I certify that this is a copy of the authorised version of this Act as at 20 November 2026, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026.

K Woodward
Chief Parliamentary Counsel
Dated 27 November 2026

TASMANIA

GAS SAFETY ACT 2019

No. 2 of 2019

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GAS SAFETY ACT 2019

No. 2 of 2019

An Act to regulate the gas industry, to provide for safety and technical standards that ensure that the gas supply industry, gas facilities, gas installations, gas appliances, gas storage systems and gas conditioning systems are constructed, maintained and operated to a high standard of safety and in a manner that protects persons and property, and for related purposes

[Royal Assent 9 April 2019]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Gas Safety Act 2019*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

accepted safety case means –

(a) a certified safety case that has been accepted or provisionally accepted under Part 3; or

(b) if a revised safety case has been certified and accepted or provisionally accepted under that Part, that revised safety case;

alter, in respect of gas infrastructure, gas installation or a gas storage system, means –

(a) to relocate the infrastructure, installation or system, or a component of it; or

(b) replace the infrastructure, installation or system, or a component of it, with a different make or model that changes the design or performance characteristics of the infrastructure, installation or system; or

(c) adjust the infrastructure, installation or system, or a component of it, to change the design or performance characteristics of the infrastructure, installation or system;

appliance means –

(a) an assembly, other than a vehicle refuelling appliance, part of which uses gas to produce flame, heat, light, power or special atmosphere; or

(b) an appliance that uses gas as a fuel; or

(c) equipment or a system declared by the Director to be a gas appliance under section 40 –

but does not include anything declared by the regulations not to be an appliance;

authorised investigation means an authorised investigation within the meaning of section 75;

authorised officer means a person currently appointed as an authorised officer under Part 5;

automotive gas fuel system means a gas system that supplies gas as a fuel to an internal combustion engine, or a fuel cell,

for the main purpose of propulsion, regardless of whether or not the gas is supplied concurrently with another fuel;

biogas means a mixture of gases that is produced by decomposition of organic matter and principally comprises methane and carbon monoxide together with lesser amounts of hydrogen sulphide, water vapour and other gases;

certificate of compliance means a certificate referred to in section 37(1)(c) that is in the form required by the regulations;

CNG means compressed natural gas;

complex gas installation means a gas installation that is not –

(a) a standard gas installation; or

(b) an automotive gas fuel system;

component means –

(a) a permanently installed or attached fixture, module, section, element, piece or part of –

(i) a gas installation; or

(ii) a gas storage system; or

(iii) an appliance; or

(b) any other permanently installed or attached fixture, module,

section, element, piece or part as is prescribed; or

(c) any permanently installed or attached fixture, module, section, element, piece or part declared by the Director to be a component under section 40 –

but does not include anything declared by the regulations not to be a component;

compressed natural gas means natural gas which has been compressed and stored under pressure in a container but does not include natural gas stored in a pipeline;

condition includes a limitation or restriction;

contravene includes fail to comply with;

convey, in respect of gas, means to transmit, distribute or otherwise convey by pipeline;

council means a council within the meaning of the *Local Government Act 1993*;

customer means a person to whom gas is available for supply for consumption in a place, and includes –

(a) the occupier for the time being of a place to which gas is supplied for consumption in the place; and

(b) a person to whom gas is available for such supply and who seeks such supply; and

(c) a person whose supply of gas has been disconnected;

determination means a determination issued under section 56;

Director means the Director of Gas Safety appointed under section 8;

disconnect, in relation to a gas supply, includes interrupt or discontinue the gas supply;

distribution means the provision of gas through a distribution system;

distribution system means the whole or part of a pipe or a system of pipes and equipment with an operating pressure not exceeding 1050 kPa for use in, or in connection with, the distribution and delivery of gas to persons for consumption, but does not include the following:

(a) a transmission pipeline;

(b) a system of pipes and equipment –

(i) installed in a place for the conveyance and use of gas from a pressurised

vessel situated in that place; and

(ii) not extending to, or connected to, pipes in some other place in separate occupation;

(c) pipes or equipment declared by the regulations not to be, or not to form part of, a distribution system;

function includes duty;

gas means any or all of the following:

(a) natural gas;

(b) liquefied petroleum gas;

(c) compressed natural gas;

(d) liquefied natural gas;

(e) simulated natural gas;

(f) tempered liquefied petroleum gas;

(g) biogas;

(h) petrochemical feed stock;

(i) any other permanent or liquefied gas that is not declared by the regulations to be excluded from the operation of this Act;

gas infrastructure means any part of a distribution system, transmission pipeline, or gas pipeline facility, owned or operated by a licensee;

gas installation means, in respect of the use or intended use of gas –

(a) any pipe or system of pipes for, or incidental to, the conveyance of gas and components or fittings associated with the pipe or system of pipes which are downstream from the gas supply point; or

(b) any one or more of the following:

(i) any appliance and associated components or fittings;

(ii) any meter which is downstream from the gas supply point;

(iii) any means of ventilation or system for the removal of combustion products which is downstream from the gas supply point;

(iv) any gas storage system as prescribed;

gas retailer means a licensee licensed under the *Gas Industry Act 2019* to sell gas by retail;

gas safety officer means a person appointed under Part 4 as a gas safety officer;

gas storage system means a container, tank or cylinder for storing or holding gas and includes all associated pipe work, components, equipment and fittings, but does not include gas infrastructure;

gas supplier means –

(a) a person who –

(i) receives a gas for supply or resale to a consumer in the course of trade or commerce; or

(ii) supplies gas to a gas storage system that has a container with an individual capacity in excess of 25 litres; or

(b) a licensee under the *Gas Industry Act 2019*;

gas supply industry means any of the following:

(a) the operation of a distribution system;

(b) the operation of a transmission pipeline;

(c) the retailing of gas;

(d) the supply of gas by a gas supplier;

(e) any operation for which a licence is required by the *Gas Industry Act 2019*;

gas supply point means –

(a) the outlet of a licensee's meter assembly used to measure a customer's gas use; or

(b) if paragraph (a) does not apply, the point of delivery of gas between the gas supplier and the customer; or

(c) if paragraphs (a) and (b) do not apply, the point designated by the system designer where there is a specification break between a gas storage system, or gas infrastructure, and the gas installation; or

(d) if paragraphs (a), (b) and (c) do not apply, the point determined by the Director;

incident means any incident or event relating to the conveyance, supply or use of gas

or another regulated substance which causes or has the potential to cause –

(a) death or injury to a person; or

(b) significant damage to property; or

(c) an uncontrolled explosion, fire or discharge of gas or another regulated substance; or

(d) an impact on the security of supply;

label includes a stamp and mark;

land includes –

(a) an estate or interest in land (including an easement); and

(b) a right or power over, or in respect of, land;

licence means a licence granted and in force under the *Gas Industry Act 2019*;

licensee means –

(a) the holder of a licence under the *Gas Industry Act 2019* authorising the carrying out of a regulated activity; or

(b) a person who holds or has held a licence, authorising the carrying out of such an activity, that has

been suspended or cancelled or has expired; or

(c) the owner of a pipeline facility;

liquefied natural gas means a hydrocarbon fluid composed predominantly of methane (CH4) refrigerated to the liquid phase;

liquefied petroleum gas means a hydrocarbon composed predominantly of one or more of the following hydrocarbons:

(a) propane (C3H8);

(b) propene (propylene)(C3H6);

(c) butane (C4H10);

(d) butane (butylene)(C4H8);

maintenance means performing operations to maintain the serviceability of the gas infrastructure, gas installation or gas storage system such as –

(a) replacing service-type components such as filters or other consumable components required to maintain gas installation or gas storage system operation; or

(b) performing basic appliance tuning adjustments;

modify means –

(a) the modification of an appliance, with a fixture or component which is different from that which was originally part of the manufactured, certified, registered or approved appliance; or

(b) the modification of a Type B appliance accepted by the Director under section 54; or

(c) the modification of any other thing as prescribed;

natural gas means a substance which –

(a) is in a gaseous state at standard temperature and pressure; and

(b) consists of naturally occurring hydrocarbons, or a naturally occurring mixture of hydrocarbons and non-hydrocarbons, the principal constituent of which is methane –

and includes processed natural gas, but does not include anything declared by the regulations not to be natural gas;

occupier, of land or a place, means a person who has, or is entitled to, possession or control of the land or place;

operations includes activities;

owner of land means –

(a) if the land has been alienated from the Crown by the grant of an estate in fee simple or another estate or interest conferring a right to possession of the land, the person who holds the relevant estate or interest; or

(b) in any other case, the Regulator or an authority or other person responsible for the management of the land;

person includes –

(a) any body of persons, corporate or unincorporate; and

(b) any government department or other government body;

pipeline means –

(a) any part of gas infrastructure; and

(b) any part of a transmission pipeline; and

(c) any part of a pipeline extending to, or connected to pipes in, some other place in separate occupation;

pipeline facility means a works used, or intended to be used, to extract, treat or store gas and includes the following:

(a) a gas treatment facility;

(b) a plant for liquid petroleum separation, treatment or storage;

(c) a plant for liquid petroleum gas extraction or storage;

(d) a storage tank and a pressurised vessel bunker;

(e) a refinery –

but does not include a pipeline or gas infrastructure declared by the regulations not to be a pipeline facility;

processed natural gas means a natural gas that has been processed to be suitable for consumption, but does not include anything declared by the regulations not to be processed natural gas;

protective work, in relation to gas infrastructure, means –

(a) work that is necessary or expedient for the protection of the infrastructure or public safety; and

(b) excavating land in order to carry out work of the kind referred to in paragraph (a);

public land means land owned by –

(a) the Crown; or

(b) an instrumentality or agent of the Crown; or

(c) a council or other local government body;

quality, in respect of gas, includes odorisation, purity, temperature, pressure and composition;

record includes –

(a) a record in the form of a book or document, or in the form of a map; and

(b) a record in the form of electronic data;

regulated activity means an activity specified in section 4;

regulated substance means –

(a) gas; and

(b) any other substance declared by the regulations to be a substance to which this Act applies;

regulations means regulations made and in force under this Act;

Regulator means the Tasmanian Economic Regulator appointed under section 9 of the *Economic Regulator Act 2009*;

repair, in relation to gas installations, automotive gas fuel systems and gas storage systems, means –

(a) to rectify faults and restore the installation, fuel system or storage system to an acceptable level of operation by removing and replacing (with like for like) worn, damaged or failed components or assemblies (replacement components may be new, used, overhauled or reconditioned); or

(b) to rectify faults in the installation, fuel system or storage system by welding, aligning, tightening, securing or adjusting components; or

(c) to work on any electrical component associated with the installation, fuel system or storage system control system –

but does not include any modification or alteration which removes the installation, fuel system or storage system from its certified form or requires acceptance by the Director under section 54;

reviewable decision means any direction, decision or determination under this Act other than a direction, decision or

determination declared by this Act not to be reviewable;

sell includes –

(a) to barter or exchange; and

(b) to let on hire; and

(c) to advertise for sale or hire; and

(d) to offer or expose for sale or hire;

standard gas installation means –

(a) a gas installation –

(i) which contains only Type A appliances; and

(ii) which is located in residential premises of a prescribed class or on land associated with such premises; or

(b) a gas installation –

(i) which contains only Type A appliances; and

(ii) which is located in commercial premises of a prescribed class or on land associated with such premises; and

(iii) in which the total gas consumption of the appliances does not exceed the relevant prescribed amount per hour; and

(iv) in which the length of pipe from the gas supply point to the furthest appliance does not exceed the relevant prescribed length; or

(c) a gas installation in or on a boat, caravan or any other thing as prescribed by the Director;

statement of compliance means a statement referred to in section 37(1)(c) or section 54(4)(c) that is in the form required by the regulations;

stationary engine means a gas-fuelled internal combustion engine forming part of a gas installation to which Division 5 of Part 3 applies;

supply means the delivery of gas, by means of a distribution system, transmission pipeline, gas storage system or other infrastructure, to a gas supply point;

transmission pipeline means –

(a) the whole or any part of a pipeline with an operating

pressure in excess of 1050kPa for the purpose of conveying a regulated substance from a point at or near the place of its production to any other place; and

(b) the whole or any part of a pipeline that forms part of a system of pipelines for that purpose; and

(c) tanks, machinery and equipment necessary for, or associated with, the operation of such a pipeline or system of pipelines –

but does not include the following:

(d) a pipeline located wholly within the site of an industrial plant;

(e) a pipeline that forms part of a gas distribution system;

(f) a system of pipes and equipment –

(i) installed in a place for the conveyance and use of gas from a pressurised vessel situated in that place; and

(ii) not extending to, or connected to, pipes in

some other place in separate occupation;

(g) pipes or equipment declared by the regulations not to be, or not to form part of, a transmission pipeline;

(h) any part of a pipeline referred to in paragraph (d) or (e) for which a licence is required under the *Petroleum (Submerged Lands) Act 1982* of Tasmania or the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth;

Tribunal means the Tasmanian Civil and Administrative Tribunal;

Type A appliance means an appliance (including a reconditioned, second-hand or used appliance) that has been approved by the Director in accordance with Division 4 of Part 3;

Type B appliance means an appliance (including a reconditioned, second-hand or used appliance) that –

(a) is not a Type A appliance, provided the Type A appliance is used in an application for which it was intended; and

(b) has a gas consumption rating in excess of 10 megajoules per hour –

and includes any components and fittings of an appliance complying with paragraphs (a) and (b) that are downstream from, and including, the appliance's manual shut-off valve;

upgrading, in relation to gas infrastructure, includes the insertion of a new pipe inside any existing pipe that forms part of the infrastructure.

(2) A reference in this Act to gas or another regulated substance extends to a mixture of substances of which gas or another regulated substance is a constituent part.

(3) In this Act, a reference to retailing or to retail –

(a) is a reference to the sale of gas by a licensee to a person for consumption, if the gas is to be conveyed (whether or not by the seller) to the person by a pipeline; but

(b) does not include an activity declared by the regulations not to be retailing of gas.

4. Regulated activities

(1) For the purposes of this Act, the following are regulated activities:

(a) locating, inspecting, testing, operating, maintaining, repairing, altering, adding to, upgrading, replacing,

decommissioning or removing gas infrastructure;

(b) excavating land in order to carry out work of a kind referred to in paragraph (a);

(c) construction of, or alteration to, a pipeline for carrying natural gas or another regulated substance;

(d) operating and maintaining a pipeline for carrying natural gas or another regulated substance;

(e) construction of, or alteration to, a pipeline facility for processing gas or another regulated substance;

(f) operating and maintaining a pipeline facility used for processing gas or another regulated substance;

(g) any other activities for which a licence is required under the *Gas Industry Act 2019*.

(2) In this Act, a reference to a regulated activity includes all operations and activities reasonably necessary for, or incidental to, that activity.

5. Application of Act

(1) Subject to subsection (2), this Act does not apply to a gas installation, or class of gas installations, used or installed before 17 December 2001.

(2) The regulations may provide that a provision of this Act applies to a gas installation, or class of gas installations, used or installed before 17 December 2001 if the gas installation, or class of gas installations, is modified after that day.

6. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

7. Act does not derogate from certain Acts

This Act is in addition to, and does not derogate from, the *Gas Industry Act 2019*, the *Work Health and Safety Act 2012* and the *Dangerous Goods (Road and Rail Transport) Act 2010*.

PART 2 – ADMINISTRATION

Division 1 – Director of Gas Safety

8. Director of Gas Safety

(1) The Minister is to appoint a State Service officer or State Service employee to be Director of Gas Safety and that officer or employee holds that office in conjunction with State Service employment.

(2) The Director is to perform the functions imposed, and may exercise the powers conferred, on the Director under this Act.

9. Functions of Director

The Director has the following functions:

(a) to monitor and regulate safety and technical standards in respect of gas infrastructure, regulated activities and associated works;

(b) to monitor and regulate safety and technical standards in respect of gas storage systems, gas installations, gas appliances, automotive gas fuel systems and associated works.

10. Delegation

(1) The Director may, by instrument in writing, delegate to any person who, in the Director's

opinion, is competent and suitable, the exercise of the powers of the Director under this Act (other than this power of delegation) that are specified in the instrument of delegation.

(2) Notwithstanding any delegation under this section, the Director may continue to exercise all or any of the powers delegated.

11. Director may require information to be provided

(1) The Director may, by written notice, require a person to give the Director, within a reasonable time stated in the notice, information in the person's possession that the Director reasonably requires for the administration of this Act.

(2) A person required to give information under this section must provide the information within the time stated in the notice.

Penalty: Fine not exceeding 100 penalty units.

(3) A person may not be compelled to give information under this section if the information might tend to incriminate the person of an offence.

(4) A requirement under this section is not a relevant decision under Part 6.

12. Obligation to preserve confidentiality

(1) The Director must preserve the confidentiality of information gained in the course of administering this Act (including information

gained by an authorised officer under Part 5) that –

(a) could affect the competitive position of a gas supplier or other person; or

(b) is commercially sensitive for some other reason.

(2) Subsection (1) does not apply to the disclosure of information between persons engaged in the administration of this Act.

(3) Information classified by the Director as confidential is not liable to disclosure under the *Right to Information Act 2009*.

13. Report by Director

(1) The Director must, within 4 months after the end of each 3-year period, starting on the day on which this Act commences, deliver to the Minister a report on the Director's operations during that period.

(2) A report must include any information required by the Minister.

(3) The Minister must cause a copy of each report to be laid before both Houses of Parliament as soon as practicable after receiving it.

14. Advisory committees

(1) The Minister or the Director may establish an advisory committee to advise the Minister or the

Director, respectively, on specified aspects of the administration of this Act.

(2) The members of an advisory committee are appointed and hold office on terms and conditions determined by the Minister.

15. Mediation of disputes

(1) If a dispute arises as to the activities of a licensee, a party to the dispute may request the Director to mediate in the dispute.

(2) If requested under subsection (1) to mediate in a dispute, the Director –

(a) may mediate, or decline to mediate, in the dispute; and

(b) may give, to the parties to the dispute, directions to assist in the resolution of the matters to which the dispute relates; and

(c) must assist the parties to agree to a settlement that is negotiated between the parties.

(3) If the parties to a dispute in which the Director has mediated agree to a settlement, the parties and the Director must sign a document setting out the terms of the settlement.

(4) The terms of a settlement of a dispute signed under subsection (3) are binding on the parties.

Division 2 – Annual fee

16. Annual fee

(1) A gas supplier must pay to the Director annually and in advance a fee determined by the Director that represents a reasonable contribution towards the costs of the administration of this Act having regard to the nature and scale of the operations of that gas supplier.

(2) If a gas supplier fails to pay a fee in accordance with subsection (1) –

(a) the amount in arrears, unless the Director determines otherwise, is to be increased by penalty interest at the prescribed rate; and

(b) the Director may impose on the gas supplier a fine of an amount fixed by the Director up to a limit of 10 penalty units or 10% of the outstanding fee, whichever is the greater.

(3) The Director may, for any reason he or she considers appropriate, remit, either wholly or in part, any penalty interest or fine imposed under subsection (2).

(4) A fee and any penalty interest or fine imposed by the Director under this section may be recovered from the gas supplier by the Director as a debt due to the Crown in any court of competent jurisdiction.

PART 3 – SAFETY OF INFRASTRUCTURE, INSTALLATIONS AND APPLIANCES

Division 1 – General requirements for safe operation

17. General requirements for safe operation

A person who owns or operates gas infrastructure, a gas installation, automotive gas fuel system or gas storage system must take reasonable steps to ensure that –

(a) the infrastructure, gas installation, automotive gas fuel system or gas storage system complies with, and is operated in accordance with, any technical and safety requirements imposed under the regulations; and

(b) the infrastructure, gas installation, automotive gas fuel system or gas storage system is safe and safely operated; and

(c) the infrastructure, gas installation, automotive gas fuel system or gas storage system is maintained in a safe condition in accordance with prescribed standards and determinations; and

(d) the installation or gas storage system is maintained and operated in accordance with –

(i) any safety management system or risk analysis provided to the Director under section 54; and

(ii) the regulations.

Penalty: Fine not exceeding 1 000 penalty units.

18. Regulated activities to be carried out with due care

A licensee must carry out regulated activities with due care having particular regard to –

(a) the health and safety of any person who may be affected by those activities; and

(b) the need to ensure that pipelines or pipeline facilities for transporting and processing gas are designed, constructed, managed and operated prudently so as to provide a reliable and adequate supply of gas; and

(c) compliance with prescribed standards and determinations; and

(d) good industry practice.

Penalty: Fine not exceeding 1 000 penalty units.

19. Gas quality

(1) A licensee must ensure that, as far as practicable, the gas which it conveys –

(a) meets the prescribed standards of quality; and

(b) complies with any other prescribed requirements.

Penalty: Fine not exceeding 1 500 penalty units.

(2) A licensee that supplies or sells gas to a customer for use in a gas installation must ensure that, as far as practicable, the gas supplied or sold –

(a) meets the prescribed standards of quality; and

(b) complies with any other prescribed requirements.

Penalty: Fine not exceeding 1 500 penalty units.

20. Offence to supply or sell gas to unsafe gas installation

(1) A person must not knowingly supply or sell gas for use in an unsafe gas installation.

Penalty: Fine not exceeding 1 500 penalty units.

(2) A licensee or gas supplier must not knowingly supply or sell gas for use in a gas installation which does not comply with this Act, otherwise than with the approval of the Director.

Penalty: Fine not exceeding 1 500 penalty units.

(3) For the purpose of ensuring under this section that a gas installation complies with the technical and safety requirements of the Act, a person may rely on –

(a) a certificate of compliance; and

(b) a statement of compliance –

in respect of the installation.

21. Mandatory reporting of gas incidents

(1) A licensee or gas supplier must report to the Director in accordance with the regulations any incident which occurs in respect of gas infrastructure, a gas storage system, or a gas installation, of that licensee or gas supplier.

Penalty: Fine not exceeding 500 penalty units.

(2) A licensee or gas supplier must report to the Director, as soon as practicable, any incident of which it is aware and which occurs in respect of a gas installation to which it supplies or sells gas.

Penalty: Fine not exceeding 500 penalty units.

(3) A owner and operator of a gas installation, gas appliance, automotive gas fuel system or gas storage system must report to the Director, as soon as practicable, any incident which occurs in respect of the gas installation, gas appliance,

automotive gas fuel system or gas storage system.

Penalty: Fine not exceeding 500 penalty units.

(4) The Chief Officer of the Tasmania Fire Service must report to the Director any fire or explosion in which he or she suspects gas was a cause or contributing factor.

(5) A person must not unnecessarily interfere with or alter any gas infrastructure, gas installation, automotive gas fuel system or gas storage system so as to prevent a proper investigation of any incident caused by the operation or condition of that infrastructure, installation, fuel system or storage system.

Penalty: Fine not exceeding 1 000 penalty units.

22. Director to provide gas infrastructure certificate to Regulator

(1) A proponent or licensee applying for a licence, or alteration to a licence, under the *Gas Industry Act 2019* must provide the Director with a design basis or revised safety case under Division 2 of Part 3, that demonstrates compliance with any relevant determination and the standards and codes prescribed by the regulations.

(2) Before submitting a design basis or revised safety case to the Director, the licensee must –

(a) undertake a safety management study or formal safety assessment as required by the prescribed standards; and

(b) ensure that the design basis, safety management study and formal safety assessment are independently certified by a person approved by the Director as conforming to any prescribed standard.

(3) If the Director is not satisfied that a design basis, safety management study or formal safety assessment provides for the safe design, construction or operation of a pipeline, the Director may require the licensee to provide additional information.

(4) A design basis or safety case may be submitted in stages.

(5) A design basis or safety case may apply to more than a single piece of infrastructure.

(6) The Director and the licensee applying for a licence, or amendment to a licence, must both comply with relevant gas infrastructure construction, commissioning and operation requirements prescribed in the regulations.

(7) The Director must, if satisfied that the design basis or safety case has been prepared in accordance with this Act, the regulations for the safe construction or operation of gas infrastructure and the Director's directions, provide the Regulator with a certificate stating that in the opinion of the Director the pipeline or pipeline facility has, or will have, the necessary

ability to safely convey, or safely process, the regulated substance intended to be processed or conveyed under the licence.

Division 2 – Licensee safety case

23. Safety case

(1) A licensee must submit to the Director a safety case that demonstrates compliance with a determination and the standards and codes prescribed by the regulations.

(2) Before submitting a safety case, the licensee must ensure that the safety case, or a part of it, is independently certified in a manner, and by a person, approved by the Director, as conforming to any relevant standard or determination.

(3) A safety case for gas infrastructure must –

(a) be in writing; and

(b) specify the safety management system being followed, or to be followed, and state the risk management activities undertaken, or to be undertaken, by the licensee –

(i) to comply with the licensee's duties under Division 1; and

(ii) in respect of any other matters, relating to the safe conveyance, supply, sale, measurement or control of gas or another

regulated substance, that are prescribed.

(4) A licensee must not commission or commence to operate a gas infrastructure unless a certified safety case for that infrastructure has been accepted or provisionally accepted by the Director.

Penalty: Fine not exceeding 1 500 penalty units.

(5) A safety case may be submitted in stages.

(6) A safety case may apply to more than a single piece of gas infrastructure.

(7) A licensee must thoroughly review and revise its safety case and submit it to the Director for approval –

(a) in accordance with the review schedule contained in the plan; or

(b) every 5 years –

whichever is more frequent.

Penalty: Fine not exceeding 500 penalty units.

24. Additional safety plan

If a safety case does not, in the opinion of the Director, provide for the safe construction of gas infrastructure, the Director may require the licensee to provide an additional safety plan for the construction.

25. Auditing of safety case

(1) A licensee must have the implementation of its safety case audited as required by the Director.

Penalty: Fine not exceeding 500 penalty units.

(2) Within 14 days of receiving an audit report under subsection (1), the licensee must submit a copy of it to the Director.

Penalty: Fine not exceeding 500 penalty units.

26. Additional information

(1) The Director may require a licensee to provide any additional information that the Director thinks fit in respect of a safety case submitted by the licensee under this Division.

(2) The Director is not required to proceed with the consideration of a safety case until the additional information is provided.

27. Certification of safety case for pipeline facility

(1) A licensee for a pipeline facility must obtain an independent certification of a safety case before submitting that safety case to the Director.

(2) The certification of a safety case must assess the design, construction, commissioning or operation of a pipeline facility to which the safety case relates and any other matters relating to the fitness of the pipeline facility.

(3) The licensee must establish to the satisfaction of the Director that each person undertaking the certification of a safety case or part of a safety case has the necessary competence and ability, and access to information, to form an independent opinion on the validity of a safety case or part of a safety case.

(4) The Director is not required to consider a safety case until the independent certification is provided.

28. Acceptance of safety case

The Director must accept a certified safety case submitted under this Division if satisfied that it has been prepared in accordance with this Act for the safe construction and operation of gas infrastructure, and the Director's directions.

29. Provisional acceptance of safety case

(1) The Director may provisionally accept a certified safety case that has not been prepared in accordance with this Act or the Director's directions if –

(a) the Director is satisfied that any deviation from the Director's directions is minor; and

(b) despite that deviation, the safety case provides for the safe operation of the gas infrastructure.

(2) If the Director provisionally accepts a safety case, he or she must notify the licensee in writing of the provisional acceptance.

(3) The notice of provisional acceptance must state –

(a) the period during which the provisional acceptance will be in force; and

(b) the extent to which the safety case has been accepted; and

(c) any limitations or conditions that will apply in respect of the use or operation of the gas infrastructure or regulated activities while the provisional acceptance is in force.

30. Non-acceptance of safety case

(1) If the Director does not accept or provisionally accept a safety case, the Director must –

(a) notify the licensee in writing of the non-acceptance; and

(b) give the licensee an opportunity to modify and resubmit the safety case.

(2) A modified safety case must be submitted to the Director within 28 days after the notice is given under subsection (1).

(3) If, after considering a modified safety case submitted under this section, the Director decides not to accept it, the Director must give

notice in writing of that decision to the licensee, including the reasons for that decision.

31. Director may determine safety case

(1) The Director may determine the safety case which is to apply in respect of gas infrastructure which is in operation at the time of the determination if –

(a) the licensee fails to submit a safety case for the gas infrastructure in accordance with this Act; or

(b) the Director has decided not to accept a safety case for the gas infrastructure.

(2) If the Director determines the safety case to apply to gas infrastructure under this section –

(a) the Director must give notice in writing to the licensee of that determination; and

(b) the licensee must pay the costs associated with determining the safety case.

(3) On notice being given to the licensee under subsection (2), the safety case determined by the Director is taken for the purposes of this Act to be the accepted safety case for the gas infrastructure to which it applies.

(4) Nothing in subsection (3) prevents a licensee from submitting a safety case or a revised safety case for gas infrastructure to the Director for acceptance under this Division.

32. Compliance with safety case

(1) A licensee must comply with the accepted safety case for gas infrastructure in respect of the design, construction, commissioning, management and operation of the gas infrastructure.

Penalty: Fine not exceeding 1 500 penalty units.

(2) A licensee must comply with the accepted safety case for gas infrastructure in respect of the removal, dismantling or decommissioning of the gas infrastructure.

Penalty: Fine not exceeding 500 penalty units.

(3) A licensee must not –

(a) undertake or permit a modification of gas infrastructure that has the potential to significantly increase the overall levels of risk in respect of the gas infrastructure; or

(b) undertake or permit a modification of gas infrastructure that has the potential to significantly influence the level of a particular risk or the ranking of risk contributing factors; or

(c) make or permit a significant change to the safety management system in respect of gas infrastructure –

unless the Director has accepted a certified revision of the design basis or safety case in respect of that matter for that infrastructure under section 28.

Penalty: Fine not exceeding 1 500 penalty units.

33. Revision of safety case

A licensee must submit a revised safety case for gas infrastructure to the Director if –

(a) developments in technical knowledge or the assessment of hazards relevant to the gas infrastructure make it appropriate to revise the safety case; or

(b) proposed significant modifications of the gas infrastructure could increase the overall levels of risk, or danger to persons or property; or

(c) a proposed modification of the gas infrastructure may significantly influence the level of a particular risk or the ranking of risk contributing factors; or

(d) the licensee proposes to make a significant change to the safety management system for the operation and management of the gas infrastructure; or

(e) the licensee or gas infrastructure changes ownership; or

(f) the licensee proposes to make a significant change in respect of the operations or maintenance contractor for the operation and management of the gas infrastructure; or

(g) the licensee proposes to dismantle, decommission or remove any part of the gas infrastructure in a manner different from the procedures set out in the safety case.

34. Director may require submission of revised safety case

(1) The Director may at any time require a licensee to submit a revised safety case for gas infrastructure of the licensee.

(2) The requirement must –

(a) be in writing; and

(b) set out –

(i) the matters to be dealt with by the required revision; and

(ii) the proposed date of effect of the revision; and

(iii) the grounds for the requirement.

(3) The licensee of which the requirement is made may make a submission to the Director on all or any of the following grounds:

(a) that the revision should not occur;

(b) that the revision should be in different terms from the proposed terms;

(c) that the revision should take effect on a later date than the proposed date of effect.

(4) The submission must –

(a) be in writing;

(b) state the licensee's reasons for the submission; and

(c) be made within 28 days, or such later period as the Director allows in writing, after notice of the requirement is received.

(5) If a licensee makes a submission under this section, the Director must –

(a) accept the submission or part of the submission and vary or withdraw the requirement accordingly; or

(b) reject the submission.

(6) The Director must give the licensee notice in writing of his or her acceptance or rejection of the submission and the reasons for it.

35. Offence to fail to submit revised safety case when required

If the Director requires the revision of a safety case under section 34, the licensee must submit a revised safety case for the gas infrastructure to the Director –

(a) within a time that is not less than 60 days specified by the Director in the requirement, if the licensee does not make a submission under that section; or

(b) if the licensee has made a submission under that section and the Director has not withdrawn the requirement, within a time that is not less than 60 days specified by the Director in his or her decision on the submission.

Penalty: Fine not exceeding 400 penalty units.

36. Application of provisions to revised safety case

Sections 25 to 32, inclusive, apply to the revision of a safety case in the same manner as they apply to a safety case.

Division 3 – Gas infrastructure, gas installation, automotive gas fuel system, gas storage systems and gas-fitting work

37. Carrying out of certain gas-fitting work

(1) A person who carries out gas-fitting work on a gas installation, automotive gas fuel system or

proposed gas installation or automotive gas fuel system must ensure that –

(a) the work is carried out as required under the regulations; and

(b) examinations and tests are carried out as required under the regulations; and

(c) the requirements of the regulations as to notification and certificates of compliance and statements of compliance are complied with.

Penalty: Fine not exceeding 100 penalty units.

(2) A person may apply to the Director in accordance with the regulations for an exemption from all or any of the standards or requirements referred to in this section.

(3) The Director may grant an exemption if satisfied that –

(a) compliance with the standard or requirement does not warrant the cost of compliance; and

(b) the degree of safety attained by other means is acceptable.

(4) An exemption may be granted on such conditions as are specified in the exemption.

(5) A person to whom an exemption applies must comply with any conditions specified in the exemption.

Penalty: Fine not exceeding 100 penalty units.

38. Power to require rectification, &c., in respect of certain works

(1) If gas infrastructure, a gas storage system, automotive gas fuel system or gas installation is unsafe, or does not comply with this Act, the Director may give a direction requiring, within a specified period, any or all of the following:

(a) rectification of the gas infrastructure, gas storage system, automotive gas fuel system or gas installation to the satisfaction of the Director;

(b) the carrying out of specified obligations under this Act;

(c) the cessation of specified activities that constitute, or are likely to constitute, a contravention of this Act;

(d) if appropriate, the temporary disconnection of the gas supply while the rectification work is carried out;

(e) the disconnection and removal of the gas infrastructure, gas storage system, automotive gas fuel system or gas installation.

(2) Subject to this section, a direction under this section must be given –

(a) in respect of gas infrastructure, to the licensee in charge of the infrastructure; or

(b) in respect of a gas installation or automotive gas fuel system, to the person in charge of the installation or fuel system, or the occupier of the place in which the installation or fuel system is situated; or

(c) in respect of a gas storage system, to the gas supplier in charge of the storage system or the occupier of the place in which the storage system is situated.

(3) A direction must be given by written notice or, if the Director is of the opinion that immediate action is required, it may be given orally.

(4) If a direction is given orally, it must be confirmed in writing as soon as practicable after being given.

(5) A person to whom a direction is given under this section must not contravene the direction.

Penalty: Fine not exceeding 100 penalty units.

(6) If a person fails to comply with a direction under subsection (1), the Director may –

(a) take the action required to be taken for the direction to be complied with or arrange for the action required for the direction to be complied with to be taken; and

(b) if a person contravenes a direction, the Director, or a person authorised in writing by the Director –

(i) may take any action that is reasonable and necessary to give effect to the direction; and

(ii) recover from the licensee, gas supplier, person in charge of the gas installation or automotive gas fuel system, or the occupier of the place in which the installation is situated, in any court of competent jurisdiction, as a debt due to the Crown, the cost of taking the action.

Division 4 – Gas appliances and components

39. Interpretation of Division

In this Division –

external authority means an authority or person approved by the Director as an external authority for the purposes of this Division.

40. Gas appliances and components to which this Division applies

(1) This Division applies to –

(a) gas appliances and components of a class specified in the relevant standard

prescribed in the regulations, or in a relevant appendix to that standard; and

(b) gas appliances and components of a class declared by the Director, by notice in the *Gazette*, to be gas appliances or components to which this Division applies.

(2) The Director may, by notice in the *Gazette* –

(a) declare gas appliances or components of a specified class to be gas appliances or components to which this Division applies; or

(b) vary or revoke a previous declaration under this section.

41. Relevant standard

(1) A standard is a relevant standard for a gas appliance or component to which this Division applies, if –

(a) it is stated in the relevant Australian Standard to be –

(i) a standard applicable to the gas appliance or component, or the relevant class of gas appliances or components; or

(ii) a standard accepted by the Director instead of such a standard; or

(b) it is prescribed by the regulations to be a relevant standard for this Division; or

(c) where there is no standard applicable under paragraph (a) or (b), the Director declares it to be a relevant standard for the gas appliance or component of the relevant class.

(2) The Director may, by notice in the *Gazette* –

(a) declare that a particular standard is the relevant standard for gas appliances or components of a specified type; or

(b) vary or revoke a previous declaration under this section.

42. Approval of gas appliances and components

(1) A gas appliance or component to which this Division applies is taken to be approved if –

(a) it is approved by the Director under this Division; or

(b) it is approved, registered or certified by an external authority.

(2) The Director may, by notice in the *Gazette* –

(a) approve, subject to any conditions that the Director thinks fit, an authority or any other person as an external authority for the purposes of this section; and

(b) vary or revoke a previous approval issued under this section; and

(c) direct an external authority to operate its gas appliance approval or certification scheme in accordance with rules or instructions prescribed by the Director in the notice.

(3) A notice under this section is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

43. Labelling of gas appliances and components

(1) A gas appliance or component to which this Division applies is labelled as required under this Division if –

(a) in the case of an appliance or component approved by the Director under this Division, it is labelled as required under the conditions of its approval; or

(b) in the case of an appliance or component approved by an external authority –

(i) it displays a regulatory compliance label in accordance with the relevant Australian Standard for gas appliances; or

(ii) it is labelled as required by the law in force in the jurisdiction of the external authority; or

(iii) it is labelled as required by any instructions prescribed by the Director under section 42(2)(c).

(2) A person must not –

(a) label a gas appliance or component in a way that suggests it is approved by the Director or an external authority if it is not in fact so approved; or

(b) make any form of representation to the effect that a gas appliance or component is approved by the Director or an external authority, or from which it might reasonably be inferred that a gas appliance or component is approved by the Director or an external authority, if it is not in fact so approved; or

(c) misuse a label for indicating approval of a gas appliance or component.

Penalty: Fine not exceeding 100 penalty units.

44. Application for approval of gas appliances by the Director

An application for approval of gas appliances and components of a certain class by the Director –

(a) must be made to the Director in an approved form; and

(b) must be accompanied by –

(i) a declaration by the applicant that a representative sample of the appliances or components has been tested and examined by a specified testing laboratory approved by the Director; and

(ii) a report from a suitably qualified person from the relevant laboratory stating that the appliance or component has been tested and examined by reference to the relevant standard and stating the results of the tests and examination; and

(iii) if the Director so requires, a sample of the appliance or component; and

(iv) any other relevant information that the Director requires about the construction, operation or safety of the appliance or component.

Penalty: Fine not exceeding 100 penalty units.

45. Approval of appliances by Director

(1) The Director may approve gas appliances and components of a particular class if satisfied that they comply with the requirements of the relevant standard.

(2) When the Director approves gas appliances and components of a certain class, he or she must –

(a) assign an identification number indicating approval of appliances or components of the relevant class; and

(b) issue a certificate of approval in respect of appliances or components of the relevant class to the applicant.

(3) If the Director decides not to approve gas appliances or components of a certain class, he or she must give the applicant written notice of the decision not to approve the appliances or components –

(a) setting out the reasons for the decision; and

(b) stating the applicant's right of appeal under Part 6.

46. Offence to install Type A appliance or component unless approved

A person must not knowingly install a Type A appliance or a component unless the appliance or component has been approved as required under this Division by the Director or an external authority.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

47. Sale of gas appliances and components

(1) A person must not sell a Type A appliance, or a component of a prescribed class, unless the appliance or component –

(a) is approved as required under this Division; and

(b) is labelled as required under this Division; and

(c) complies with the relevant standard for the appliance or component.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

(2) This section does not affect –

(a) a sale of a gas appliance or component, requiring approval under this Division, that takes place within 6 months after the approval of the relevant class of appliances or components has expired; or

(b) the sale of second-hand goods; or

(c) the sale of a Type B appliance.

(3) The exclusion specified in subsection (2) does not apply to a gas appliance or component –

(a) whose approval issued under this Division has been suspended or cancelled by the Director or an external authority for safety reasons; or

(b) that does not comply with the relevant standard for the appliance or component; or

(c) that is subject to prohibition under section 50.

48. Offence to use Type B appliances

A person must not use a Type B appliance or a class of Type B appliances –

(a) unless the gas installation of which the appliance forms a part has been accepted by the Director in accordance with section 54; or

(b) otherwise than in prescribed circumstances.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

49. Offence to alter approved or accepted gas appliance and component

A person must not modify an approved or accepted gas appliance or component, unless the Director has given written approval for the modification.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

50. Prohibition of supply of appliances or components

(1) The Director, by notice published in the *Gazette* and in a newspaper circulating generally in the State, may prohibit the supply, sale or use of –

(a) an appliance or component; and

(b) appliances or components of a specified class.

(2) A prohibition under subsection (1) takes effect from the date of publication of the notice or from such later date as is specified in that notice.

(3) The Director, by notice in writing given to a person, may prohibit that person from supplying, selling or using –

(a) an appliance or component; and

(b) appliances or components of a specified class.

(4) A notice under subsection (3) takes effect from the date of the notice or such later date as is specified in the notice.

(5) The Director may exercise a power of prohibition under this section only if it appears to the Director that –

(a) the appliance or component, or the appliances or components of the specified class, are not approved under this Division; or

(b) the appliance or component, or the appliances or components of the specified class, do not comply with the relevant standard for a gas appliance to which this Division applies; or

(c) the appliance or component, or an appliance or component of the specified class is, or is likely to become, by reason of its design or construction, unsafe to use; or

(d) prohibition of the supply, sale or use of the appliance or component, or of all appliances or components of the specified class, is warranted by reason of the risk of death or injury to any person or damage to any property arising out of the use of that appliance or component, or of appliances or components of that class.

(6) The Director may withdraw a prohibition made under subsection (1) by notice published in the *Gazette* and in a newspaper circulating generally in the State.

(7) The Director may withdraw a prohibition made under subsection (3) by notice given to the person to whom the notice of prohibition was given.

51. Offence to disobey prohibition

A person must not, while a prohibition under section 50 remains in force, contravene that prohibition.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

52. Recall of appliances or components

(1) The Director, by notice in writing served on a person –

(a) whose business is, or includes, the supply or sale of appliances or components; or

(b) who has supplied or sold an appliance or component, or an appliance or component of a specified class –

may require the person to take, within a period specified in the notice, any action specified in the notice.

(2) The Director may make a requirement under this section only if it appears to the Director that –

(a) a specified appliance or component, or an appliance or component of a specified class, is, or is likely to become, by reason of its design or construction, unsafe to use; or

(b) specific action is necessary –

(i) to make a specified appliance or component, or appliance or component of a specified class, safe to use; or

(ii) to render safe the use of a specified appliance or component, or appliance or component of a specified class.

(3) The action specified in the notice may consist of or include –

(a) sending a written request to the person, to whom the specified appliance or component, or appliance or component of the specified class, was supplied or sold, to return the appliance or component to the place at which it was supplied or sold; and

(b) placing an advertisement in a form approved by the Director in a newspaper or newspapers specified by the Director, for a period or periods specified by the Director, requesting all persons, to whom the specified appliance or component, or appliance or component of the specified class was supplied or sold, to return the appliance or component to the place at which it was supplied or sold; and

(c) making the specified appliance or component, or appliance or component of the specified class, safe to use or rendering safe the use of that specified appliance or component, or appliance or component of a specified class, in the manner specified in the notice; and

(d) refunding the purchase price on return of the appliance or component, if it is not practicable to render the appliance or component safe or if the supplier elects not to do so.

(4) The Director may alter or revoke a requirement under this section by notice given to the person of whom the requirement was made.

53. Failure to comply with recall notice

A person must not contravene or fail to comply with a notice served in accordance with section 52(1).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

Division 5 – Acceptance of gas installations

54. Acceptance of gas installations

(1) This section does not apply to any repair or maintenance work on a gas installation.

(2) The manufacturers of a stationary engine, determined as high risk by the Director, must apply to the Director for acceptance of the design, installation, testing, commissioning and operation of the gas installation of which the engine forms part before work commences on the installation.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

(3) A person who carries out work on a complex gas installation, a standard gas installation of a prescribed class or a gas storage system exceeding 8 kilolitres must apply to the Director for acceptance of the gas installation or gas storage system before the gas installation or gas storage system is commissioned.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

(4) An application for acceptance is to –

(a) be in writing; and

(b) include the prescribed information; and

(c) include a statement of compliance in the prescribed form; and

(d) be made in accordance with the regulations; and

(e) be accompanied by the prescribed fee.

(5) The Director must accept a gas installation or gas storage system, or a class of gas installations or gas storage systems, if he or she is satisfied that the relevant standards and determinations have been met and the statement of compliance is satisfactory.

(6) The Director must notify the applicant and may notify the person in control of the gas installation or gas storage system in writing of his or her decision –

(a) to accept a gas installation or gas storage system; or

(b) to accept a gas installation or gas storage system subject to conditions specified by the Director; or

(c) not to accept a gas installation or gas storage system.

(7) If the Director decides to accept a class of gas installations or gas storage systems under this section, he or she must issue an acceptance and provide the applicant with a unique design approval number for that class.

(8) The conditions specified by the Director may include the following:

(a) requirements for the testing of the gas installation or gas storage system, in accordance with the regulations, by a person or body approved by the Director;

(b) requirements for modifications to be made to the gas installation or gas storage system;

(c) requirements for the affixing of compliance plates, to the gas installation or gas storage system or to any appliance forming part of the installation or system, in accordance with the regulations;

(d) requirements for the safe operation and maintenance of the gas installation or gas storage system;

(e) requirements for the assessment of gas installation design and installation risks

associated with the gas installation or gas storage system.

(9) If the Director decides not to accept a gas installation or gas storage system under this section, he or she must notify the applicant of the reasons for that decision.

(10) If the Director accepts a gas installation or gas storage system subject to certain conditions, the acceptance takes effect when the conditions are met.

(11) If the Director accepts a gas installation or gas storage system conditionally on the receipt of a risk analysis or safety management system in accordance with the regulations, the acceptance takes affect when the Director is satisfied that the implemented risk analysis or safety management system allows for the safe operation and maintenance of the gas installation or gas storage system.

55. Completion of accepted gas installations

(1) An accepted gas installation is to be completed within the period specified in subsection (2).

(2) A gas installation acceptance issued under section 54 is valid until the earlier of the following occurs:

(a) a statement of compliance is presented for the commissioned gas installation or gas storage system;

(b) the expiration of the period of 2 years commencing from the date on which the acceptance is issued.

(3) The Director may extend the period referred to in subsection (2) on application by the original applicant or his or her agent before the expiration of the gas installation acceptance.

(4) Before making a decision to extend a period under subsection (3) –

(a) the Director is to request the relevant applicant to provide, within a specified period, advice regarding the current status of the gas-fitting work; and

(b) the applicant is to provide the advice to the Director within the specified period.

(5) The Director is to provide the applicant with a copy of any conditions imposed under subsection (4).

(6) A gas installation or gas storage system that is not completed before the expiration of the gas installation acceptance must not be commissioned unless and until re-accepted by the Director in accordance with section 54.

Division 6 – Determinations

56. Issue of determinations

(1) Either of the following persons may issue a determination:

(a) the Minister;

(b) the Director.

(2) A determination may provide for any matter relating or incidental to the safety of gas infrastructure, regulated activity, a gas installation, gas appliance, automotive gas fuel system or gas storage system.

(3) A determination must be consistent with this Act.

(4) A determination must be in the public interest

(5) If there is an inconsistency between a determination and this Act, the determination is invalid to the extent of the inconsistency.

(6) A determination may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the determination.

(7) A determination may authorise any matter to be from time to time determined, applied or regulated by –

(a) the Director; or

(b) the Tribunal; or

(c) a tribunal established under the determination.

(8) If the Minister issues a determination, the Minister must notify the Director and provide a copy of the determination to the Director.

(9) If the Director issues a determination, the Director must notify the Minister and provide a copy of the determination to the Minister.

57. Determinations to be published and made available

(1) As soon as practicable after the Minister or the Director issues a determination, the Director is to cause the determination to be published in the *Gazette*.

(2) The Director must provide a person with a copy of a determination or part of a determination if the person –

(a) requests it; and

(b) pays to the Director a reasonable fee determined by the Director.

(3) The Director must allow a person to peruse a determination, free of charge, at the office of the Director at any time within the hours during which that office is normally open.

58. Review, amendment and replacement of determinations

(1) In this section –

issuing authority means the Minister or the Director;

protected provision means a determination provision that is identified, in the determination, as a provision that is not

to be omitted from the determination, or amended, without the Minister's written approval.

(2) An issuing authority may, on its own initiative or at the request of any person, review a determination issued by that authority.

(3) The Director is to review a determination issued by the Director when required to do so by the Minister.

(4) An issuing authority may amend, rescind or substitute a determination issued by that authority as specified in, and in accordance with, the determination.

(5) Despite subsection (4), the Director must not do any of the following without first obtaining the written approval of the Minister:

(a) amend a protected provision of a determination;

(b) amend a determination by omitting a protected provision;

(c) rescind or substitute a determination containing a protected provision.

59. Certification of prescribed work

(1) The Director may, in accordance with this Division, require that any prescribed work on gas infrastructure, an automotive gas fuel system, gas storage system, gas appliance or gas

installation complies with the relevant determination.

(2) A licensee, gas supplier or person undertaking prescribed work to which a determination under subsection (1) applies, must comply with a requirement under that subsection.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) a natural person, a fine not exceeding 50 penalty units.

Division 7 – Other

60. Alteration, extension or re-routing of gas infrastructure

(1) A licensee must not alter in a material particular, or permit the alteration of, the gas infrastructure except as follows:

(a) as may be necessary for the repair or maintenance of the pipeline;

(b) as may be necessary for the preservation of life or property in an emergency;

(c) as may be authorised by the Director.

Penalty: Fine not exceeding 1 200 penalty units.

(2) A licensee must not extend or re-route a pipeline without the written approval of the Director under section 22.

61. Records to be kept by licensee

(1) A licensee must maintain –

(a) a record of all regulated activities carried out including, where appropriate, maps and plans; and

(b) a record of compliance audits by internal or external auditors required under the regulations; and

(c) any other records required by the regulations.

Penalty: Fine not exceeding 100 penalty units.

(2) The licensee must provide the Director with a copy of the records maintained under this section at the times required –

(a) by the Director by written notice given to the licensee; or

(b) by the regulations.

Penalty: Fine not exceeding 100 penalty units.

62. Information to be provided by licensee

(1) A licensee must provide the Director with any information required by the regulations.

Penalty: Fine not exceeding 250 penalty units.

(2) A licensee must, within the time specified in a written request by the Director, provide the Director with any other information that the Director may reasonably require relating to the safe construction, operation or maintenance of gas infrastructure specified in the request.

Penalty: Fine not exceeding 250 penalty units.

(3) If the Director considers the provision of any information requested under subsection (2) to be essential in the public interest, and so states in the request, failure by the licensee to comply with the request is an offence punishable on summary conviction by a fine not exceeding 1 000 penalty units.

(4) A licensee must, if requested to do so by the Director, provide the Director with an expert report, within the time specified in the request, verifying information provided to the Director by the licensee.

Penalty: Fine not exceeding 100 penalty units.

(5) A request under subsection (4) must either nominate the person by whom the expert report is to be prepared or state the nature of the qualifications and experience that the person who prepares the report must possess.

PART 4 – GAS ENTITIES' POWERS AND DUTIES

Division 1 – Gas safety officers

63. Interpretation of Part

In this Part –

operational work, on gas infrastructure, means –

(a) regulated activities, commissioning, locating, inspecting, testing, operating, maintaining, repairing, altering, adding to, upgrading, replacing or removing the gas infrastructure; or

(b) excavating land in order to carry out work of a kind referred to in paragraph (a);

protective works, on gas infrastructure, means –

(a) work that is necessary or expedient for the protection of infrastructure or public safety; or

(b) excavating land in order to carry out work of the kind referred to in paragraph (a).

64. Appointment of gas safety officers

(1) A licensee may, subject to the conditions of the licensee's safety case, appoint a person to be a gas safety officer for the licensee on the conditions, if any, specified in the instrument of appointment.

(2) A person may be appointed under subsection (1) –

(a) to be a gas safety officer for a period specified in the officer's instrument of appointment; or

(b) to be a gas safety officer until the person ceases to hold the office specified in the officer's instrument of appointment.

(3) A gas safety officer for a licensee may only exercise powers under this Act in accordance with –

(a) the conditions, if any, specified in the officer's instrument of appointment; and

(b) any directions given to the gas safety officer by the licensee.

(4) A licensee, by instrument in writing, may revoke the appointment of a person to be a gas safety officer for the licensee.

65. Gas safety officers' identity cards

(1) A licensee must give an identity card to each gas safety officer for the licensee.

(2) The identity card –

(a) must contain a photograph of the gas safety officer taken for the purpose; and

(b) must be signed by the gas safety officer; and

(c) must identify the gas safety officer as a gas safety officer for a licensee specified on the card.

(3) A gas safety officer must, before exercising a power in respect of another person, produce the officer's identity card for inspection by the other person.

Penalty: Fine not exceeding 2.5 penalty units.

(4) A person must, within 21 days after ceasing to be a gas safety officer for a licensee, return the identity card to the licensee.

Penalty: Fine not exceeding 2.5 penalty units.

(5) In the case of an emergency, a licensee may issue an identity card in the form of a letter signed on behalf of the licensee together with appropriate identification of the gas safety officer.

66. Gas safety officers may enter land for certain purposes related to gas infrastructure

(1) A gas safety officer for a licensee may, at any reasonable time –

(a) enter and remain in a place to carry out preliminary investigations in connection with the installation of gas infrastructure; or

(b) enter and remain in a place where the gas infrastructure of the licensee is situated to carry out operational work or protective work on the infrastructure.

(2) If a gas safety officer for a licensee seeks to enter a place under this section and entry is refused or obstructed, the licensee may in instances other than protective work, by written notice to the occupier of the place, ask for consent to entry by a gas safety officer.

(3) The notice of entry under subsection (2) must state the reason for, and the date and time of, the proposed entry.

(4) The period of notice of entry under subsection (2) must be reasonable.

(5) If entry is refused, or obstructed, after a notice is given under subsection (2), the licensee may obtain a warrant under section 106 to enter the place.

(6) In an emergency or need for protective work, a gas safety officer may exercise a power of entry under this section –

(a) at any time and without prior notice if it is not practicable to give such notice; and

(b) to make safe, if it is possible to do so, or disconnect the gas supply to the place without entering the place; and

(c) if necessary in the circumstances, by the use of reasonable force.

(7) When a gas safety officer enters on land under this section, the gas safety officer –

(a) may be accompanied by such assistants as the gas safety officer considers necessary or appropriate; and

(b) may take any vehicles, machinery, or equipment that the gas safety officer considers necessary or appropriate for the work which the gas safety officer is to carry out in the place; and

(c) make surveys, take levels, sink pits, examine soil and do any other thing in relation to the place; and

(d) must do as little damage as possible and act so as to minimise the impact of work carried out by the gas safety officer on the activities of other persons on the land.

(8) A gas safety officer must be accompanied by a police officer –

(a) when entering a place with the authority of a warrant; and

(b) if it is practicable to do so, when entering a place by force in an emergency or need for protective works.

(9) Subject to this section, a licensee must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.

(10) If the occupier of the land and the licensee do not agree as to the extent of compensation, the claim for compensation is to be determined –

(a) if it is a minor civil claim within the meaning of the *Magistrates Court (Civil Division) Act 1992*, by the Magistrates Court (Civil Division); or

(b) in any other case, as if it were a disputed claim for compensation under the *Land Acquisition Act 1993*.

67. Obstruction, &c., of authorised entry

A person must not obstruct, hinder, delay, threaten or assault a person who is –

(a) authorised to enter on land under section 66; and

(b) acting in accordance with that section.

Penalty: Fine not exceeding 10 penalty units.

Division 2 – Powers relating to gas installations

68. Entry to inspect gas installations

(1) A gas safety officer for a licensee may, at any reasonable time, enter and remain in a place to which gas is, is to be, or has been, supplied by the licensee –

(a) to inspect gas installations in the place to ensure that it is safe to connect or reconnect the gas supply; or

(b) to take action to prevent or minimise the risk of an incident occurring; or

(c) to investigate suspected theft of gas.

(2) In an emergency, a gas safety officer may exercise a power of entry under this section at any time and, if necessary in the circumstances, by the use of reasonable force.

(3) When a gas safety officer enters a place under this section, the gas safety officer –

(a) may be accompanied by such assistants as the gas safety officer considers necessary or appropriate; and

(b) may take any vehicles or equipment that the gas safety officer considers necessary or appropriate for the functions which the gas safety officer is to carry out in the place.

(4) A gas safety officer must, if it is practicable to do so, be accompanied by a police officer when entering a place by force in an emergency.

(5) If in the opinion of a gas safety officer a gas installation is unsafe, the gas safety officer may disconnect the gas supply to the place in which the installation is situated until the installation is made safe to the satisfaction of the gas safety officer.

69. Entry to disconnect supply

(1) If a gas safety officer proposes to disconnect a gas supply to a place under this Act, the gas safety officer may, at any reasonable time, enter and remain in the place to disconnect the gas supply to the place.

(2) If a gas safety officer seeks to enter a place under this section and entry is refused or obstructed, the licensee may, by written notice to the occupier of the place, ask for consent to entry by a gas safety officer.

(3) The notice must state the reason for, and the date and time of, the proposed entry.

(4) If entry is refused, or obstructed, after a notice is given under subsection (2), the licensee may –

(a) if it is possible to do so, disconnect the gas supply to the place without entering the place; or

(b) if it is not possible to disconnect the gas supply to the place without entering the place, obtain a warrant under section 106 to enter the place for the purpose of disconnecting the gas supply, enter the place as authorised and disconnect the gas supply.

Division 3 – Powers and duties in emergencies

70. Licensee may cut off gas supply to avert danger

A licensee may, without incurring any liability for failure to supply gas, cut off the supply of gas to any region, area, land or place if it is, in the licensee's opinion, necessary to do so to avert danger to any person or property.

71. Emergency legislation not affected

Nothing in this Act affects the exercise of any power, or the obligation of a licensee to comply with any direction, order or requirement, under the *Emergency Management Act 2006* or any other law relating to emergencies.

PART 5 – ENFORCEMENT

Division 1 – Appointment of authorised officers

72. Appointment of authorised officers

(1) The Director may, by instrument of appointment, appoint a person to be an authorised officer.

(2) An authorised officer may be, but is not required to be, a State Service officer or State Service employee.

(3) An authorised officer is subject to control and direction by the Director.

(4) An authorised officer may be appointed –

(a) for a term specified in his or her instrument of appointment; or

(b) for an indefinite term that continues while the officer holds an office, or position, specified in his or her instrument of appointment.

(5) An authorised officer holds office on the conditions specified in his or her instrument of appointment.

73. When person ceases to be authorised officer

(1) An authorised officer may resign by written notice given to the Director.

(2) The Director may remove an authorised officer from office for any reason that the Director considers sufficient.

74. Authorised officer's identity card

(1) The Director must provide each authorised officer with an identity card.

(2) The identity card must –

(a) contain a photograph of the authorised officer taken for the purpose; and

(b) be signed by the authorised officer.

(3) An authorised officer, before exercising a power that may affect another person, must, at the request of the person, produce for inspection by the person the officer's identity card.

(4) A person must, when he or she ceases to be an authorised officer, return his or her identity card to the Director.

Penalty: Fine not exceeding 2.5 penalty units.

Division 2 – Powers of authorised officers

75. Authorised investigations

An investigation by an authorised officer is an authorised investigation if the purpose of the investigation is –

(a) to monitor compliance with this Act; or

(b) to gather information about a suspected offence against this Act; or

(c) to gather information about a personal injury, or damage to, or loss of, property, relating to a regulated activity.

76. Powers of entry

(1) An authorised officer may, as may be reasonably required for an authorised investigation, enter and remain in any place.

(2) When an authorised officer enters a place under this section, the authorised officer –

(a) may be accompanied by the assistants whom the authorised officer considers necessary or appropriate; and

(b) may take any vehicles or equipment that the authorised officer considers necessary or appropriate for the functions that the authorised officer is to carry out in the place.

(3) An authorised officer may use reasonable force to enter a place under this Part if –

(a) the entry is authorised by a warrant under Part 8; or

(b) the entry is necessary in an emergency.

(4) A person must not obstruct, hinder, delay, threaten or assault a person who is –

(a) authorised to enter on land under this section; and

(b) acting in accordance with this section or section 77.

Penalty: Fine not exceeding 10 penalty units.

77. General investigative powers of authorised officers

(1) An authorised officer who enters a place under this Part may exercise any one or more of the following powers:

(a) investigate whether the provisions of this Act are being, or have been, complied with;

(b) inspect, or cause to be inspected, any gas-fitting work or regulated activity;

(c) examine and test any gas infrastructure, automotive gas fuel system, gas installation or appliance in the place to ascertain whether the infrastructure, automotive gas fuel system, installation or appliance is safe and complies with the requirements of this Act;

(d) investigate an accident suspected to involve gas;

(e) investigate a suspected interference with gas infrastructure, an automotive gas fuel system or a gas installation;

(f) investigate a suspected theft or diversion of gas;

(g) search for, examine and copy, or take an extract from, a document or record of any kind as reasonably required for the purposes of the enforcement of this Act;

(h) take photographs or make films or other records of activities in the place and of any gas infrastructure, gas installation or appliance in the place;

(i) take possession of anything that may be evidence of an offence against this Act.

(2) If an authorised officer takes possession of an object that may be evidence of an offence –

(a) the authorised officer must give the occupier of the place a receipt for the object; and

(b) the object must be returned to its owner –

(i) if proceedings for an offence are not commenced within 12 months after the authorised officer takes possession of the object, at the end of that 12-month period; or

(ii) if such proceedings are commenced within that period, on completion of the proceedings, unless the court, on application by the Director, orders confiscation of the object.

(3) A court may order the confiscation of a thing of which an authorised officer has taken possession under subsection (1) if of the opinion that the object has been used for the purpose of committing an offence or that there is some other proper reason for ordering its confiscation.

(4) If the court orders the confiscation of an object –

(a) the Director may dispose of the object; and

(b) the person from whom the object is confiscated is not entitled to be compensated for its loss.

78. Disconnection of gas supply

(1) If an authorised officer finds that gas is being supplied or consumed in contravention of this Act, the authorised officer may disconnect, or cause the disconnection of, the gas supply.

(2) If an authorised officer disconnects or causes the disconnection of a gas supply under this section, the officer must give written notice to the occupier of the relevant place –

(a) informing the occupier that the gas supply has been disconnected under this section; and

(b) directing that the gas supply must not be reconnected until arrangements have been made to the satisfaction of an

authorised officer to ensure against any future contravention of this Act.

(3) If a gas supply has been disconnected under this section, a person must not reconnect the gas supply, or have it reconnected, without the approval of an authorised officer.

Penalty: Fine not exceeding 500 penalty units.

79. Power to make gas infrastructure or gas installation safe

(1) If an authorised officer finds that any gas infrastructure, automotive gas fuel system or gas installation is unsafe, or does not comply with this Act, the officer may –

(a) disconnect the gas supply or give a direction requiring the disconnection of the gas supply; or

(b) give a direction requiring the carrying out of the work necessary to make the infrastructure or installation safe and compliant with this Act.

(2) Subject to this section, a direction under this section must be given –

(a) in respect of gas infrastructure, to the licensee in charge of the gas infrastructure; or

(b) in respect of a gas installation or automotive gas fuel system, to the person in charge of the installation or system or

the occupier of the place in which the installation or system is situated.

(3) A direction under this section may be given by written notice or, if the authorised officer is of the opinion that immediate action is required, orally.

(4) If a direction is given orally it must be confirmed in writing as soon as practicable after being given.

(5) A person to whom a direction is given under this section –

(a) must not contravene the direction; and

(b) must not reconnect or permit the reconnection of the gas supply unless the work required by the direction under this section has been carried out, or an authorised officer approves of the reconnection of the gas supply.

Penalty: Fine not exceeding 500 penalty units.

80. Power to require information

(1) An authorised officer may require a person to provide information in the person's possession relevant to the enforcement of this Act.

(2) An authorised officer may require a person to produce, for inspection by the authorised officer, documents or records in the person's possession that may be relevant to the enforcement of this Act.

(3) An authorised officer may require a person to answer any questions that the authorised officer reasonably asks that may be relevant to the enforcement of this Act.

(4) A person must not, without reasonable excuse, contravene a requirement under this section.

Penalty: Fine not exceeding 100 penalty units.

(5) A person is not required to give information or produce a document under this section if the answer to the question or the contents of the document would tend to incriminate the person.

(6) An authorised officer may retain documents and records produced under this section for the purpose of making copies of them.

81. Publication of result of investigation

(1) The Director may publish a report setting out the results of an authorised investigation.

(2) A report published under this section is protected by the defence of absolute privilege, within the meaning of section 27 of the *Defamation Act 2005*.

Division 3 – Infringement notices

82. Infringement notices

(1) An authorised officer may serve an infringement notice on a person who has attained the age of 16 years, if of the opinion that the person has

committed an offence under this Act, that is prescribed as an offence for which an infringement notice may be issued.

(2) An infringement notice is not to relate to 4 or more offences.

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

Division 4 – Legal proceedings

83. Limitation period for prosecutions

(1) Proceedings for an offence against this Act may be brought within the latest of the following periods to occur:

(a) within 2 years after the offence first comes to the notice of the Director;

(b) within 1 year after a coronial report was made or a coronial inquiry or inquest ended, if it appeared from the report or the proceedings at the inquiry or inquest that an offence had been committed against this Act;

(c) if a notice of defect, issued under the regulations, has been given in relation to the offence, within 6 months after –

(i) the notice of defect is contravened; or

(ii) it comes to the notice of the Director that the notice of defect has been contravened.

(2) A proceeding for an offence may be brought after the end of the applicable limitation period in subsection (1) if fresh evidence relevant to the offence is discovered and the court is satisfied that the evidence could not reasonably have been discovered within the applicable limitation period.

PART 6 – APPEALS AND ADMINISTRATIVE REVIEW OF DECISIONS

Division 1 – Administrative review of decisions

84. Interpretation of Division

(1) In this Division –

relevant decision means a decision by the Director or an authorised person, other than a decision in relation to entry to land.

(2) For the purposes of this Division, an interested person is a person whose interests are affected by a decision of the Director or an authorised officer.

85. Application for reasons for decision

(1) An interested person may apply, in writing, to the person who made the decision for a statement of the reasons for the decision.

(2) An application may only be made by a person under subsection (1) in relation to a relevant decision within 28 days after the person receives notice of the decision.

(3) A person who receives under subsection (1) an application in relation to a decision must, as soon as practicable and in any case within 60 days after the application is received, give to the applicant a statement in writing of the reasons for the decision.

86. Application for administrative review

(1) An interested person may apply to the Director for an administrative review of the decision.

(2) An application under subsection (1) for an administrative review of a relevant decision must be in writing and must set out in detail the grounds on which the person seeks the review.

(3) An application under subsection (1) for an administrative review of a relevant decision must be made –

(a) within 28 days after the date on which notice of the decision was given to the person; or

(b) if the person has requested under section 85 a statement of the reasons for the decision – within 28 days after those reasons are provided under that section.

(4) An application under subsection (1) for an administrative review of a relevant decision does not of itself affect the operation of the decision.

87. Stay of operation of decision

(1) The Director may stay the effect of a relevant decision that is subject to administrative review or appeal under this Division.

(2) The Director may not grant under subsection (1) a stay in relation to administrative review or appeal under this Division if the Director is of the opinion that the effect of the stay would be to

create a risk to public safety or to allow a risk to public safety to continue.

88. Reference of application for mediation

(1) The Director may refer an application for administrative review of a relevant decision to a mediator.

(2) If a mediator achieves an agreed settlement of the matter to which the application relates, the Director must determine the application of the relevant decision in accordance with the agreed settlement.

89. Decision on application for review of administrative decision

(1) The Director may, after taking the expert advice, if any, that the Director thinks appropriate, decide an application under section 86 for an administrative review of a decision by –

(a) confirming the decision; or

(b) amending the decision; or

(c) substituting another decision for the decision.

(2) The Director must give the applicant written notice of the Director's decision on the application of the relevant decision as soon as practicable and, in any case, no later than 45 days after receiving the application.

(3) The Director must, by notice served on the applicant, notify the applicant of –

(a) the determination made; and

(b) the findings on material questions of fact; and

(c) the evidence or other material on which the findings are based; and

(d) the reasons for the determination.

90. Reference of application for review for mediation or advice

The Director may delegate his or her power to review decisions, or decisions under this Division, to –

(a) a review panel appointed under the regulations; or

(b) a mediator.

Division 2 – Appeals

91. Appeal against decision made in respect of administrative review

(1) A person who is dissatisfied with a decision made under section 89 in relation to an application made by the person under section 85(1) may appeal to the Minister against the decision.

(2) Subject to this Division, an appeal is to be commenced, heard and determined in accordance with the regulations.

(3) An appeal under subsection (1) in relation to a decision made under section 89 does not of itself affect the operation of the decision.

92. Stay of operation of decision

(1) The Minister may stay the effect of a decision to which relates an appeal under this Division.

(2) The Minister may not grant under subsection (1) a stay in relation to an appeal under this Division if the Director is of the opinion that the effect of the stay would be to create a risk to public safety or to allow a risk to public safety to continue.

93. Powers of Minister on appeal

(1) On an appeal under this Division against a decision made under section 89, the Minister may –

(a) confirm the decision under appeal; or

(b) set aside the decision and substitute another decision; or

(c) set aside the decision and remit the matter to the Director with any directions that the Minister thinks fit.

(2) The Minister may make ancillary directions to deal with incidental matters that the Minister thinks fit.

(3) No appeal lies from the decision of the Minister on an appeal and, if this section applies to the Tribunal by virtue of section 94(2), section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply in relation to a decision of the Tribunal in relation to the appeal.

94. Referral of appeal to Tribunal

(1) If an appeal is made to the Minister under this Division and the Minister is of the opinion that the appeal relates to a technical or complex matter, the Minister may, if the Minister considers it appropriate to do so, refer the appeal to the Tribunal.

(2) If an appeal is referred to the Tribunal under subsection (1), a reference in another section of this Division to the Minister is taken to be a reference to the Tribunal and the Tribunal must hear and determine the matter in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.

95. . . . . .

PART 7 – OFFENCES

96. Unlawful interference with gas infrastructure or gas installation

A person must not, without proper authority –

(a) attach a gas installation or other thing, or make any connection, to gas infrastructure; or

(b) disconnect or interfere with a supply of gas from gas infrastructure; or

(c) damage or interfere with gas infrastructure or a gas installation in any other way.

Penalty: Fine not exceeding 100 penalty units.

97. Impersonation, obstruction of officials

(1) A person must not impersonate an authorised officer, a gas safety officer or any other person who may exercise powers under this Act.

Penalty: Fine not exceeding 50 penalty units.

(2) A person must not, without reasonable excuse, obstruct an authorised officer, a gas safety officer, or any other person, acting in the administration of this Act or exercising powers under it.

Penalty: Fine not exceeding 50 penalty units.

(3) A person must not use abusive or intimidatory language to, or engage in offensive or intimidatory behaviour towards, an authorised officer, a gas safety officer, or any other person, who is engaged in the administration of this Act or the exercise of powers under this Act.

Penalty: Fine not exceeding 50 penalty units.

98. Giving of false or misleading information

A person must not make a statement or representation that the person knows or believes to be false or misleading in a material particular, whether by reason of the inclusion or omission of any particular, in any information provided under this Act.

Penalty: Fine not exceeding 50 penalty units.

99. Confidentiality

(1) A person who is, or has been, employed in carrying out duties related to the administration of this Act must not disclose confidential information acquired in the course, or as a result, of carrying out those duties.

Penalty: Fine not exceeding 200 penalty units.

(2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that the disclosure of information was authorised under this section.

(3) A disclosure by a person who is, or has been, employed in carrying out duties related to the administration of this Act is authorised under this section if the disclosure –

(a) occurred in the course of carrying out official duties; or

(b) was authorised by the person to whom the duty of confidentiality is owed; or

(c) was authorised by the regulations; or

(d) was required by a court or other lawfully constituted authority or, subject to subsection (5), under another Act; or

(e) was authorised by the Director after consultation, where practicable, with the person to whom the duty of confidentiality is owed.

(4) No civil liability attaches to any person for a disclosure of confidential information that is authorised under this section.

(5) Information that is classified by the Director as confidential under section 12 is not liable to disclosure under the *Right to Information Act 2009*.

100. Verification of information

(1) Any information given to the Director under this Act must, if the Director so requires, be verified by a signed declaration.

(2) A person who makes a declaration verifying information given to the Director under this Act knowing the information to be false or misleading in a material particular is guilty of an offence.

Penalty: Fine not exceeding 1 000 penalty units.

101. Offences by bodies corporate

If a body corporate commits an offence against this Act, each person concerned in the management of the body corporate is, subject to the general defence under section 104, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

102. Continuing offence

(1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission –

(a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and

(b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise

applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the first-mentioned offence.

(2) If an offence consists of an omission to do an act that is required to be done, the omission is taken to continue for as long as the relevant person fails to do that act after the end of the period for compliance with the requirement.

103. Statutory declarations

(1) If a person is required by or under this Act to give information to the Director, the Director may require that the information be verified by statutory declaration.

(2) If a person is required under subsection (1) by the Director to verify information by statutory declaration, the person is taken not to have given the information as required by or under this Act unless the information has been so verified.

104. General defence

It is a defence in proceedings for an offence under a provision of this Act if the defendant proves that the act or omission constituting the offence was reasonably necessary in the circumstances in order to avert, eliminate or minimise danger to any person or property.

PART 8 – MISCELLANEOUS

105. Exemptions

(1) The Governor, by order, may declare that the provisions of this Act, or such of the provisions of this Act as are specified in the order, do not have effect in respect of –

(a) a specified person or class of persons, or do not have effect to such extent as is specified; or

(b) specified gas infrastructure or class of gas infrastructure, or do not have effect to such extent as is specified; or

(c) a specified appliance or class of appliances, or do not have effect to such extent as is specified; or

(d) a specified gas installation or class of gas installations, or do not have effect to such extent as is specified; or

(e) specified gas-fitting work or a class of gas-fitting work, or work relating to a gas installation or class of gas installations, or do not have effect to such extent as is specified.

(2) An order under subsection (1) –

(a) may specify the period during which the order is to remain in force; and

(b) may provide that its operation is subject to such terms and conditions as are specified in the order.

(3) A person to whom an order under this section applies must comply with any terms and conditions to which the operation of the order is subject.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) a natural person, a fine not exceeding 25 penalty units.

106. Application and issue of warrants generally

(1) An authorised officer or a gas safety officer may apply to a justice of the peace for a warrant to enter a place specified in the application for the purposes of enabling the officer to perform the officer's functions, or exercise the officer's powers, under this Act.

(2) A justice of the peace may, on the application of an authorised officer or a gas safety officer under subsection (1), issue a warrant to the officer to enter a place for the purposes of performing the officer's functions, or exercising the officer's powers, under this Act.

(3) A warrant authorises the authorised officer or gas safety officer, to whom it was issued, with

any assistants and by any force reasonably necessary –

(a) to enter the place specified in the warrant; and

(b) to do, at any time, or within any period, specified in the warrant, anything that the officer is authorised to do by this Act.

(4) An authorised officer or gas safety officer must be accompanied by a police officer when entering a place with the authority of a warrant.

(5) A warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.

107. Urgent situations

(1) An authorised officer or a gas safety officer may apply to a justice of the peace for a warrant under section 106 by telephone, facsimile, or other means that is prescribed, if the officer considers that the urgency of the situation requires it.

(2) A justice of the peace may complete and sign a warrant applied for under subsection (1) in the same way as a warrant applied for by the officer in person, if the justice of the peace is satisfied that there are reasonable grounds for issuing the warrant urgently.

(3) A justice of the peace who grants a warrant applied for under subsection (1) must –

(a) inform the authorised officer, or the gas safety officer, to whom the warrant is issued, of –

(i) the terms of the warrant; and

(ii) the date on which, and the time at which, the warrant was signed; and

(iii) the date on which, and the time at which, the warrant ceases to have effect; and

(b) record on the warrant the reasons for granting it.

(4) The authorised officer, or the gas safety officer, to whom a warrant is issued in accordance with subsection (3) must –

(a) complete a form of warrant in the same terms as the warrant signed by the justice of the peace; and

(b) write on the form –

(i) the name of the justice of the peace; and

(ii) the date on which, and the time at which, the warrant was signed; and

(c) send the completed form of warrant to the justice of the peace not later than the day after the warrant is executed or ceases to have effect.

(5) On receipt of the form of warrant, the justice of the peace must attach it to the warrant that the justice of the peace signed under subsection (2).

(6) A form of warrant completed by an authorised officer or a gas safety officer under subsection (4) has the same force as a warrant signed by the justice of the peace under subsection (2).

108. Extension of time limits

(1) The Director may extend time limits fixed by or under this Act.

(2) A time limit may be extended under this section even though it has, at the time of the extension, already expired.

109. Notice of work that may affect gas infrastructure

(1) A person must not, without authority from the operator of gas infrastructure, carry out or instruct any other person to carry out any boring or excavation within one metre of that gas infrastructure.

Penalty: Fine not exceeding 25 penalty units.

(2) It is a defence to a charge for an offence against subsection (1) if the defendant establishes that –

(a) the offence occurred in an emergency and it was not practicable to obtain the authority required by subsection (1); and

(b) the operator of the gas infrastructure was notified as soon as practicable after the work was commenced.

(3) A person who carries out work as mentioned in subsection (1) in the vicinity of gas infrastructure must not contravene –

(a) requirements prescribed by the regulations that are applicable to the work; and

(b) reasonable requirements made by the operator of the gas infrastructure, for the protection of the infrastructure or the safety of the persons carrying out the work.

Penalty: Fine not exceeding 25 penalty units.

110. Undertaking work near pipelines subject to an easement

(1) A person must not without authority from the operator of a pipeline, carry out, or instruct any other person to carry out, any boring or excavation in, or on, any ground that is subject to an easement granted to a licensee under the *Gas Industry Act 2019*.

Penalty: Fine not exceeding 50 penalty units or, if the pipeline has been uncovered, fine not exceeding 200 penalty units.

(2) Subsection (1) does not apply to hand excavation, ploughing or cultivation down to a

prescribed depth by owners or occupiers of land on which a pipeline is situated.

(3) It is a defence in proceedings for an offence against subsection (1) if –

(a) the defendant establishes that the authority sought from the operator of the pipeline was unreasonably refused; or

(b) the defendant establishes that –

(i) the offence occurred because of the occurrence of an emergency in which it was not practicable to obtain the authority of the operator of the pipeline as required by that subsection; and

(ii) the operator of the pipeline was notified as soon as practicable after the work was carried out.

(4) A person who carries out work as mentioned in subsection (1) must comply with –

(a) any requirements prescribed by the regulations that are applicable to the work; and

(b) any reasonable requirements made by the operator of the pipeline for the protection of the pipeline or the safety of persons or property.

Penalty: Fine not exceeding 50 penalty units.

111. Obligation not to interfere with regulated activities

A person must not, except as authorised under this Act, interfere with regulated activities carried out as a licensee.

Penalty: Fine not exceeding 500 penalty units.

112. Immunity from personal liability

(1) The Director, a delegate of the Director, an authorised officer or any officer or employee of the Crown engaged in the administration or enforcement of this Act, is not personally liable for an act or omission in good faith in the performance or exercise, or purported performance or exercise, of a power, function or duty under this Act.

(2) A liability that would, but for subsection (1), lie against a person lies instead against the Crown.

113. Evidence

(1) In any legal proceedings, an apparently genuine document signed by the Secretary of the Department stating that a person held a specified appointment under this Act at a specified time is admissible as evidence of that fact.

(2) In any legal proceedings, an apparently genuine document signed by the Director certifying as to the giving and contents of a delegation, exemption, approval or authorisation under this Act is admissible as evidence of the matters so certified.

114. Service of notices

A notice or other document may be given or served under this Act on a person if –

(a) in the case of a natural person, it is –

(i) given to the person; or

(ii) left, or sent by post to, the person's postal or residential address or address of business or employment last known to the server of the notice or other document; or

(iii) faxed to the person's fax number; or

(iv) emailed to the person's email address; or

(b) in the case of any other person, it is –

(i) left, or sent by post to, the person's principal or registered office or principal place of business; or

(ii) faxed to the person's fax number; or

(iii) emailed to the person's email address; or

(c) if a notice or other document is required or authorised to be given to or served on the holder of a licence and the licence is

held by 2 or more persons, it is sufficient for the purposes of this Act if the notice or other document is given to or served on any one of those persons; or

(d) if a copy of a notice is transmitted by fax or email, the notice is taken to have been given on the next business day after it was transmitted.

115. Notices not statutory rules

A notice given by the Director under this Act is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

116. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting subsection (1), the regulations may –

(a) provide for –

(i) the distribution, retailing, conditioning and storing of gas; and

(ii) the construction, installation and positioning of a pipeline or a pipeline facility; and

(iii) any technical, operational or safety requirement relating to the

construction, maintenance or operation of a pipeline or a pipeline facility; and

(iv) the construction and installation of gas infrastructure, gas storage systems, automotive fuel systems and gas installations; and

(v) technical, operational and safety requirements and standards and monitoring and enforcing compliance with the prescribed requirements and standards; and

(vi) the quality of gas; and

(vii) the installation of meters; and

(viii) the examination and testing of gas appliances; and

(ix) the labelling of gas appliances of a class specified in the regulations; and

(x) the exemption (conditionally or unconditionally) of classes of persons, things or operations from the application of this Act or specified provisions of this Act; and

(xi) the issue of infringement notices for offences specified in the regulations; and

(xii) fees to be paid in respect of any matter under this Act and the waiver or refund of those fees; and

(xiii) the procedure for the reporting of incidents; and

(xiv) the procedure for administrative reviews and appeals; and

(b) declare that a substance is not a gas for the purposes of this Act or a provision of this Act; and

(c) apply, adopt or incorporate all or any of the provisions of a determination, standard, guideline or rule relating to gas infrastructure and provide that those provisions may be applied, adopted or incorporated as they currently exist, as amended by the regulations or as amended from time to time.

(3) A regulation may provide that a contravention of the regulation is an offence punishable by a fine not exceeding 500 penalty units.

(4) The regulations may –

(a) be of general application or limited in application according to the persons, areas, times or circumstances to which they are expressed to apply; or

(b) provide that a matter or thing in respect of which regulations may be made is to

be determined, regulated or prohibited according to the discretion of the Minister or the Director; or

(c) refer to or incorporate, wholly or partially and with or without modification, any standard or other document prepared or published by a body referred to in the regulations as in force from time to time or as in force at a particular time.

117. Savings and transitional provisions

(1) In this section –

commencement day means the day on which Part 3 of this Act commences.

(2) Any acceptance or approval issued by the Director of Gas Safety under the *Gas Act 2000* or the *Gas Pipelines Act 2000* and in force immediately before the commencement day is valid and remains in force as if it had been issued under this Act on the same terms and conditions, unless it is sooner revoked in accordance with this Act.

118. Administration of Act

Until provision is made in respect of this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Building and Construction; and

(b) the department responsible to that Minister in respect of the administration of this Act is the Department of Justice.

NOTES

The foregoing text of the *Gas Safety Act 2019* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
Gas Safety Act 2019	No. 2 of 2019	3.2.2021
Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021	No. 18 of 2021	5.11.2021
Justice and Related Legislation (Miscellaneous Amendments) Act 2026	No. 25 of 2026	20.11.2026

TABLE OF AMENDMENTS

Provision affected	How affected
Section 3	Amended by No. 18 of 2021, s. 112 and No. 25 of 2026, s. 18
Section 93	Amended by No. 18 of 2021, s. 113
Section 94	Substituted by No. 18 of 2021, s. 114
Section 95	Repealed by No. 18 of 2021, s. 115