



Queensland

Petroleum and Gas (Safety) Amendment Regulation (No. 2) 2020

Subordinate Legislation 2020 No. 206

made under the

Petroleum and Gas (Production and Safety) Act 2004

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1 Short title

This regulation may be cited as the *Petroleum and Gas (Safety) Amendment Regulation (No. 2) 2020*.

2 Commencement

This regulation commences on 18 September 2020 immediately after the commencement of the *Land, Explosives and Other Legislation Amendment Act 2019*, section 286.

3 Regulation amended

This regulation amends the *Petroleum and Gas (Safety) Regulation 2018*.

4 Amendment of s 124 (Qualifications or experience for gas work licences and gas work authorisations—Act, s 728C)

(1) Section 124(3)(a), ‘recent’—

omit.

(2) Section 124(3)(b), after ‘licence’—

insert—

and the required units of competency are not part of a certificate III required for the type of licence

5 Amendment of s 134 (Definitions for part)

Section 134, definition *approval person*, from ‘or a’—

omit, insert—

or a person who holds a gas device approval authority for a relevant gas device.

6 Amendment of s 135 (Installation of flammable hydrocarbon gas in relevant gas device)

Section 135(2)(c), ‘section 733(1)’—

[s 7]

omit, insert—

section 731AA(1)(a)

7 Amendment of s 137 (Requirements for applications for approval of relevant gas device)

Section 137(1), ‘section 733(1)(a)’—

omit, insert—

section 731AA(1)(a)

8 Insertion of new ch 7A

After chapter 7—

insert—

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’.

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

[s 8]

- (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 GDA 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.

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.

9 Amendment of sch 2 (Mandatory and preferred standards for safety requirements)

- (1) Schedule 2, part 2, entry for AS/NZS 5601.1 and AS/NZS 5601.2, column 1—

omit, insert—

The following standards that are part of the series AS/NZS 5601 'Gas installations'—

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'

- (2) Schedule 2, part 2, entry for AS/NZS 60079.0 and AS/NZS 60079.10.1, column 1—

omit, insert—

The following standards that are part of the series AS/NZS 60079 'Explosive atmospheres'—

AS/NZS 60079.0 Part 0 'Equipment—general requirements'

AS/NZS 60079.10.1 Part 10.1 'Classification of areas—explosive gas atmospheres'

[s 10]

- (3) Schedule 2, part 4, entry for AS 2030.1 and AS 2030.5, column 1—

omit, insert—

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’

10 **Amendment of sch 5 (Gas work licences and gas work authorisations)**

- (1) Schedule 5, section 1, definitions *AQF*, *certificate II*, *certificate III*, *certificate IV* and *required unit of competency*—

omit.

- (2) Schedule 5, part 2, entry for gas work licence, column 2, paragraphs (a) and (b), ‘recent’—

omit, insert—

a

11 **Insertion of new sch 5A**

After schedule 5—

insert—

Schedule 5A Gas device approval authorities

section 138B(5)(a)

Column 1	Column 2
Gas device	Qualifications and experience
eligible gas device (type A)	<ul style="list-style-type: none"> (a) a current gas work licence; and (b) either— <ul style="list-style-type: none"> (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	<ul style="list-style-type: none"> (a) 1 of the following— <ul style="list-style-type: none"> (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	<ul style="list-style-type: none"> (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

12 Amendment of sch 6 (Fees)

Schedule 6, part 2, item 2, ‘s 731(1)(c)’—

omit, insert—

s 734AC(1)(c)

13 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *AQF*, *certificate II*, *certificate III*, *certificate IV* and *required unit of competency*—
omit.
- (2) Schedule 7—
insert—

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

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.

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

GDA code, for chapter 7A, see section 138A.

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

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

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

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 GDA requirements

as required for the gas device to which the authority relates.

ENDNOTES

- 1 Made by the Governor in Council on 17 September 2020.
- 2 Notified on the Queensland legislation website on 18 September 2020.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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