in the vehicle or vessel.

‘105G Certification by person who alters a gas system in a vehicle or vessel

- ‘(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 (Safety obligations of gas system installer) of the Act.

- ‘(2) The installer must, immediately after completing the work—
 - (a) ensure the gas system complies with all relevant safety requirements; and
 - (b) issue to the owner or operator of the vehicle or vessel a compliance certificate for the system.
- ‘(3) The installer must keep a copy of the certificate for 3 years after the completion of the work.’.

⁷ A book of pro-forma notices for this purpose (called ‘gas system defect notices’) may be purchased from the department’s regional offices.

35 Amendment of s 114 (Offence to transfer LPG between fuel gas containers in residential areas)

Section 114—

insert—

- ‘(2) This section does not apply to the operator, or a person acting under the direction of the operator, of an LPG delivery network.’.

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

Section 120(d), ‘installation’—

omit.

37 Amendment of s 121 (What gas work authorisation (hydrocarbon refrigerant) authorises)

Section 121, ‘hydrocarbon refrigerants’—

omit, insert—

‘flammable hydrocarbon gases for refrigeration or airconditioning.’.

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

Section 123(1), after ‘that’—

omit, insert—

‘has the capability of consuming gas at a rate equal to or greater than 50GJ/hr.’.

39 Replacement of s 124 (What gas work authorisation (motor fuel installation) authorises)

Section 124—

omit, insert—

‘124 What gas work authorisation (motor fuel) authorises

- ‘(1) For this section, *motor fuel work* means gas work for a gas system that supplies fuel—
- (a) to the engine of a vehicle or vessel; or
 - (b) to a stationary engine.
- ‘(2) A gas work authorisation (motor fuel) authorises the holder, or a person acting under the holder’s authority, to carry out motor fuel work as stated in the authorisation.’.

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

Section 125(1)—

omit, insert—

- ‘(1) For this section, *servicing*—
- (a) means carrying out gas work, other than gas work mentioned in section 121 or 124, that involves maintaining or repairing a gas device (type B); and
 - (b) does not include carrying out gas work that changes the design layout or operating parameters of a gas system.’.

41 Insertion of new s 125A

After section 125—

insert—

‘125A Qualifications or experience for gas work authorisation

- ‘(1) For section 728C(2)(a) of the Act, an applicant has the prescribed qualifications or experience for a gas work authorisation if—
- (a) if the applicant is an individual—
 - (i) the individual completes a course of training in gas work relevant to the scope of work stated in the authorisation; or

- (ii) the chief inspector reasonably believes the individual otherwise demonstrates the skill and knowledge required to carry out gas work relevant to the scope of work stated in the authorisation; or
 - (b) if the applicant is a corporation—
 - (i) each individual who is to perform gas work for the corporation under the authorisation completes a course of training in gas work relevant to the scope of work stated in the authorisation; or
 - (ii) if an individual who is to perform gas work for the corporation under the authorisation does not have the qualifications or experience mentioned under paragraph (a)—the chief inspector reasonably believes the individual otherwise demonstrates the skill and knowledge required to carry out gas work relevant to the scope of work stated in the authorisation.
- ‘(2) For subsection (1)(a)(ii) or (b)(ii), the chief inspector may require the individual to sit a written, oral or practical examination.’.

42 Insertion of new ch 5, pt 5, div 3

Chapter 5, part 5, after section 126—

insert—

‘Division 3 General provisions for gas work licences and authorisations

‘126A Notice of change in circumstances

- ‘(1) Subsection (2) applies if the holder of a gas work licence or 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.

Maximum penalty—10 penalty units.

‘126B Returning suspended or cancelled gas work licence or authorisation to chief inspector

- ‘(1) If the chief inspector gives the holder a notice cancelling the holder’s gas work licence or authorisation, 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 authorisation 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 period ends.

‘126C Existing gas work licence or authorisation taken to be in force while application is considered

- ‘(1) This section applies if—
- (a) a holder’s gas work licence or authorisation is issued for a stated period; and
 - (b) the holder applies for a gas work licence or the same type of authorisation within the stated period.

- ‘(2) The holder’s gas work licence or 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 licence or authorisation for which the holder applied.

‘(3) Subsection (2) does not apply if the gas work licence or authorisation is earlier cancelled or suspended under the Act.’.

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

Section 135(2)(h)—

omit, insert—

‘(h) a person (a *major consumer*) who consumes fuel gas at a rate equal to or greater than 50GJ/hr at any time during the year at a place, other than a person mentioned in paragraph (c) or (d).’.

44 Amendment of s 139 (Requirement to lodge audit and inspection fee return)

Section 139(2)—

insert—

‘(g) for a person mentioned in section 135(2)(h)—

- (i) the total amount of gas (in TJ) consumed at the place during the year; and
- (ii) the maximum consumption rate (in GJ/hr) for which the gas device is designed; and
- (iii) the actual maximum consumption rate (in GJ/hr) of the gas device at any time during the year.’.

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

(1) Schedule 1, part 2, first item, column 1, ‘(2001)’, first mention—

omit, insert—

‘(1997)’.

(2) Schedule 1, part 3, second item, column 1, ‘(1981)’—

omit, insert—

‘(2005)’.

- (3) Schedule 1, part 5, first item, column 1, '(2002)'—
omit, insert—
'(2005)'.

- (4) Schedule 1, part 6—
insert—

'AS/NZS 2865 'Safe working in a confined space' (2001)	work carried out in a confined space	preferred'.
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46 Amendment of sch 2 (Prescribed incidents)

- (1) Schedule 2, second item, 'other than at the operating plant'—
omit.
- (2) Schedule 2, after the tenth item—
insert—

'A work related illness of a person at an operating plant to which the <i>Workplace Health and Safety Act 1995</i> does not apply	In writing	As soon as practicable after the end of the month during which the operator of the operating plant becomes aware of the illness'.
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47 Amendment of sch 7 (Safety requirements for transporting cylinders in vehicles)

- Schedule 7, section 1(2)—
omit, insert—

‘(2) However, a vehicle to which the *Transport Operations (Road Use Management) Act 1995*, chapter 5A,⁸ applies, is not an enclosed vehicle.’.

48 Amendment of sch 9 (Fees)

Schedule 9, part 6, items 3 and 4—

omit, insert—

‘3	Application for gas work authorisation—Act, s 728A(c)—	
	(a) for a gas work authorisation (hydrocarbon refrigerant).	100.00
	(b) for a gas work authorisation (industrial appliances)—	
	(i) if the applicant applies for a gas work authorisation (motor fuel) at the same time. . . .	nil
	(ii) otherwise.	50.00
	(c) for a gas work authorisation (major project).	1 500.00
	(d) for a gas work authorisation (motor fuel).	50.00
	(e) for a gas work authorisation (servicing).	50.00
4	Annual fee for gas work authorisation—s 126—	
	(a) for a gas work authorisation (hydrocarbon refrigerant).	30.00
	(b) for a gas work authorisation (industrial appliances)—	
	(i) if the holder also holds a gas work authorisation (motor fuel)	nil
	(ii) otherwise.	30.00
	(c) for a gas work authorisation (major project).	1 500.00
	(d) for a gas work authorisation ((motor fuel)	30.00
	(e) for a gas work authorisation (servicing).	30.00’.

49 Amendment of sch 12 (Dictionary)

(1) Schedule 12, definition *compliance certificate—omit.*

⁸ *Transport Operations (Road Use Management) Act 1995*, chapter 5A (Transporting dangerous goods)

(2) Schedule 12—

insert—

‘alter, for chapter 5, part 3, see section 97.

authorised installer, for chapter 5, part 3, see section 97.

compliance certificate means—

- (a) for the installation of a gas system—the certification given as required under section 734(3)⁹ 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 105F(2) or 105G(2) by the authorised installer who inspects or alters the system.

corresponding law, for chapter 5, part 3, see section 97.

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

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

gas fuel system means a gas system that supplies gas as a fuel to an engine.

interstate compliance certificate, for chapter 5, part 3, see section 97.

interstate inspection certificate, for chapter 5, part 3, see section 97.

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.

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

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

well completion equipment means equipment used to prepare a well for the production of oil and gas, and for other purposes, and includes a system of hangers, packers, tubulars and other tools installed below the wellhead in the production casing.’.

ENDNOTES

- 1 Made by the Governor in Council on 8 December 2005.
- 2 Notified in the gazette on 9 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Mines.