

Western Australia

**Gas Standards (Infringement Notices)
Regulations 2007**

As at 10 Oct 2007

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Western Australia

Gas Standards (Infringement Notices) Regulations 2007

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Western Australia

Gas Standards Act 1972
Criminal Procedure Act 2004

Gas Standards (Infringement Notices) Regulations 2007

1. Citation

These regulations are the *Gas Standards (Infringement Notices) Regulations 2007*.

2. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

3. Authorised officers and approved officers

- (1) The Director may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes the *Criminal Procedure Act 2004* Part 2.
- (2) The Director is to issue to each authorised officer a certificate of his or her appointment.

4. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

Offences under <i>Gas Standards Act 1972</i>		Modified penalty
s. 12(4), 14	Failing to assist inspector in removing an item of equipment	\$400
s. 13(1)	Commencing to supply gas to consumer gas installation that does not comply with prescribed requirements	\$400
s. 13D	Selling or hiring, or advertising for sale or hire, gas appliance that — (a) is not approved; or (b) is not marked, stamped or labelled in approved manner	\$400
s. 13H(4)	Failing to comply with order prohibiting, or imposing conditions or restrictions on, sale, hire or use of appliance or component	\$400

Offences under <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i>		Modified penalty
[Failure to comply with these regulations is an offence under s. 14 of the Act.]		
r. 18(2)(a)	Failing to ensure gas installation complied with prescribed requirements and is safe to use	\$400
r. 19(b)	Performing work outside scope of gas fitter's authorisation	\$400
r. 20(1)(b)	Installing appliance, apparatus or part contrary to manufacturer's instructions	\$400
r. 20(3)	Failing to endorse note as to safe operation on notice of completion for used appliance	\$400
r. 20(4a)	Modifying appliance without approval	\$400
r. 22	Leaving Type B appliance permanently connected without certificate of compliance	\$400
r. 23	Failing to record service information in required manner	\$400
r. 26(1)(a)	Failing to ensure gas installation system is gas-tight	\$400
r. 28(2)	Failing to attach approved badge or label on completion of work	\$400

Offences under <i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999</i>		Modified penalty
<small>[Failure to comply with these regulations is an offence under s. 14 of the Act.]</small>		
r. 28(3)	Failing to give notice of completion of gasfitting work within required time	\$400
r. 30	Failing to rectify defects and give notice of rectification within required time	\$400
r. 34(1)	Failing to keep records of employed gas fitters in required manner	\$250
r. 34(3)	Failing to keep records for required time	\$250
r. 34(4)	Failing to make records available for inspection	\$250
r. 35(1)	Supplying gas to Type A appliance without notice of completion	\$400
r. 36(1)	Using Type B appliance without certificate of compliance	\$400
r. 39	Marking, stamping or labelling appliance to falsely state or imply that it is approved	\$400
r. 42	Failing to report incident causing, or likely to cause, injury or damage	\$400
r. 42A	Failing to report defect rendering gas installation unsafe	\$400

Offences under <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i>		Modified penalty
<small>[Failure to comply with these regulations is an offence under s. 14 of the Act.]</small>		
r. 4(2)	Failing to ensure gas supplied to consumer installation is within pressure limits	\$400
r. 5(2)	Failing to ensure natural gas supplied to consumer satisfies quality standards	\$400
r. 7(1)	Failing to ensure LPG supplied to consumer satisfies quality standards	\$400
r. 7(4)	Failing to keep records of sampling for required period	\$400
r. 22(2)(a)	Failing to give notice before commencing major activity	\$400
r. 22(2)(b)	Failing to give quarterly outline of proposed major activities	\$400
r. 24(1)	Failing to ensure prescribed activity is carried out in accordance with specified standard or code	\$400
r. 37	Failing to ensure prescribed activity is carried out in accordance with accepted safety case	\$400

Offences under <i>Gas Standards (Gas Supply and System Safety) Regulations 2000</i>		Modified penalty
[Failure to comply with these regulations is an offence under s. 14 of the Act.]		
r. 38(1)	Failing to lodge report in respect of accepted safety case	\$400
r. 41(1)	Failing to establish and maintain record keeping system in relation to accepted safety case	\$400
r. 41(3)	Failing to keep records in required manner	\$400
r. 41(4)	Failing to keep records for required time	\$400
r. 43(1)	Failing to notify Director of notifiable incident within required time	\$400
r. 44(3)	Failing to lodge report of notifiable incident within required time	\$400

[Schedule 1 amended in Gazette 9 Oct 2007 p. 5347.]

Schedule 2 — Forms

[r. 4]

Form 1 — Infringement notice

<i>Gas Standards Act 1972</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Alleged offence	Description of offence _____	
	<i>Gas Standards Act 1972 s. Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 r. Gas Standards (Gas Supply and System Safety) Regulations 2000 r.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice / /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p style="padding-left: 20px;">By post: Send a cheque or money order (payable to ‘Director of Energy Safety’) to: Director of Energy Safety [Address]</p> <p style="padding-left: 20px;">In person: Pay the cashier at: Energy Safety [Address]</p> <p>If you do not pay the modified penalty within 28 days, you will be prosecuted or enforcement action will be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver’s licence and/or vehicle licence may be suspended.</p>	

	<p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Director of Energy Safety at the above address.</p> <p>If you want this matter to be dealt with by prosecution in court, tick this box <input type="checkbox"/> and post this notice to the Director of Energy Safety at the above address within 28 days after the date of this notice.</p>
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Form 2 — Withdrawal of infringement notice

<i>Gas Standards Act 1972</i>		Withdrawal no.
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Infringement notice	Infringement notice no. _____	
	Date of issue / /20	
Alleged offence	Description of offence _____	
	<i>Gas Standards Act 1972 s.</i>	
	<i>Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 r.</i>	
	<i>Gas Standards (Gas Supply and System Safety) Regulations 2000 r.</i>	
Date / /20		Time a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal / /20	
Withdrawal of infringement notice	The above infringement notice issued against you has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund.	
[*delete whichever is not applicable]	* Your refund is enclosed.	
	or	
* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to:		
Director of Energy Safety		
[Address]		
Signature _____		/ /20

Notes

¹ This is a compilation of the *Gas Standards (Infringement Notices) Regulations 2007* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Gas Standards (Infringement Notices) Regulations 2007</i>	20 Mar 2007 p. 1061-70	20 Mar 2007
<i>Gas Standards (Infringement Notices) Amendment Regulations 2007</i>	9 Oct 2007 p. 5347	r. 1 and 2: 9 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Oct 2007 (see r. 2(b))