

# Proposed Gas Safety (Gas Installation) Regulations 2018

Discussion paper and draft regulations

# Discussion paper

Proposed Gas Safety  
(Gas Installation) Regulations 2018

## Summary

### Legislation and current regulations

The Gas Safety Act 1997 ('the Act') provides for the safe conveyance, sale, supply, measurement, control and use of gas in Victoria. A key element of the Act is to control the acceptance and approval processes of gas appliances and work on gas installations.

The specific requirements for these processes, and the prescribed standards and obligations that apply to installations and gasfitting work, are set out in the Gas Safety (Gas Installation) Regulations 2008.

New Gas Safety (Gas Installation) Regulations are proposed to replace the existing regulations that expire on 16 December 2018.

### Objectives of current regulations

Gas is an important resource for industry and the community, and its safety is controlled through application of the Act and its regulations.

The Act establishes the general form that safe compliance must take with the regulations providing detail and codifying certain safety standards.

Regulations are intended to provide certainty to industry on what action is required to achieve safety outcomes. As a result, this provides confidence to the community that safety standards and protections are clearly defined.

The current Regulations specify procedures relating to the acceptance of appliances and gas installations, and prescribe standards for the safety of gas appliances, gas installations and work on gas appliances and gas installations – specifically AS/NZS 5601 and AS 3814.

### Nature of proposed Regulations

Overall, the proposed Regulations are intended to appropriately balance the cost of compliance against the safety outcomes facilitated by regulation. ESV considers that the proposed Regulations will impose a relatively low impact upon gas industry participants as they continue long established practices in Victoria, largely replicated in other jurisdictions.

The proposed Regulations remain largely consistent with the current Regulations with improvements to clarity and efficiency. Some requirements were considered redundant and have been removed.

Transition arrangements to allow for changes in published standards have been introduced in order to enable cost effective compliance and progressive safety improvements. ESV will retain the capacity to respond to ensure significant safety issues are promptly addressed.

The proposed Regulations incorporate an element of legislation requiring LPG supplied by a person (not just gas companies) to meet the prescribed standards of quality.

These changes were identified following stakeholder consultations during 2017, policy review of the current Regulations, and reviews of legislative arrangements administered by other regulators and jurisdictions.

The proposed Regulations will be supported by ongoing changes in ESV's administration. In addition, ongoing use of the online gas application system, GasTrac, will enable better data capture for future analysis to identify trends and issues.

These amendments, along with the rationale for change, are included in Appendix 1.

The Act is structured to be supported by regulations that ensure protection of community safety and efficient delivery of the intentions of the Act. For example, the Act authorises gas inspectors and the Regulations empower them to immediately disconnect a gas supply to a dangerous or faulty installation.

## Materiality of regulatory burden

The calculation of costs for the proposed regulation of appliances and installations is of the same relatively low order that currently arises. Analysis suggests that the proposed Regulations will not impose a 'significant burden' because the annual regulatory burden has been calculated to be around \$1.37 million (see Table 1 below). Costs were separately collated for regulatory compliance, administrative and financial costs. The substantive compliance costs were estimated to be \$0.92 million per annum. Administrative requirements or 'red tape' were examined and estimated to be \$0.41 million per annum.

In the interests of simplification, all costs were attributed directly to the proposed Regulations rather than allocated between the Act and Regulations.

**Table 1: Regulatory Costs of the proposed Regulations**

<b>Gas Safety (Gas Installation) Regulations 2018</b>	
<b>Description of cost</b>	<b>Cost (\$)</b>
Administrative cost	412,778
Substantive compliance costs	925,424
Financial costs	34,118
<b>Total regulatory costs (\$)</b>	<b>1,372,320</b>

## Introduction of fees for certain safety cases

Energy Safe Victoria (ESV) intends to introduce two new fees. A fee of 51 fee units (currently \$725.22) is proposed for applications under section 69 of the Act for the acceptance of an appliance or a class of appliance, and similarly a fee of 8.03 fee units (currently \$114.20) is proposed for an application for exemption from standards or requirements<sup>1</sup> under section 72(3) of the Act.

The introduction of the fees is consistent with the fees that apply for certification of electrical appliances by ESV under the Electricity Safety Act 1998, and also with the fees that apply for applicants seeking approval from the Victorian Building Authority (VBA) for modifications to requirements under the Building Act 1993 and set out in the Plumbing Regulations 2008. ESV seeks to encourage people seeking an application or exemption to properly value the service and consider appropriate options to achieve compliance with safety standards.

A total cost of \$34,118 per annum (financial costs) to industry has been calculated.

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<sup>1</sup> The proposed fee mirrors comparable fees for the certification of electrical equipment under s55 of the *Electricity Safety Act 1998*, and the proposed fee for s72 exemptions is consistent with comparable fees charged by the Victorian Building Authority for the modification of requirements under s221ZZO of the *Building Act 1993* (analogous to s72 of the *Gas Safety Act 1997*).

## How to make a submission

Energy Safe Victoria (ESV) you to provide comment on this Discussion Paper by no later than **Tuesday, 27 March 2018**.

Submissions should be addressed to:

Neil Jenkins - Senior Policy Officer

Energy Safe Victoria

PO Box 262,

Collins St West, VIC 8007

Or send by email to: [inforegulations@energysafe.vic.gov.au](mailto:inforegulations@energysafe.vic.gov.au)

For more information, contact Neil Jenkins on (03) 9674 6300

Please note that in the interests of transparency ESV will make submissions to this Discussion Paper publicly available. Should you wish for any parts of your submission to remain confidential please clearly indicate the sections of the submission and reasoning for the request. ESV will determine whether or not to withhold or publish the submission following consultation with you.

## Definition of key terms

<b>The Act</b>	Gas Safety Act 1997
<b>The current Regulations</b>	Gas Safety (Safety Case) Regulations 2008
<b>The proposed Regulations</b>	Gas Safety (Safety Case) Regulations 2018
<b>ABN</b>	Australian Business Number
<b>ACN</b>	Australian Company Number
<b>CO</b>	Carbon monoxide
<b>ESC</b>	Essential Services Commission
<b>ESV</b>	Energy Safe Victoria
<b>LPG</b>	Liquefied petroleum gas
<b>Type A appliance</b>	Appliances accepted as Type A appliances under an accredited acceptance scheme or by ESV. Domestic and light commercial type appliances, such as such as heaters, water heaters, household ovens and cooktops, are Type A appliances.
<b>Type B appliance</b>	An appliance (including a second-hand appliance) with gas consumption in excess of 10MJ/h, including any components and fittings downstream of and including the appliance manual shut-off valve (but does not include a Type A appliance). Installation of a Type B appliance is a complex gas installation.
<b>VBA</b>	Victorian Building Authority, which regulates the licensing and registration of gasfitters and regulates gasfitting work other than complex gas installations (i.e. standard gas installations).

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# 1. Background

## 1.1 Regulatory review process

Energy Safe Victoria (ESV) is the independent technical regulator responsible for electricity, gas and pipeline safety in Victoria. ESV administers the *Gas Safety Act 1997* ('the Act'), which provides for the safe conveyance, sale, supply, measurement, control and use of gas in Victoria.

Key elements of the Act require gas companies to prepare safety cases—documents that set out their policies and processes to ensure they will meet their duties under the Act to minimise the risks arising from supply and use of gas, and provide convenience to the owners/operators of industrial gas installations by allowing voluntary gas safety cases – documents that propose an alternative form of compliance with respect to licensed gasfitting work and gas installation technical standards.

Specific requirements to be included in a safety case are set out in the *Gas Safety (Safety Case) Regulations 2008*. Regulations—statutory rules made under the authority of the Act—automatically expire after ten years. The current Regulations are due to sunset on 16 December 2018, and new regulations are needed to replace them.

The remaking process provides an opportunity to determine whether regulations are still needed, and if so, whether there are ways to improve them. Before new regulations are made, the *Subordinate Legislation Act 1994* and associated guidance material requires that most regulations follow this process:



ESV consulted with parties likely to be directly affected by the proposed Regulations several times during 2017. During this time ESV established and tested the costs and benefits of the proposed Regulations.

ESV's analysis estimates that the impact of the proposed Regulations would be \$1.457<sup>2</sup> million per annum (attributing all costs to the proposed Regulations only). Feedback from stakeholders also suggests that the proposed Regulations reflect current practices that lead them to incur these costs under the current form of the proposed Regulations. Therefore, the release of a formal Regulatory Impact Statement (RIS) is not required on the basis that the proposed Regulations will not impose a significant economic or social burden on a sector of the public.

Instead, ESV is releasing the proposed Regulations and a discussion paper (this document) for consultation to industry and the wider community to ensure that the proposed Regulations are robust, and balance regulatory burden against safety benefit. This Discussion Paper outlines a high level cost benefit analysis, and invites stakeholders to make submissions on the issues no later than 27 March 2018.

Following consideration of all submissions received in response to the proposed Regulations, a statement of reasons will be made available. Once the proposed Regulations are made, copies of all submissions and other supporting documentation will be given to the Parliament's Scrutiny of Acts and Regulations Committee.

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<sup>2</sup> The previously noted figure of \$0.34m was incorrect. The correction has not affected the analysis.

## 1.2 Gas safety in Victoria

Natural gas is supplied to over 1.9 million Victorian homes and businesses. A similar number use liquefied petroleum gas (LPG). In addition, portable gas heaters and gas cooking appliances may be used by businesses and consumers for outdoor activities, such as barbecues and camping.

Gas is an important resource for industry and the community. It is a safe resource when the risks that arise from the provision and use of gas are anticipated and appropriately controlled. The Act and Regulations define the regulatory framework that is considered necessary to ensure the appropriately safe provision and use of gas.

## 1.3 Policy framework

The Act and current Regulations (and their predecessors) have been in effect for a number of decades. During that time gas incidents have been infrequent, and the regulatory gas safety regime has ensured that gas risks have been well managed. In administering the Act and Regulations ESV seeks to ensure that it makes decisions based on sound evidence, in proportion to the risk of gas incidents, and with appropriate technical knowledge of the industries that it regulates.

Regulations made under the Act give operational effect to the Act; the Act establishes the form that safe compliance must take, but the regulations describe the requirements, including key elements of the safety management system that every safety case is required to have.

The regulations are intended to provide certainty to industry on what is required to achieve safe outcomes, and confidence to the community that safety standards and protections are clearly described. They achieve this by addressing known matters of higher risk and technical detail and specificity, when required, to ensure safety.

The Act was designed with the intention that for efficiency, it would be supported by regulations. In the absence of regulations, safety requirements would be reliant on a range of voluntary codes or guidance. While implementation of these could achieve the required safety outcomes, it would be less efficient and potentially less transparent which would reduce confidence in the gas safety framework.

The proposed Regulations are intended to provide cost effective and efficient delivery of the intentions and obligations of the Act; however, obligations and duties placed on gas industry participants such as manufacturers, suppliers and gasfitters can result in increased costs passed through to end consumers. The proposed Regulations have been carefully designed with consideration of the need to maintain an appropriate balance between necessary safety standards and the cost of achieving them.

## 1.4 Legislative context

The *Gas Safety Act 1997* establishes the safety regime for gasfitting work, gas appliances and gas installations in order to ensure the safety of the gas. The main objectives of the Act are to:

- ensure safe conveyance, sale, supply, measurement, control and use of gas and to generally regulate gas safety;
- control the safety of gas installations and the safety standards of gas work; and
- maintain public and industry awareness of gas safety requirements.

For downstream use of gas, the Act establishes a regulatory framework in relation to gas appliances and installations, and gasfitting work. There are risks of harm from use of gas if gas appliances and installations suffer from defective design, inadequate standards, defective materials, insufficient installation competency, or maintenance, or improper operation.

Safety is a key consideration of gas appliance and installation design. Licensed and competent gasfitters are required to install appliances and undertake gasfitting work on installations, in accordance with safety standards to prevent harm. Furthermore, gas safety is also managed in Victoria through a system of formal acceptance of higher-risk installations and certification of appliances, and supported by ongoing education of industry participants and the community.

## 2. What is the problem being addressed?

This section of the Discussion Paper addresses the evidence supporting the need for action. Gas is a safe resource where the risks that arise when providing and using gas are appropriately controlled. The regulations (in conjunction with the Act) have specified a regulatory framework that has ensured that the likelihood of serious gas incidents (incidents resulting in death, serious injury or significant damage to property) have been reduced to the most practical level.

### 2.1 The nature of the problem

Gas is an essential fuel for many households, businesses and industrial processes as an affordable and convenient energy source. Gas leaks, due to rupture or damage to pipes or poorly made or improperly installed gas appliances, can cause an explosion or fire, putting at risk personal safety and property. Gas incidents that arise from gas heaters or gas cookers in residential properties for example, can lead to fire due to direct exposure to flame or the transfer of heat, and the build-up of dangerous emissions such as carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>) can lead to serious consequences, including fatalities.

CO is a by-product of combustion, and is produced in greater amounts by incomplete combustion. It can be produced in common home appliances such as; gas or oil furnaces, gas fridges, gas cookers, gas clothes dryers, gas water heaters, space heaters and wood burning stoves.

CO is odourless and colourless and can fatally poison or cause chronic illness that can go undiagnosed. Gas appliances and installations must meet compliance standards at the time of use and installation (including ventilation) to ensure users are not exposed to harmful levels of CO.

Since 2004-05 ESV has monitored gas related incidents. Most fatalities and serious injuries resulting from the use of gas arise from maintenance issues in relation to installations and appliances, installation or appliance defects, or intentional or unintentional misuse by consumers.

**Table 2: Serious gas incidents in Victoria reported to ESV**

	12/13	13/14	14/15	15/16	16/17
<b>Gas-caused deaths</b>	1	0	2	1	1
<b>Gas fatalities per million population</b>	0.17	0	0.34	0.16	0.16
<b>Serious injuries</b>	1	1	6	7	5
<b>Significant damage to property</b>	5	1	3	1	5
<b>Gas-related fires and explosions</b>	-	26	29	20	19

In 2016-17 the reported gas caused death was as a result of an explosion and fire at a cabin in a caravan park. ESV attended the site but was unable to determine the cause of the explosion and fire due to the extensive damage to the cabin and gas cooker. ESV provided information to Victoria Police as part of its investigation.

Details about the five serious injuries during the 2016-17 financial year include:

- An elderly man and infant from the same house were hospitalised with suspected carbon monoxide (CO) poisoning. When ESV investigated the ducted gas heater beneath the house it found that the flue had melted and failed, that the heater's data plate had been imperfectly labelled so that the heater was incorrectly identified and the wrong flue type had been installed. The unit had also not been properly serviced contributing to excessive production of CO.
- A refrigeration mechanic was burned and injured following an explosion involving a hand-held propane gas torch (welding torch). The mechanic approached the work vehicle and smelled gas that had escaped from the gas torch. He attempted to remove the gas torch but inadvertently touched the ignition button which ignited the gas.
- The occupant of a house was decanting a 9kg gas cylinder outside near the hot water unit of the house. There was a build-up of gas that was ignited by the pilot light of the hot water unit. The occupant sustained serious burns and was admitted to hospital.
- There was fire and explosion in the garage of residential premises. The occupant appeared to have modified the valve of a 9kg LPG cylinder so that cylinder contents escaped. There were numerous potential ignition sources in the garage and an explosion resulted. The occupant received burns and required hospitalisation.

Some incidents reported in the past 12 months appear related to consumer behaviour that is not in the direct purview of these Regulations. ESV has found that the most efficient and effective way to address risks relating to community behaviour is through awareness and education campaigns encouraging safe practice for maintenance and appropriate use of gas installations and appliances.

## 2.2 Regulating gasfitting work

The *Gas Safety Act 1997* (the Act) defines 'gasfitting work' as work carried out in connection with the installation, replacement, repair, alteration, maintenance, or commissioning of any gas installation or any part of a gas installation. 'Gas installation' is also specifically defined<sup>3</sup>. The Act places responsibilities relating to gasfitting work including:

- a person who carries out work on a complex gas installation must apply to ESV for acceptance of the gas installation before the gas installation is commissioned
- a person must not carry out building work at premises which they know, or should reasonably be expected to know will make a gas installation at the premises unsafe, or a building at the premises unsafe if that premises is supplied with gas
- a person must not knowingly, recklessly or negligently break, injure, open or tamper with any pipeline, gas installation or meter assembly
- a person must not carry out upstream gas work in relation to any facility unless they have been approved by ESV to carry out that work.

The Act also requires any person carrying out gasfitting work to comply with prescribed standards and requirements in relation to the gasfitting work and in relation to the appliances or gas installations on which the work is performed, as set out in regulations made under the Act.

The current Regulations prescribe the Standards AS/NZS 5601.1 and AS/NZS 5601.2 as the applicable standards for gasfitting work.

There are also certain types of gasfitting work that represent considerably higher levels of risk in relation to gas safety. These include hot tapping (making a connection to consumer piping while the pipe is in use and contains gas under pressure), or where a gas pressure raising device or a mixing device is being installed<sup>4</sup>. These are specifically addressed in the current Regulations and require authorisation by ESV.

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<sup>3</sup> See section 3(1) of the *Gas Safety Act 1997*

<sup>4</sup> To protect the gas supply and meter from low pressure, pulsation or reverse flow conditions.

The current Regulations also restrict gasfitting work that involves installation of flueless gas heaters by allowing the replacement of an existing flueless gas heater in residential premises with a new flueless space heater providing it meets certain conditions. Otherwise, flueless space heaters may not be installed. Further, the Regulations specifically state that flueless space heaters may not be installed in hospitals, medical centres, residential centres or community health centres.

## 2.3 Regulating gas appliances and installations

Most of the more common gas appliances, such as gas heaters, water heaters, ovens and cooktops used in homes are Type A appliances. Type B appliances are less common (given the high rate of gas consumption) and most often used in large scale industrial and commercial installations.

The Act identifies specific responsibilities that apply to gas appliances, stating that:

- a person must not knowingly, recklessly or negligently supply or offer to supply or sell or offer to sell an appliance that is unsafe;
- a person cannot supply or install a Type A appliance unless it is accepted and bears an approved label;
- a person must not knowingly, recklessly or negligently make a modification to a Type A appliance that would make the appliance unsafe to use if the appliance was used for its intended purpose;
- a person must not use a Type B appliance unless the gas installation of which that appliance forms part, has been accepted by ESV; and
- ESV may prohibit the supply or sale of, or order a recall of, any gas installation, appliance or component.

ESV accepts gas appliances by requiring that certain information is provided, which may include test results in relation to the appliance, as described in the schedules of the Regulations.

The Regulations prescribe the Standard AS 3814 in relation to Type B appliances. The information required for a Type B appliance addresses technical gas safety requirements to ensure adequate safety precautions in response to potential explosions. ESV reviews the applications to determine risk associated with the appliance or installation, before prioritising inspection and allowing commissioning gas.

Once accepted the Type B appliance must be fitted with a compliance plate that includes ESV's acceptance number, date of installation, and appliance serial number. This ensures gasfitters undertaking future maintenance, or owners of the appliance can readily observe that it has been installed as required by the regulations by a competent gasfitter.

The Act defines *gas installation* as the downstream connection of a gas supply to any gas pipe, appliance or meter, or an LPG storage vessel (<500 litres) and downstream assets. It includes any means of ventilation or system for the removal of combustion products.

Gas installations are categorised under the Act as either standard or complex. Under the Act, there are specific responsibilities relating to gas installations, stating that:

- a person who carries out work on a complex gas installation must apply to ESV for acceptance of the gas installation before the gas installation is commissioned;
- a person must not use a Type B appliance unless the gas installation of which that appliance forms part, has been accepted by ESV;
- ESV may prohibit the supply or sale of, or order a recall of, any gas installation, appliance or component;
- a person must not carry out building work at premises which they know, or should reasonably be expected to know, will make a gas installation at the premises unsafe, or a building at the premises unsafe if that premises is supplied with gas; and

- a person must not knowingly, recklessly or negligently break, injure, open or tamper with any pipeline, gas installation or meter assembly.

The Regulations also prescribe the Standards AS/NZS 5601.1 and AS/NZS 5601.2 in relation to an appliance or gas installation. The gasfitter must apply for acceptance of the appliance or installation, including commercial catering equipment on, or in, a boat or caravan. Once gas applications have been accepted by ESV, gasfitters are required to certify via statements of compliance that the installations meet the requirements of the Regulations.

Complex gas installations are by their nature higher risk installations, therefore ESV seeks further information about pressure control meters, safety features, proposed commissioning procedures and other safety controls to assure safety. These information datasets enable ESV to assess the risk posed by the proposed works, and identify and resolve any obvious safety issues before an ESV inspection and subsequent commissioning by the gasfitter.

The table below summarise the number of applications for acceptance and exemptions for Type A and Type B appliances.

**Table 3: Applications and acceptance of appliances**

Current regulatory requirement	11/12	12/13	13/14	14/15	15/16	16/17
Application and acceptance of Type A appliances (rr. 9. 10)	19	38	26	17	65	113
Application for exemption (r. 23)	18	43	79	110	130	148
Acceptance of Type B appliances (r. 33)	475	1,109	1,331	1,062	1,039	916

The Victorian Building Authority (VBA) also has a role in regulating gas safety. The *Building Act 1993* includes gasfitting as a class of plumbing work for the purposes of that Act, with the aim of ensuring that it is carried out safely by competent gas practitioners<sup>5</sup>.

The VBA regulates gasfitting work on standard gas installations. For example, gas installations at most residential premises (such as one and two storey properties), and most smaller-scale commercial installations, are regarded as standard gas installations. The current Regulations prescribe classes of residential and commercial premises, under the definition of 'standard gas installation' in the Act, which enables gasfitters to determine whether ESV or VBA has regulatory oversight.

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<sup>5</sup> There is a difference between licensing and registration: gasfitting work for which a compliance certificate is required can only be done (or supervised) by a licensed practitioner. Of relevance for this discussion, a compliance certificate is required for installation, relocation or replacement of any gas-using appliance; conversion of a gas-using appliance for use with a different gaseous fuel; and the installation, modification or relocation of consumer gas piping; or any other gasfitting work valued over \$750.

## 2.4 General – duties, incidents, gas disconnection, requirements for sale of LPG

The current Regulations place duties on the owner of a complex installation to keep it safe and in proper repair (including any Type B appliance) and to keep records relating to servicing and maintenance of the installation.

The owner of a complex installation is required to report a gas incident promptly to ESV and to the relevant distribution business if the installation is supplied by natural gas, or to the gas retailer if it is supplied by LPG.

Furthermore, a gas inspector can disconnect gas supply to a gas installation, or order disconnection, if the inspector determines during inspection that a gas installation is non-compliant with the Regulations or is immediately dangerous or defective. Gas supply may not be reconnected unless authorised by ESV or a gas inspector. The disconnections for the past three years are tabled below. These generally occur following complaints or specific inspections of operating appliances or installations (and not part of accepting appliances or installations).

**Table 4: Gas disconnection notices**

Gas Inspector - disconnections	14/15	15/16	16/17
Gas disconnection notices	16	21	11

Examples of disconnection notices issued include:

- to a school after it was identified that no overpressure protection devices were installed (January 2017);
- to a takeaway shop after it was identified that outdoor certified appliances were being used indoors on combustible surfaces with no fixed ventilation (April 2017);
- after attending a clothes dryer fire at an aged care facility where it was also observed three other gas dryers had significant lack of maintenance (June 2017);
- to a school where three space heaters had been installed into one chimney (June 2017); and
- to a managing real estate agent after a gas log fire at a rental property exploded (August 2017).

The current Regulations also give effect to the requirements of the Act in relation to the supply or sale of Autogas (LPG used for automotive purposes). This includes specified labelling signage requirements near the place where Autogas is supplied. The signage warns that household appliances are not designed to be operated on Autogas. This is the final protective step warning consumers not to attempt to fill LPG appliances at a petrol station using an Autogas bowser.

## 2.5 Review of the current Regulations

ESV has reviewed the operation and effectiveness of the current Regulations. It conducted an internal review of each element of the Regulations and sought feedback from stakeholders. It also reviewed ESV's administration of the Regulations against the intentions stated in the regulatory impact statements that were published when the regulations were first made in 1999, and similarly when they were remade in 2008.

As part of the review ESV compared the legislative obligations of Victoria's gas installation regime with other Australian jurisdictions (other than Tasmania and Northern Territory), and New Zealand. The comparison found strong consistency with those regimes.

Overall, the current Regulations are operating well and ensuring community safety, with broad industry acceptance of the role of the Regulations in achieving gas safety outcomes. Examples are included that highlight efficacy and areas for potential improvements;

- The Regulations prescribe relevant Standards in relation to gasfitting work. The use of AS/NZS 5601 provides an effective and efficient mechanism for the gasfitters to comply with minimum specifications as described in the Standards.
- The Regulations address a range of other requirements in relation to gasfitting work including requirements concerning consumer piping, ensuring ongoing safety of a gas installation during and after completion of gasfitting work, including responding to defects creating danger, and reporting of gas incidents. The inclusion of these matters in the Regulations directly addresses known safety risks and places clear requirements on gasfitters to ensure safety.
- Information requested for appliance acceptance includes manufacturer and specific model details, gas type and consumption, and operating pressures under certain conditions. ESV considers that these are the minimum requirements that enable the product manufacturer or supplier to demonstrate that the appliance can operate safely under a variety of gas flows and other conditions, that combustion products are safely flued away from users of appliances, and that gasfitters installing appliances have appropriate instruction to enable the appliance to be safely installed.
- The current prescribed form for seeking an exemption under section 72(3) could be simplified by requiring information needed for ESV's assessment only, and removing content that is not required for this purpose. However, for all prescribed application forms, it is considered necessary obtain the applicant's Australian Company Number (ACN) or Australian Business Number (ABN) so ESV to can verify the identity of the entity making the application.
- ESV considers that the use of compliance plates for appliances provides the community with confidence that the assessed appliance is demonstrably safe for use and was installed by a competent gasfitter.
- The requirements relating to the acceptance of second hand Type A appliances are obsolete. ESV's view is that, if the appliance remains within the scope of its original certification (that is, has not been modified and is operational), a change in ownership does not by itself change risk and therefore does not require additional regulatory intervention by ESV.
- ESV has identified that there has been 20-30 per cent non-compliance for initial inspections of complex gas installations. Community safety is not significantly compromised because gas is not supplied for end-use at initial inspection. In early 2016/17 ESV advised industry that it would take enforcement action for unsafe non-compliances by issuing infringement notices to encourage greater understanding of the safety risks and importance of compliance. This has commenced, and ESV will monitor the outcome of this initiative to determine if it is changing behaviours. This is a change of regulatory administration rather than a change in regulation.
- In the past 18 months ESV has developed an online system (GasTrac) to enable gasfitters to make applications directly online. This workflow system has been designed to make gas applications easier for gasfitters to complete and monitor progress. The system also enables ESV to more easily manage its risk-based approach to acceptance of complex gas installations. Currently, all medium and high-risk complex installations are inspected by ESV gas inspectors before commissioning gas. As data about inspections can be more readily collected and monitored in the new system, ESV will be able to develop further understanding of risk and compliance related issues.
- The gasfitting standards and requirements reference external standards. There could be times when evolution of these standards cannot be complied with immediately by industry, as time is needed to digest changes and adapt work processes to ensure compliance. The proposed Regulations will include a transition period to allow this to occur, following the practice in some other states such as Western Australia (which allows 6 months to comply). ESV will remain able to properly respond to any immediate safety risks or concerns.
- The use of some terms (such as LP Gas and LPG) may have some inconsistency and could be causing confusion. ESV's view is that LP Gas, while widely understood within the gas industry due to AS/NZS 5601, is a subset of LPG intended to be used in appliances, and with composition consistent with that specified in AS/NZS 5601 for that purpose. Any gas which is LPG creates a

safety risk which needs to be managed, so it is proposed to make greater use of the term LPG in the proposed Regulations.

- The current Regulations will retain the requirements around flueless heaters. Without a flue, gas space heaters have the potential to emit toxins such as CO and NO<sub>2</sub> above safe levels. While the probability of an incident is low, the consequences of such emissions occurring can be severe, leading to serious injury or death. Advice from the health sector (mostly in relation to NO<sub>2</sub>) and review by ESV suggests the benefits of the prohibition remain unchanged since the restrictions were first included in the Regulations.

## 2.6 What if there were no regulations in place?

If there were no regulations, many of the intended controls of the Act (discussed in the previous chapter) would not operate efficiently or as intended. The consequences of having no regulations would mean:

**Table 5: Effect of no regulations**

Effect	Consequence
<b>Gas safety would be reduced</b>	<ul style="list-style-type: none"> <li>• There would be no standards or requirements to ensure safe gasfitting work, including a duty to report gas incidents and remedy dangerous installations. This would increase the risk of death, injury or damage to property arising from the use of gas appliances, particularly in relation to the higher risk activities of hot tapping, high pressure, and would result in higher risks for end users of gas.</li> <li>• There would be no ability for a gas inspector to act quickly to disconnect gas supply to a dangerous or faulty installation.</li> </ul>
<b>The intended effect of the Act would not operate</b>	<ul style="list-style-type: none"> <li>• Complex gas installations could not be accepted, as an application for acceptance must contain or be accompanied by a statement of compliance in the prescribed form made and signed by a prescribed person. Without regulations setting out the form of application notice, or statement of compliance, an application could not be accepted.</li> <li>• Type A appliances could not be installed for testing purposes as the Act prohibits installation before acceptance, except for situations defined in regulations.</li> <li>• There would be no ability to allow gas supply to complex installations for commissioning purposes.</li> <li>• There would be no controls around the testing of Type A or Type B appliances or complex installations before acceptance or the ability to require compliance plates to be fixed to appliances<sup>6</sup>.</li> </ul>
<b>Processes under the Act would be inefficient</b>	<ul style="list-style-type: none"> <li>• There would be no required information for applications for acceptance of Type A or Type B appliances. While acceptance could still occur, it would be an inefficient process if the information ESV requires to determine acceptance is not listed in some form.</li> <li>• Similarly, the application process for acceptance of complex gas installations would be inefficient without specifying the information required to be submitted.</li> </ul>

Regulations are required to give practical effect to the Act itself and mostly deal with technical provisions or process requirements.

<sup>6</sup> The Act establishes that ESV may require testing or the affixing of a compliance plate “in accordance with the regulations”.

The first group in the table is the more substantive area that affects both costs of compliance and gas safety outcomes, and is the focus of analysis in this Discussion Paper. If there were no regulations it would be likely that best practice and experienced gasfitters would continue to operate according to the relevant standard, but industry-wide safety performance could deteriorate over time as new gasfitters who join the industry would not be accustomed to routinely using the relevant standard.

Under the current Regulations a gas inspector can disconnect gas supply if an installation is non-compliant or immediately dangerous or defective. The loss of the ability for the regulator to respond rapidly to a safety concern could prejudice safety. Likewise, the removal of explicit duties of owners of complex installations to ensure installation safety, and for gasfitters to ensure they undertake gasfitting work safely, and that both these parties report incidents promptly to ESV, could also reduce gas safety.

The Act does allow for ESV to determine standards as well as referencing published standards in regulations. ESV would be likely to determine those that are currently in the Regulations as these are maintained for currency and have been used for many years. This could create other areas of concern by industry as the Regulations provide certainty for 10 years. Should ESV begin determining standards there could be concerns that ESV may wish to modify the requirements with greater frequency than imposed by regulatory reset, which may result in a reduced scope for industry consultation. In addition, regulatory acceptance and certification processes would be more inefficient, and likely to lead to increased costs ultimately borne by consumers.

## 2.7 Consultation to date

ESV consulted and engaged with gas industry participants in stages to inform development of the proposed Regulations and the preparation of this Discussion Paper:

- In June 2017, ESV invited approximately 100 industry stakeholders to provide comments on the operation of the current Regulations and to nominate any areas for improvement. ESV received responses from five stakeholders. Stakeholders highlighted areas where processes could be simplified, and clarification of some terms in relation to when a requirement does or does not apply. Some comments were made about changes to the overall safety framework or the separation of responsibilities between ESV and the VBA, which are outside the scope of the regulations.
- The article, '*Have a say on regulatory changes*' in *Energy Safe* magazine Summer/Autumn 2017, issue 46, p13, sought general feedback about the Regulations. The magazine is issued to gasfitters electronically. There were a limited number of responses.
- In September 2017, ESV released a discussion paper to approximately 130 stakeholders outlining a range of potential changes to the regulations and inviting comment. Eighteen submissions were received, largely supporting the current regulatory settings. In particular, stakeholders supported the removal of the distinction between new and second-hand gas appliances, and most supported the introduction of a limited range of fees to encourage better quality submissions of certain applications to ESV.
- In the analysis of impacts in this Discussion Paper, several companies were contacted to obtain information about the costs of complying with elements of the regulations and the effectiveness of some specific regulations. Cost information has been used in the analysis in this Discussion Paper.
- In November 2017, ESV held consultation forums with key stakeholders to explain proposed changes to the proposed Regulations and to receive feedback. ESV received comments concerning clarifying requirements, but overall stakeholders were supportive of the current Regulations and proposed changes.

ESV has also consulted with the Department of Environment, Land, Water and Planning (DELWP), and the Victorian Building Authority (VBA).

# 3. Costs of the proposed Regulations

This section of the Discussion Paper assesses the costs of the proposed Regulations.

Experience of the past 20 years has shown that costs are primarily imposed by the Act. The approach taken by ESV to develop these estimates assessed the cost of the Regulations as if the entire cost was attributable to them. In reality the costs are largely driven by the duties in the Act (irrespective of the effect of the Regulations). Because the costs directly attributable to the Regulations are small relative to the Act it is not practical to determine the specific costs of the proposed Regulations, and the cost estimates reflect both the costs of Act and Regulations as if they were solely attributable to the Regulations. This means that the estimated costs represent an overestimate.

The total costs determined are \$1.37 million per annum which is consistent with the operation of current regulatory compliance and administration, and below the materiality threshold that would require more comprehensive analysis.

The *Victorian Guide to the Regulation* identifies several different types of regulatory costs. In the case of the proposed Regulations, three broad categories are identified:

- administrative costs - sometimes known as 'red tape' these are costs of reporting information to the government, or costs incurred during an inspection or audit; and
- substantive compliance costs - an action a person must take to comply with the rules (for example; carry out training, work to industry standards, display signage);
- financial costs - for example, fees.

The total costs estimated for the Act and proposed Regulations are set out in the following table:

**Table 6 (from Table 1): Regulatory Costs of the proposed Regulations**

<b>Gas Safety (Gas Installation) Regulations 2018</b>	
<b>Description of cost</b>	<b>Cost (\$)</b>
Administrative cost	412,778
Substantive compliance costs	925,424
Financial costs	34,118
<b>Total regulatory costs</b>	<b>1,372,320</b>

## 3.1 Administrative costs

Administrative costs for applications, exemptions, reporting of gas incidents and inspection and testing of gas appliances as required by the Act and the proposed Regulations were calculated to be \$0.41 million per annum.

The proposed Regulations remain largely unchanged although requirements for application for second-hand appliances are removed (including standards), and a transition period has been included for amendments to a prescribed standard.

**Table 7: Administrative cost burden of the proposed Regulations**

<b>Gas Safety (Gas Installation) Regulations – Administrative Cost Burden</b>					
<b>Regulation</b>	<b>Description</b>	<b>Number</b>	<b>Tariff</b>	<b>Time</b>	<b>Cost (\$)</b>
8	Application for acceptance of appliance or class of appliances	25	61.65	3.00	4,531
20	Application for exemption	140	61.65	2.00	17,262
21, 22, 32	Reporting of gas incidents - gasfitting work; Dangerous gas installations; Reporting of gas incidents - complex gas installations	50	61.65	0.25	771
23, 24	Application to ESV for hot-tapping work and high pressure consumer piping	57	61.65	0.25	879
27	Application for acceptance of gas installations, Schedules 7 to 11	4,873	61.65	0.25	75,105
28	Inspection and testing of gas installations	3,398	61.65	1.50	314,230
	<b>Total administrative costs</b>				<b>412,778</b>

Note:

- 1) ABS Cat 6306.0 - Employee Earnings and Hours, Australia, May 2016 (latest issue): Data cube 13, ANSCO 334, Plumbers, Average hourly total cash earnings, \$41.10. Increased by a factor of 1.5 to allow for indirect labour and corporate costs.
- 2) Regulation 17 - Notification of ESV for consumer piping installed outside allotment - no available data

## 3.2 Substantive compliance costs

Substantive compliance costs are any costs arising as a consequence of regulation: they are costs incurred to deliver the regulated outcomes being sought. It is not always possible to quantify the benefits of this cost, as the immediate impact is to reduce risks of harm, and there are several factors that affect how risks may or may not result in actual injury to people or property.

However, two decision criteria assist in considering the merits of compliance: the primary objective is to see how it contributes to gas safety, while the second objective relates to cost-effectiveness. Costly regulations consume the community's economic resources and may lead to non-compliance or avoidance. This is clearly not the case for gas safety regulation of installations and appliances.

Review of the costs and stakeholder feedback demonstrated that the current and proposed compliance requirements, such as testing of appliances and affixing compliance plates, and ongoing restrictions on the installation of flueless heaters, continue to be proportionate to the risks and ensure confidence in the gas safety of appliances and installations.

Estimated substantive compliance burden is detailed in Table 8.

**Table 8: Substantive compliance burden of the proposed Regulations**

<b>Gas Safety (Gas Installation) Regulations – Substantive Compliance Burden</b>	
<b>Description</b>	<b>Cost (\$)</b>
Testing of appliances	294,000
Affixing compliance plates	126
Prescribed Type A appliance (Tier 2)	49
Complying with prescribed standards	540,757
Restrictions on flueless heaters	70,000
Testing of Type B appliances	8,492
Autogas - affixing signage	12,000
<b>Total substantive costs (\$)</b>	<b>925,424</b>

Notes:

- 1) ABS Cat 6306.0 - Employee Earnings and Hours, Australia, May 2016 (latest issue): Data cube 13, ANSCO 334, Plumbers, Average hourly total cash earnings, \$41.10, multiplied by 1.5 to allow for on-costs.
- 2) Regulation 16 prescribes clearance distance for consumer piping. This obligation occurs at the design stage and is assumed to align with industry best-practice.
- 3) Regulation 18 - devices in consumer piping - there is no data available
- 4) Regulation 19 requires that installation is 'safe'. These costs are assumed to align with industry best-practice, i.e., a business would perform work to this standard in the ordinary course of business.
- 5) Regulation 22 requires a person carrying out installation work to make safe a dangerous installation. These costs are assumed to align with industry best-practice, i.e., a business would perform work to this standard in the ordinary course of business.
- 6) Regulation 31 requires the owner of a complex gas installation to keep it safe and in a proper state of repair. These costs are assumed to align with industry best-practice. As evidence, no penalty notices have been issued in recent years.
- 7) Regulation 33 is a compliance action (power to disconnect) and is not classified as a regulatory burden. In 2016/17 eleven disconnections were ordered.
- 8) Regulation 34 does not impose a burden; it provides an exception where gas can be supplied for testing purposes when new installations are being commissioned.

### 3.3 Financial costs

The table below lists the financial costs. Section 3 addresses the introduction of fees and explains these costs in more detail.

**Table 9: Financial costs of the proposed Regulations**

<b>Gas Safety (Gas Installation) Regulations - Financial Costs</b>				
<b>Reg<sup>n</sup></b>	<b>Description</b>	<b>Number</b>	<b>Fee</b>	<b>Cost (\$)</b>
8	Fee for acceptance of appliance or class of appliances	25	725.22	18,130.50
20	Fee for application for exemption	140	114.20	15,988
	<b>Total financial costs</b>			<b>34,118.50</b>

Notes:

- 1) The average number of applications for acceptance is 24.5 and has been rounded up in this table.
- 2) These costs may be lower if ESV decides to waive or rebate some fees under r. 36.
- 3) The fee rates for appliance acceptance recover around 43 per cent of costs. They are benchmarked against 'Application for new certificates of approval for electrical appliances' (51 fee units) in the Electricity Safety (Equipment) Regulations 2009.
- 4) The stated fees and costs apply in the 2017/18 financial year. The fees in the proposed Regulations are expressed in fee units and as such will go up each financial year according to the rate determined by the Victorian Treasurer.

# 4. Fees

ESV regulates both the gas and electricity appliance and installation sectors. Review of the regulatory policy and frameworks in the equivalent sectors of electricity and gasfitting work was undertaken as part of reviewing the operation and administration of these Regulations. The VBA also has a role in the regulation of standard gas installations.

ESV intends to introduce application fees for the acceptance of appliances under section 69 of the Act, and for exemptions from gasfitting work and installation standards and requirements under section 72(3) of the Act. This is consistent with existing arrangements across these sectors. ESV sees merit in introducing fees to encourage people seeking those applications and exemptions to properly value the service and consider the most appropriate options to achieve compliance with safety standards.

It is worth noting that fees are charged by the VBA for the approval of modifications under the legislation it administers, and by ESV for certification of electrical appliances under the Electricity Safety Act.

The bespoke nature of applications for acceptance and exemptions means that estimating full cost recovery may not provide a sufficiently accurate estimation of the true cost. Given that fees are being introduced for the first time, consultation suggests that it would be more appropriate to benchmark these fees where there is a comparable basis to do so. The proposed Regulations therefore propose fees of approximately \$725 for the acceptance of gas appliances under section 69 of the Act (which is analogous to the fees charged by ESV for certification of electrical appliances under the Electricity Safety Act 1998) and approximately \$114 for exemption applications under section 72(3) of the Act (which is analogous to the fee for the comparable 'modification' of regulations applied to plumbing work charged by the Victorian Building Authority).

Setting fees at these rates would maintain equity with other regulated sectors, however, would only partially recover the true cost of the regulated activities. The total financial costs have been estimated to be \$34,118.50 per annum.

## 4.1 Administration of fees

The proposed Regulations also enable ESV to rebate or waive fees in circumstances that the regulator considers appropriate. ESV will administer this regulation on a risk basis that reflects the risks of the proposed alternative safety approach, the compliance performance of the applicant, and the costs incurred by ESV. ESV's objective will be to ensure that the regulatory cost remains proportionate to the risks being assessed, and that any increases in regulatory cost contribute towards improved safety outcomes.

# 5. Small business and competition effects

## 5.1 Competition effects

Any regulatory proposal needs to be scrutinised carefully to assess whether it is having an adverse impact on the ability of small business and individuals to enter and participate in the market. As a matter of good public policy, it is a fundamental principle in Victoria that any new legislation (both primary and subordinate) will not restrict competition unless it can be demonstrated that:

- the benefits of the restriction, as a whole, outweigh the costs, and
- the objectives of the legislation can only be achieved by restricting competition.

A measure is likely to have an impact on competition if any of the questions in the table below can be answered with a 'Yes'.

**Table 10: Competition questions**

Test question	Assessment
Is the proposed measure likely to affect the market structure of the affected sector(s) – i.e. will it reduce the number of participants in the market, or increase the size of incumbent firms?	No
Will it be more difficult for new businesses or individuals to enter the industry after the imposition of the proposed measure?	No
<b>Will the costs and benefits associated with the proposed measure affect some firms or individuals substantially more than others (e.g. small firms, part-time participants in occupations etc)?</b>	No
Will the proposed measure restrict the ability of businesses to choose the price, quality, range or location of their products?	Yes
Will the proposed measure lead to higher ongoing costs for new entrants that existing firms do not have to meet?	No
Is the ability or incentive to innovate or develop new products or services likely to be affected by the proposed measure?	No

In the interests of community safety, the regulation of gas practitioners ensures that only competent practitioners may do this work. This could potentially reduce the number of participants that would wish to work in the gas industry. However, such restrictions are not contained in the proposed Regulations. They will not make it more difficult for new firms or individuals to enter the industry, nor will they lead to higher ongoing costs for new entrants that existing firms do not have to meet.

However, the proposed Regulations continue restrictions on the installation of new flueless heaters and prohibit their use in certain buildings. This restricts a business's ability to choose the range or location of their products. It should also be noted that only a small number of flueless heaters are sold annually, and alternatives such as ducted heating and heat pumps are now commonly available. Recent energy efficiency building regulations have also potentially increased the risks of flueless gas heaters for new buildings by restricting the 'air exchange rate' in a room, which may trap dangerous fumes. Based on the above-mentioned discussion, this Discussion Paper concludes that the

restriction is justified on safety grounds, and the objectives of gas safety can only be achieved by this restriction.

The costs of the proposed Regulations are generally small compared with other operating costs in the gas industry, and similar regulations exist in other jurisdictions. Consultation revealed that the proposed Regulations largely codify industry best-practice. To the extent that the proposed Regulations increase prices or modify behaviour, these are not considered material enough to affect the competitive structure of the market. Overall, it is assessed that the proposed Regulations will not impose restrictions on competition.

## **5.2 Impacts on small business**

The cost of compliance with regulations can fall disproportionately on small business. The Act largely determines the requirements. The proposed Regulations provide clarity and certainty with respect to compliance for businesses, and provide the community with confidence that known higher risks are specifically addressed. The proposed Regulations may apply to small businesses (20 or fewer employees); however, the requirements are not considered overly onerous in the context of protecting community safety and will not disproportionately affect small business. Therefore, the proposed Regulations will not disproportionately impact upon small business.

# 6. Implementation and evaluation

## 6.1 Implementation

Implementation of the proposed Regulations is considered straightforward, as gas industry participants are familiar with the current arrangements and similar regulations have been in place for 20 years. ESV will promote the new Regulations through electronic distribution channels and online via its website.

The processing of fee payments will be facilitated through ESV's existing payment system.

In April 2017, ESV launched GasTrac, an online gas installation acceptance system that makes managing gas applications quicker and easier. Gas practitioners can use GasTrac to submit and manage gas applications online, ensuring faster turnaround times for gas supply approvals and gas installation acceptances. To date, more than half of Victoria's registered gas practitioners are using GasTrac. While not part of the regulations, GasTrac will lower administrative costs for gas practitioners by making applications easier to lodge and track.

Consultation suggests that the requirement to display warning labels under proposed regulation 35 (LPG warning signage) is not well understood by Autogas sellers.

ESV will provide information to the major suppliers of Autogas to facilitate and enable compliance with their regulatory requirements.

## 6.2 Evaluation

Ensuring gas safety is a key role of ESV and it will take the approach outlined in Table 11 to ensure the proposed Regulations achieve the intended safety outcomes without excessive regulatory burden or compliance cost.

**Table 11: Evaluation strategy**

Evaluation component	Proposed strategy
<b>Objectives of the proposal</b>	<p>The objective of the proposed Regulations is to promote gas safety by ensuring safe gas appliances, gas installations and work on gas appliances and gas installations. Specifically, the Regulations:</p> <ul style="list-style-type: none"> <li>provide for standards for gasfitting work;</li> <li>provide for the procedures relating to the acceptance of appliances and gas installations; and</li> <li>make provision generally in relation to the safety of gas appliances, gas installations and work on gas appliances and installations.</li> </ul> <p>Implementation of the proposed Regulations will be reviewed against these objectives both operationally and by an evaluation.</p>
<b>Data and data collection</b>	<p>ESV routinely collects data from gas installations audits, gas incident investigations, inspections, and incident reports provided by industry. This data is used to inform ESV's monthly, quarterly and annual reporting requirements, and also provides a basis for determining regulatory surveillance plans and monitoring of safety outcomes on a risk basis. This data will also be used to monitor the applicability and effectiveness of regulations, including response to the dynamics and changes occurring within the regulated industries.</p> <p>The introduction of the GasTrac online application system will enable ESV to collate more information about compliance and issues that ESV will use to improve its administration of regulation.</p>
<b>Key Performance Indicators (KPIs)</b>	<p>The core KPI for the Act and regulations is gas safety, as reflected by minimising (or eliminating) gas incidents. ESV investigates, collects and analyses data on gas incidents related to appliances and installations.</p> <p>Additional indicators will include turn-round time for applications and acceptances.</p>
<b>Methods of evaluation</b>	<p>Evaluation will rely on analysing data collected from the sources identified above against the above KPIs, consistent with the Act, regulations, and ESV's Corporate Plan.</p>
<b>Stakeholder feedback</b>	<p>ESV will continue to seek the views of industry participants on the scope, content and administration of the proposed Regulations via its industry engagement forums.</p>
<b>Responsibility</b>	<p>ESV will be responsible for conducting an evaluation of the proposed Regulations.</p>
<b>Timing</b>	<p>While the performance of the regulations will be monitored on an ongoing basis ESV will conduct an evaluation of the impacts and benefits of the regulations within five years of commencement of the proposed Regulations.</p>

# Appendix 1 – Statement explaining the proposed Regulations

## Part 1 (Regulations 1 to 7) – Preliminary

Part 1 of the Regulations contains provisions for the operation of the statutory rule. It sets out the objectives of the regulations (**Regulation 1**), which are to: make provision for standards for gasfitting work; provide for the procedures relating to the acceptance of appliances and gas installations; and to make provision generally in relation to the safety of gas appliances, gas installations and work on gas appliances and installations.

**Regulation 2** provides the statutory authority under which the proposed regulations are made. The regulations are made under s. 118 of the Gas Safety Act 1997. Regulation 3 provides that the regulations come into operation on 13 August 2018, while Regulation 4 revokes the current the Gas Safety (Gas Installation) Regulations 2008 and the Gas Safety (Gas Installation) Amendment Regulations 2014 through Schedule 1.

**Regulation 5** provides definitions to assist in the interpretation of the proposed Regulations. There are definitions for AS 3814, AS 4670, AS/NZS 5601.1, AS/NZS 5601.2, Autogas, *BCA Volume One*, *BCA Volume Two*, commercial butane, commercial catering equipment, commercial propane, consumer piping, flueless space heater, gas pressure regulator, hot-tapping work, LP Gas, LPG, operating pressure, pressure, rated working pressure, and the Act. The definitions in italics are new to reflect updates to the Building Regulations.

**Regulation 6** excludes certain matters from the regulations. The Regulations do not apply to the construction, assembly or manufacture of a brick or masonry flue, a metal flue exceeding 450 millimetres internal diameter, that part of a metal flue above a roof or other surface where the part exceeds 10 metres in height above that roof or other surface, or a Type A appliance. In addition, the regulations do not apply to the use or intended use of gas for automotive purposes, or the use or intended use of gas as a refrigerant. This latter exclusion is new. ESV wishes to clarify that the use of gas as a refrigerant is not within the scope of the Regulations and that any such gas installation is not a gas installation that requires acceptance by ESV under section 73 of the Gas Safety Act. Mechanical cooling services and refrigerated air-conditioning work are classes of plumbing work that require a licence under the Building Act. The proposed new exclusion avoids overlap and recognises the primary role of the Act in regulating gas as a supplied fuel.

**Regulation 7** of the **current Regulations**, which listed adopted standards, has been removed. These standards now appear as **Schedule 1** in the **proposed Regulations**.

For the purposes of the definition of “standard gas installation” in section 3(1) of the Act, new **Regulation 7** defines the nature of the premises and other parameters that apply to such installations. It prescribes ‘residential premises’ as: caravans and mobile homes; buildings defined as Class 1a buildings under BCA Volume Two; buildings defined as Class 2 buildings under BCA Volume One that have 5 storeys or fewer above the ground; and residential premises in buildings defined as Class 2 buildings under BCA Volume One that have more than 5 storeys above the ground if the premises are occupied or have been previously occupied.

With respect to ‘commercial premises’, these are prescribed as buildings defined as Class 5 or Class 6 buildings under BCA Volume One that have 5 storeys or fewer above the ground. For the purposes

of paragraph (b)(iii) of the definition, the prescribed amount of gas consumption is 500 megajoules per hour. For the purposes of paragraph (b)(iv) of the definition, in the case of an LP Gas installation, the prescribed maximum operating pressure of the second-stage gas pressure regulator associated with that LP Gas installation is 70 kilopascals and the prescribed maximum operating pressure of any subsequent gas pressure regulator associated with that LP Gas installation is 7 kilopascals; and in any other case, the prescribed maximum metering pressure is 7 kilopascals. For the purposes of paragraph (b)(v) of the definition, the prescribed number of gas supply points is 5 gas supply points.

Under the Act, any gas installation that is not a 'standard gas installation' is, by default, a complex gas installation. The latter requires acceptance by ESV, the former are self-certified by the installing gasfitter and are subject to audit by the Victorian Building Authority. The parameters that define a standard gas installation reflect the risk associated with gas pressure and installation complexity.

## Part 2 (Regulations 8 to 11) – Appliances

**Regulation 8** provides that an application under section 69 of the Act for acceptance of an appliance or a class of appliances must contain or be accompanied by the information specified in Schedule 2. It is a new requirement that the application be accompanied by an application fee of 51 fee units (approx. \$725 in 2017/18).

The intention is to enable importers or suppliers of specialised appliances that may be a one-off or made or imported in very small numbers to seek acceptance from ESV for a fee as an alternative to applying to an authorised third-party certifier. This may be prohibitively expensive or not feasible if the certification scheme only covers mass-produced appliances.

The words 'new Type A' have been removed for consistency with the Act and in consequence of no longer accepting second-hand Type A appliances.

**Regulation 10** of the **current Regulations**, which related to the acceptance of second-hand Type A appliances, has been removed. ESV is of the view that provided a Type A appliance remains within its original certification, there is no change in risk and no need for a second-hand appliance to be re-certified following a change in ownership. This is also resulting in the proposal to remove **Regulations 13** and **17** and **Schedules 3** and **5** of the **current Regulations**. Note that the Schedules of the proposed Regulations will retain their numbering.

**Regulation 9** (with the new numbering) deals with testing of appliances. In relation to an application under section 69 of the Act for acceptance of an appliance, if ESV is not satisfied with results of tests carried out for the purposes of that application, it may require the applicant to arrange for further tests to be carried out. The words 'Type A' have been removed for consistency with the Act.

**Regulation 10** provides that if ESV requires a compliance plate to be affixed to an appliance in accordance with a condition of an acceptance under section 69 of the Act, the compliance plate must be issued by ESV or a body approved by ESV; must be securely affixed to the appliance in a place that is readily accessible, and must be substantially in the form of Schedule 4 and meet the requirements of Schedule 4. The words 'new Type A' have been removed for the same reasons above.

**Regulation 11** provides that for the purposes of section 70(2) of the Act, a Type A appliance that is labelled in accordance with sub-regulation (2) is an appliance of a prescribed class. Under sub-regulation (2), this label must be in a form approved by ESV, indicate that the appliance is subject to testing and is not accepted for use. This is intended to support 'Tier 2' appliance approval where the appliance needs to be installed for testing in situ prior to acceptance.

## Part 3 (Regulations 12 to 26) – Gasfitting work

**Regulation 12** prescribes standards for gasfitting. For the purposes of section 72(1) of the Act the prescribed standard in relation to gasfitting work to which AS/NZS 5601.1 applies is that standard; and

the prescribed standard in relation to gasfitting work to which AS/NZS 5601.2 applies is that standard. The prescribed standard in relation to gasfitting work carried out in connection with commercial catering equipment on or in a boat or caravan is AS/NZS 5601.1.

**Regulation 13** prescribes the standard for Type B appliances. For the purposes of section 72(2) of the Act, the prescribed standard in relation to Type B appliances is AS 3814.

**Regulation 14** prescribes the standards for gas installations. For the purposes of section 72(2) of the Act the prescribed standard in relation to an appliance or gas installation to which AS/NZS 5601.1 applies is that standard, and the prescribed standard in relation to an appliance or gas installation to which AS/NZS 5601.2 applies is that standard. For the purposes of section 72(2) of the Act, the prescribed standard in relation to commercial catering equipment on or in a boat or caravan is AS/NZS 5601.1.

**Regulation 15** is a new provision which provides a transition period following amendment of a prescribed standard. If gasfitting work or a gas installation that has been started, but is not completed, as at the day the standard is amended, it is taken to comply with the standard if the work or the installation (as the case may be) complies with the standard which was in force immediately before the day it was amended. Gasfitting work or a gas installation is taken to comply with a prescribed standard if the work or the installation (as the case may be) is commenced within 6 months after the day the prescribed standard was amended. This will allow current gas fitting work and gas installations to comply with the standard that existed prior to amendment and relieve regulatory burden on gasfitters and assist in transitioning to new regulatory standards and requirements without diminishing safety outcomes.

**Regulation 16** provides that for the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of gasfitting work that any consumer piping that is connected to a gas company's meter assembly is connected so that it has a clearance of at least 30 millimetres from the meter or any device, component or pipe connected to the meter inlet.

**Regulation 17** provides that for the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of gasfitting work that consumer piping is not installed on land, other than the allotment on which a gas installation associated with that consumer piping is situated, unless the person carrying out the gasfitting work has given ESV at least 48 hours' notice before installing that consumer piping, and that consumer piping complies with standards determined by ESV.

**Regulation 18** deals with devices in consumer piping. For the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of gasfitting work that if a mixing device is being installed in consumer piping, the gas supply and meter are protected from low pressure, pulsation, reverse flow conditions and the admission of compressed air or other gaseous substance. Further, 'a gas pressure raising device or' has been removed, and 'or the admission of compressed air or other gaseous substance' added to better clarify when this applies. This is not expected to have an impact on the gas industry.

**Regulation 19** provides that for the purposes of section 72(2) of the Act, it is a prescribed requirement for the carrying out of gasfitting work on a gas installation that the gas installation not be made unsafe during the gasfitting work, and the gas installation is safe for use on the completion of the gasfitting work. Sub-regulation (2) of **Regulation 22** of the **current Regulations** (being the equivalent to r19) has been removed, as it duplicated sub-regulation (1).

**Regulation 20** allows a person to apply for an exemption. An application to Energy Safe Victoria under section 72(3) of the Act must be in the form of Schedule 6 and be accompanied by an application fee. The application fee for an exemption under this regulation is 8.03 fee units. This is a new requirement which reflects the amount of regulatory effort required to process applications and ensure exemptions do not compromise safety. It incentivises applicants to consider the need for, and merits of, an exemption prior to making submission.

**Regulation 21** requires a person to report gas incidents. A person carrying out gasfitting work on a gas installation must report, without delay, any gas incident which occurs during the carrying out of that gasfitting work to ESV and if the gas installation uses natural gas, the gas distribution company which supplies that gas to the gas installation, or if the gas installation uses LPG, the gas retailer which supplies that gas to the gas installation. Failure to do so may incur a penalty of 20 penalty units.

If a person carries out work on a Type B appliance and they are aware that the work is required because of a gas incident which had occurred in relation to that appliance, that person must, without delay after becoming aware, report the gas incident to ESV and if the gas installation of which the appliance forms part uses natural gas, to the gas distribution company which supplies that gas to the gas installation, or if the gas installation of which the appliance forms part uses LPG, to the gas retailer which supplies that gas to the gas installation. Failure to do so may incur a penalty of 20 penalty units.

**Regulation 22** deals with dangerous gas installations. If a person carrying out gasfitting work on a gas installation becomes aware of a danger arising from a defect in the gas installation, that person must without delay take all steps that are necessary to make the installation safe, and notify the owner of the gas installation and the occupier of the premises in which the installation is situated of the defect. Failure to do so may incur a penalty of 20 penalty units.

If the person carrying out the gasfitting work is unable, or it is unreasonable for that person, to make the gas installation safe, he or she must, without delay, notify ESV. If the gas installation uses natural gas, they must report the defect to the gas distribution company which supplies that gas, or if the gas installation uses LPG, to the gas retailer which supplies that gas to the gas installation. Failure to do so may incur a penalty of 20 penalty units.

**Regulation 23** prescribes the standards for hot-tapping work. For the purposes of section 72(1) of the Act, it is a prescribed requirement that a person must, before carrying out gasfitting work that is hot-tapping work, apply to ESV for authorisation to carry out that work, and not carry out gasfitting work that is hot-tapping work unless that work is authorised by ESV. The prescribed standard for carrying out gasfitting work that is hot-tapping work is the standard determined by ESV for that work in the authorisation of that work.

**Regulation 24** prescribes standards for high pressure consumer piping. For the purposes of section 72(1) of the Act, it is a prescribed requirement that a person must before carrying out gasfitting work in relation to consumer piping which is to have an operating pressure in excess of 200 kilopascals, apply to ESV for authorisation to carry out that work, and not carry out that gasfitting work unless that gasfitting work is authorised by Energy Safe Victoria.

For the purposes of section 72(2) of the Act, the prescribed standard for consumer piping which is to have an operating pressure in excess of 200 kilopascals is the standard determined by ESV in respect of that piping in an authorisation for the gasfitting work relating to that piping.

**Regulation 25** regulates the installation of flueless space heaters. For the purposes of section 72(1) of the Act, it is a requirement that a person carrying out gasfitting work not install or locate for use a flueless space heater or a connection device in residential premises (including a caravan or a boat) except in accordance with specified requirements. These require that a person may replace an existing flueless space heater in residential premises with a new flueless space heater if the heater being replaced operated on LP Gas, the new heater operates on LP Gas, the emission of oxides of nitrogen from the new heater does not exceed 2.5 ng/J, and the carbon monoxide/carbon dioxide ratio of the new heater does not exceed 0.002.

Despite anything to the contrary in this regulation, for the purposes of section 72(1) of the Act, it is a requirement that a person carrying out gasfitting work not install, or locate for use, a flueless space heater or a connection device in a hospital, or in a registered community health centre, day procedure centre, residential care service or supported residential service within the meaning of the *Health Services Act 1988*, a school, TAFE institute or university, or a children's service within the meaning of the *Children's Services Act 1996*.

**(Regulation 28** of the **current Regulations**, which prescribed standards for installing flueless gas heaters, has been removed as it is covered by new **Regulation 14 (old Regulation 18)** which applies to all gas installations. This DOES NOT affect the specific restrictions on the installation of flueless gas heaters, which are being retained as discussed above).

**Regulation 26** prohibits the conversion of flueless space heaters. For the purposes of section 72(1) of the Act, it is a prescribed requirement that gasfitting work that converts a flueless space heater to operate on another type of gas is not carried out.

## **Part 4 (Regulations 27 to 30) – Acceptance of Gas Installations**

**Regulation 27** provides that an application under section 73 of the Act for acceptance of a gas installation must contain or be accompanied by the information specified in Schedule 7 of the Regulations. If, however, a gas installation is to have a total gas rate exceeding 3.8 gigajoules per hour, or have an operating pressure exceeding 200 kilopascals, or be installed in a building exceeding 10 storeys above the ground, an application must also contain or be accompanied by the additional information specified in Schedule 8. This regulation has been amended to change “listed” to “specified” and “above ground level” changed to “above the ground” for clarity (and ensure the ground floor is considered to be a storey).

If a gas installation contains a Type B appliance, an application under section 73 of the Act for acceptance of the gas installation must also contain or be accompanied by the information specified in Schedule 9. In addition to the information specified in Schedules 7 and/or 8, ESV in order to determine the safety of the gas installation may require the applicant to provide a copy of any design, analysis, logic flow chart, program, calculation, drawing or specification for the gas installation, a sample of a material, component or other item to be used in the gas installation, to remove and submit joints made in a pipe, or to have a non-destructive test carried out on a pipe and its joints.

For the purposes of section 73(2)(c) of the Act, a statement of compliance relating to an application for acceptance of a gas installation must be in the form of Schedule 10, and signed by a person who ESV considers has the necessary training, qualifications or experience to provide the statement.

For the purposes of section 73(2)(c) of the Act, a statement of compliance relating to completion of a gas installation must be in the form of Schedule 11, and signed by a person who ESV considers has the necessary training, qualifications or experience to provide the statement.

**Regulation 28** relates to inspection and testing of gas installations. Before accepting a gas installation under section 73 of the Act, ESV may inspect or audit the gas installation, require it to be tested to determine whether it complies with the Act and these Regulations, and allow gas supply for commissioning purposes for a period not exceeding 21 business days or a longer period that is allowed by ESV.

This regulation also allows a person who is an applicant under section 73(1) of the Act may request in writing that ESV allow gas supply for commissioning purposes for a period longer than 21 business days. An application must specify the period for which gas supply is required. ESV may allow or refuse to allow a longer period of gas supply for commissioning purposes. For the purposes of carrying out any inspection or test, ESV may remove any part of the gas installation from the installation or the premises in which it is situated.

**Regulation 29** applies if ESV accepts a gas installation containing a Type B appliance subject to a condition requiring the gas installation to be tested by an approved person or body. The applicant for acceptance must arrange for the required tests to be carried out, and notify ESV, in writing, of the results of those tests.

A notice must contain or be accompanied by a statement of compliance in the form of Schedule 11 made and signed by the person or body approved by ESV who carried out the tests of the gas installation.

**Regulation 30** specifies that if ESV requires a compliance plate to be affixed to a Type B appliance in accordance with a condition of an acceptance of a gas installation under section 73 of the Act, the compliance plate must be a compliance plate issued by ESV, must be securely affixed in a place that is readily accessible, and must be in the form of Schedule 12 and meet the requirements of Schedule 12.

## Part 5 (Regulations 31 to 36) – General

**Regulation 31** provides that person who is the owner of a complex gas installation must keep the installation safe and in a proper state of repair, keep any Type B appliance contained in the complex gas installation in a safe condition and in a proper state of repair, and keep records relating to the service, maintenance, repair and modification of the complex gas installation and any Type B appliance contained in the complex gas installation for a period of three years after the relevant service, maintenance, repair or modification. Failure to do so may result in a penalty of 20 penalty units.

**Regulation 32** provides a duty to report gas incidents. If a gas incident occurs in relation to a complex gas installation the owner of the installation must report the gas incident, without delay, to ESV and if the installation uses natural gas, to the gas distribution company which supplies that gas to the gas installation. If the installation uses LPG, it must be reported to the gas retailer which supplies that gas to the gas installation. Failure to make a report could result in a penalty of 20 penalty units.

**Regulation 33** provides an inspector with the power to disconnect or order disconnection of a gas installation. If an inspector determines from an inspection that a gas installation does not comply with the Act or Regulations, or is immediately dangerous or defective the inspector may disconnect the gas installation or any part of the gas installation from the gas supply, or order any person to disconnect the gas installation, or any part of the gas installation from the gas supply. A person must comply with an order. Failure to do so could result in a penalty of 20 penalty units.

A person must not connect gas to a gas installation or any part of a gas installation which has been disconnected by, or on, the order of an inspector under this regulation, unless Energy Safe Victoria or an inspector has authorised the connection. Doing so may result in a penalty of 20 penalty units.

**Regulation 34** provides that for the purposes of section 34(2) of the Act it is a 'prescribed circumstance' if the gas company supplies gas for commissioning purposes with the approval of ESV.

**Regulation 35** prescribes requirements for supply or sale of LPG. LPG suppliers that are not gas companies are required to ensure that any type of LPG supplied for use in appliances complies with prescribed standards of quality under section 79A(1)(a) of the Act including odourisation. Currently, regulation 7(1) of the *Gas Safety (Gas Quality) Regulations 2017* is the vehicle for prescribing odour including for the purposes of section 79A(1) of the Act, but those Regulations are proposed to be revoked when the new *Gas Safety (Safety Case) Regulations* are made in 2018. Proposed new r. 35(1) is intended to fill the gap that would otherwise be created. Consequently, Regulation 35(1) provides that for the purposes of section 79A(1)(a) of the Act, it is a prescribed standard of quality that the gas has an odour which is distinctive and unpleasant and an odour level that is discernible at one-fifth of the lower explosive limit of the gas. In addition, LP Gas supplied or sold to a customer must comply with AS 4670.

**Regulation 35** also provides that for the purposes of section 79A(1)(c) of the Act, the prescribed requirements are that the person affix at or near the place the gas is supplied a sign that is in the form of Schedule 13, and be at least 200 millimetres long and 100 millimetres high.

Additionally, for the purposes of section 79A(2) of the Act, the 'prescribed appliances' are Type A appliances that have been accepted under sections 68 or 69 of the Act for use with LPG of any composition, and Type B appliances that have been accepted under section 73 of the Act for use with LPG of any composition.

**Regulation 36** is a new provision providing that if an application to ESV under the Regulations requires payment of a fee, ESV may waive or rebate all or part of the fee. This may be appropriate where a regulatory impost is minor, including where an application may need to be resubmitted on some technicality.

**Schedule 6** has been reworded for consistency with other application made to ESV (rather than reading as an attestation). This should have no impact on the gas industry.

**Schedule 9** has been amended by removing existing item 12, which requires information on the gross thermal efficiency of a Type B appliance. ESV does not need this information.

**Schedule 13** sets out requirements for signs warning against using Autogas in household LPG appliances. The existing requirement includes penalty amounts expressed in dollars. It is proposed to remove those references as they are out of date and are subject to annual adjustment. Expressing penalties in fee units is not likely to be meaningful for those likely to read the signs. This should have no impact on the gas industry. It is noted that the cost of replacing the signs may exceed the benefit in doing so.

# Draft regulations

Proposed Gas Safety  
(Gas Installation) Regulations 2018

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# Gas Safety (Gas Installation) Regulations 2018

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

LILY D'AMBROSIO  
Minster for Energy, Environment and Climate Change

## PART 1—PRELIMINARY

### 1 Objectives

The objectives of these Regulations are—

- (a) to provide for standards for gasfitting work;  
and
- (b) to provide for the procedures relating to the  
acceptance of appliances and gas  
installations; and
- (c) to make provision generally in relation to the  
safety of gas appliances, gas installations and  
work on gas appliances and installations.

### 2 Authorising provision

These Regulations are made under section 118 of  
the **Gas Safety Act 1997**.

### 3 Commencement

These Regulations come into operation on 13  
August 2018.

### 4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

## 5 Definitions

In these Regulations—

**AS 3814** means AS 3814, "Industrial and commercial gas-fired appliances" as published or amended from time to time;

**AS 4670** means AS 4670, "Commercial propane and commercial butane for heating purposes" as published or amended from time to time;

**AS/NZS 5601.1** means AS/NZS 5601.1, "Gas installations—Part 1: General installations" as published or amended from time to time;

**AS/NZS 5601.2** means AS/NZS 5601.2, "Gas installations—Part 2: LP Gas installations in caravans and boats for non-propulsive purposes" as published or amended from time to time;

**Autogas** means liquefied petroleum gas which is intended to be used for automotive purposes;

**BCA** means the Building Code of Australia within the meaning of section 3(1) of the **Building Act 1993**;

**BCA Volume One** means National Construction Code Volume One as published by the Australian Building Codes Board and amended from time to time;

**BCA Volume Two** means National Construction Code Volume Two as published by the Australian Building Codes Board and amended from time to time;

**commercial butane** means a liquefied petroleum gas which consists of more than 90% butanes and butylenes;

***commercial catering equipment*** means commercial catering equipment as described in section 6.10.2 of AS/NZS 5601.1;

***commercial propane*** means a liquefied petroleum gas which consists of more than 90% propane and propylene;

***consumer piping*** has the same meaning as it has in AS/NZS 5601.1;

***flueless space heater*** means an appliance which uses gas to produce flame or heat that is designed not to discharge its flue gases through a flue;

***gas pressure regulator*** has the same meaning as it has in AS/NZS 5601.1;

***hot-tapping work*** means making a connection to consumer piping while the pipe is in use and contains gas under pressure;

***LP Gas*** means commercial butane or commercial propane in liquid or gaseous form which is intended for use in an appliance but which is not intended to be used for automotive purposes or as a pressure pack propellant;

***LPG*** means liquefied petroleum gas and includes LP Gas;

***operating pressure*** has the same meaning as it has in AS/NZS 5601.1;

***pressure*** has the same meaning as it has in AS/NZS 5601.1;

***rated working pressure*** has the same meaning as it has in AS/NZS 5601.1;

***the Act*** means the **Gas Safety Act 1997**.

## **6 Matters excluded from the operation of the regulations**

These Regulations do not apply to—

- (a) the construction, assembly or manufacture of—
  - (i) a brick or masonry flue; or
  - (ii) a metal flue exceeding 450 millimetres internal diameter; or
  - (iii) that part of a metal flue above a roof or other surface where the part exceeds 10 metres in height above that roof or other surface; or
  - (iv) a Type A appliance; or
- (b) the use or intended use of gas for automotive purposes; or
- (c) the use or intended use of gas as a refrigerant.

## **7 Standard gas installations**

- (1) For the purposes of paragraph (a)(ii) of the definition of *standard gas installation* in section 3(1) of the Act, the following classes of residential premises are prescribed—
    - (a) caravans and mobile homes; and
    - (b) buildings defined as Class 1a buildings under BCA Volume Two;
    - (c) buildings defined as Class 2 buildings under BCA Volume One that have 5 storeys or fewer above the ground;
    - (d) residential premises in buildings defined as Class 2 buildings under BCA Volume One that have more than 5 storeys above the ground if the premises are occupied or have been previously occupied.
  - (2) For the purposes of paragraph (b)(ii) of the definition of *standard gas installation* in section
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- 3(1) of the Act, the class of commercial premises that are prescribed are buildings defined as Class 5 or Class 6 buildings under BCA Volume One that have 5 storeys or fewer above the ground.
- (3) For the purposes of paragraph (b)(iii) of the definition of *standard gas installation* in section 3(1) of the Act, the prescribed amount of gas consumption is 500 megajoules per hour.
- (4) For the purposes of paragraph (b)(iv) of the definition of *standard gas installation* in section 3(1) of the Act—
- (a) in the case of a LP Gas installation, the prescribed maximum operating pressure of the second-stage gas pressure regulator associated with that LP Gas installation is 70 kilopascals and the prescribed maximum operating pressure of any subsequent gas pressure regulator associated with that LP Gas installation is 7 kilopascals;
  - (b) in any other case, the prescribed maximum metering pressure is 7 kilopascals.
- (5) For the purposes of paragraph (b)(v) of the definition of *standard gas installation* in section 3(1) of the Act, the prescribed number of gas supply points is 5 gas supply points.
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## **PART 2—APPLIANCES**

### **8 Application for acceptance of appliance or class of appliances**

- (1) An application under section 69 of the Act for acceptance of an appliance or a class of appliances must contain or be accompanied by the information specified in Schedule 2.
- (2) The prescribed fee for making an application under section 69 of the Act is 51 fee units.

### **9 Testing of appliances**

In relation to an application under section 69 of the Act for acceptance of an appliance, if Energy Safe Victoria is not satisfied with results of tests carried out for the purposes of that application, it may require the applicant to arrange for further tests to be carried out.

### **10 Compliance plates for appliances**

If Energy Safe Victoria requires a compliance plate to be affixed to an appliance in accordance with a condition of an acceptance under section 69 of the Act, the compliance plate—

- (a) must be issued by Energy Safe Victoria or a body approved by Energy Safe Victoria; and
- (b) must be securely affixed to the appliance in a place that is readily accessible; and
- (c) must be substantially in the form of Schedule 4 and meet the requirements of Schedule 4.

### **11 Prescribed Type A appliances**

- (1) For the purposes of section 70(2) of the Act, a Type A appliance that is labelled in accordance with subregulation (2) is an appliance of a prescribed class.

Gas Safety (Gas Installation) Regulations 2018

Part 2—Appliances

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- (2) For the purposes of subregulation (1), the label must—
- (a) be in a form approved by Energy Safe Victoria; and
  - (b) indicate that the appliance—
    - (i) is subject to testing; and
    - (ii) is not accepted for use.
-

## **PART 3—GASFITTING WORK**

### **Division 1—Standards**

#### **12 Prescribed standards for gasfitting work**

- (1) For the purposes of section 72(1) of the Act—
  - (a) the prescribed standard in relation to gasfitting work to which AS/NZS 5601.1 applies is that standard; and
  - (b) the prescribed standard in relation to gasfitting work to which AS/NZS 5601.2 applies is that standard.
- (2) For the purposes of section 72(1) of the Act, the prescribed standard in relation to gasfitting work carried out in connection with commercial catering equipment on or in a boat or caravan is AS/NZS 5601.1.
- (3) In subregulation (2), *boat* and *caravan* have the same meanings as they have in AS/NZS 5601.2.

#### **13 Prescribed standard for Type B appliances**

For the purposes of section 72(2) of the Act, the prescribed standard in relation to Type B appliances is AS 3814.

#### **14 Prescribed standards for gas installations**

- (1) For the purposes of section 72(2) of the Act—
  - (a) the prescribed standard in relation to an appliance or gas installation to which AS/NZS 5601.1 applies is that standard; and
  - (b) the prescribed standard in relation to an appliance or gas installation to which AS/NZS 5601.2 applies is that standard.
- (2) For the purposes of section 72(2) of the Act, the prescribed standard in relation to commercial

catering equipment on or in a boat or caravan is AS/NZS 5601.1.

- (3) In subregulation (2), *boat* and *caravan* have the same meanings as they have in AS/NZS 5601.2.

**15 Exception – gasfitting work carried out within 6 months of change to standard**

- (1) Gasfitting work or a gas installation that has been commenced, but is not completed, as at the day that a standard prescribed under this Division, which applies to the work or installation, is amended (*the amendment day*) is taken to comply with the standard if the work or the installation (as the case may be) complies with the standard as in force immediately before the amendment day.
- (2) Gasfitting work or a gas installation is taken to comply with a prescribed standard as in force immediately before the amendment day if the work or the installation (as the case may be) is commenced within 6 months after the amendment day.

**Division 2—General requirements in relation to gasfitting work**

**16 Clearance of consumer piping**

For the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of gasfitting work that any consumer piping that is connected to a gas company's meter assembly is connected so that it has a clearance of at least 30 millimetres from the meter or any device, component or pipe connected to the meter inlet.

**17 Consumer piping installed outside allotment on which gas installation situated**

- (1) For the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of

gasfitting work that consumer piping is not installed on land, other than the allotment on which a gas installation associated with that consumer piping is situated, unless—

- (a) the person carrying out the gasfitting work has given Energy Safe Victoria at least 48 hours notice before installing that consumer piping; and
  - (b) that consumer piping complies with standards determined by Energy Safe Victoria.
- (2) Energy Safe Victoria may determine 2 or more contiguous allotments to be an allotment for the purposes of subregulation (1).
- (3) In this regulation, *allotment* means land which can be disposed of separately under section 8A of the **Sale of Land Act 1962** without being subdivided.

### **18 Devices in consumer piping**

- (1) For the purposes of section 72(1) of the Act, it is a prescribed requirement for the carrying out of gasfitting work that if a mixing device is being installed in consumer piping the gas supply and meter are protected from low pressure, pulsation, reverse flow conditions and the admission of compressed air or other gaseous substance.
- (2) In this regulation, *mixing device* means a device for mixing gas with compressed air or any other gaseous substance.

### **19 Safety of installation**

For the purposes of section 72(2) of the Act, it is a prescribed requirement for the carrying out of gasfitting work on a gas installation that—

- (a) the gas installation not be made unsafe during the gasfitting work; and

- (b) the gas installation is safe for use on the completion of the gasfitting work.

## **20 Application for exemption**

- (1) An application to Energy Safe Victoria under section 72(3) of the Act must be in the form of Schedule 6 and be accompanied by an application fee.
- (2) The prescribed application fee for an application under section 72(3) is 8.03 fee units.

## **Division 3—Responsibilities of person carrying out gasfitting work**

### **21 Reporting of gas incidents**

- (1) A person carrying out gasfitting work on a gas installation must report, without delay, any gas incident which occurs during the carrying out of that gasfitting work to Energy Safe Victoria and—
  - (a) if the gas installation uses natural gas, the gas distribution company which supplies that gas to the gas installation; or
  - (b) if the gas installation uses LPG, the gas retailer which supplies that gas to the gas installation.

Penalty: 20 penalty units.

- (2) If a person carries out work on a Type B appliance and the person is aware that the work is required because of a gas incident which had occurred in relation to that appliance, the person must, without delay after becoming so aware, report the gas incident to Energy Safe Victoria and—
  - (a) if the gas installation of which the appliance forms part uses natural gas, to the gas

distribution company which supplies that gas to the gas installation; or

- (b) if the gas installation of which the appliance forms part uses LPG, to the gas retailer which supplies that gas to the gas installation.

Penalty: 20 penalty units.

**Note**

“Gas incident” is defined in section 3(1) of the **Gas Safety Act 1997**.

## **22 Dangerous gas installations**

- (1) If a person carrying out gasfitting work on a gas installation becomes aware of a danger arising from a defect in the gas installation, the person must without delay—
  - (a) take all steps that are necessary to make the installation safe; and
  - (b) notify the owner of the gas installation and the occupier of the premises in which the installation is situated of the defect.

Penalty: 20 penalty units.

- (2) Subregulation (1)(a) does not apply if the person is unable, or it is unreasonable for the person, to take the necessary steps to make the gas installation safe.
- (3) If the person carrying out the gasfitting work is unable, or it is unreasonable for the person, to make the gas installation safe, the person must, without delay, notify Energy Safe Victoria and—
  - (a) if the gas installation uses natural gas, the gas distribution company which supplies that gas to the gas installation of the defect; or

- (b) if the gas installation uses LPG, the gas retailer which supplies that gas to the gas installation of the defect.

Penalty: 20 penalty units.

#### **Division 4—Standards and requirements in relation to hot-tapping work**

##### **23 Standards and requirements for hot-tapping work**

- (1) For the purposes of section 72(1) of the Act, it is a prescribed requirement that a person must—
  - (a) before carrying out gasfitting work that is hot-tapping work, apply to Energy Safe Victoria for authorisation to carry out that work; and
  - (b) not carry out gasfitting work that is hot-tapping work unless that work is authorised by Energy Safe Victoria.
- (2) For the purposes of section 72(1) of the Act, the prescribed standard for carrying out gasfitting work that is hot-tapping work is the standard determined by Energy Safe Victoria for that work in the authorisation of that work.
- (3) This regulation applies despite anything to the contrary in Division 1.

#### **Division 5—Special requirements for high pressure consumer piping**

##### **24 Standards and requirements for high pressure consumer piping**

- (1) For the purposes of section 72(1) of the Act, it is a prescribed requirement that a person must—
  - (a) before carrying out gasfitting work in relation to consumer piping which is to

- have an operating pressure in excess of 200 kilopascals, apply to Energy Safe Victoria for authorisation to carry out that work; and
- (b) not carry out that gasfitting work unless that gasfitting work is authorised by Energy Safe Victoria.
- (2) For the purposes of section 72(2) of the Act, the prescribed standard for consumer piping which is to have an operating pressure in excess of 200 kilopascals is the standard determined by Energy Safe Victoria in respect of that piping in an authorisation for the gasfitting work relating to that piping.

**Note**

See regulation 14 for requirements relating to consumer piping with an operating pressure of 200 kilopascals or less.

**Division 6—Special requirements for flueless space heaters**

**25 Installation of flueless space heaters**

- (1) For the purposes of section 72(1) of the Act, it is a prescribed requirement that a person carrying out gasfitting work not install or locate for use a flueless space heater or a connection device in residential premises (including a caravan or a boat) except in accordance with the requirements set out in subregulation (2).
- (2) A person may replace an existing flueless space heater in residential premises with a new flueless space heater (*the new heater*) if—
- (a) the heater being replaced operated on LP Gas; and
  - (b) the new heater operates on LP Gas; and
  - (c) the emission of oxides of nitrogen from the new heater does not exceed 2.5 ng/J; and

- (d) the carbon monoxide/carbon dioxide ratio of the new heater does not exceed 0.002.
- (3) Despite anything to the contrary in this regulation, for the purposes of section 72(1) of the Act, it is a prescribed requirement that a person carrying out gasfitting work not install or locate for use a flueless space heater or a connection device in—
- (a) a hospital; or
  - (b) a registered community health centre, day procedure centre, residential care service or supported residential service within the meaning of the **Health Services Act 1988**; or
  - (c) a school, TAFE institute or university within the meaning of the **Education and Training Reform Act 2006** (excluding a workshop or assembly hall); or
  - (d) a children's service within the meaning of the **Children's Services Act 1996**.
- (4) In this regulation, *connection device* means a device that is installed to enable subsequent connection of a flueless space heater.

## 26 Prohibition on conversion of flueless space heaters

For the purposes of section 72(1) of the Act, it is a prescribed requirement that gasfitting work that converts a flueless space heater to operate on another type of gas is not carried out.

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**PART 4—ACCEPTANCE OF GAS INSTALLATIONS**

**27 Application for acceptance of gas installation**

- (1) Subject to subregulation (2), an application under section 73 of the Act for acceptance of a gas installation must contain or be accompanied by the information specified in Schedule 7.
- (2) An application under section 73 of the Act for acceptance of a gas installation must contain or be accompanied by the information specified in Schedule 7 and Schedule 8 in the case of a gas installation that is to—
  - (a) have a total gas rate exceeding 3.8 gigajoules per hour; or
  - (b) have an operating pressure exceeding 200 kilopascals; or
  - (c) be installed in a building exceeding 10 storeys above the ground.
- (3) If a gas installation contains a Type B appliance, an application under section 73 of the Act for acceptance of the gas installation must, in addition to the information required under subregulation (1) or (2) (as the case may be), also contain or be accompanied by the information specified in Schedule 9.
- (4) In addition to the information required under subregulation (1) or (2), Energy Safe Victoria in order to determine the safety of the gas installation may require the applicant—
  - (a) to provide a copy of any design, analysis, logic flow chart, program, calculation, drawing or specification for the gas installation;

- (b) to provide a sample of a material, component or other item to be used in the gas installation;
  - (c) to remove and submit joints made in a pipe;
  - (d) to have a non-destructive test carried out on a pipe and its joints.
- (5) For the purposes of section 73(2)(c) of the Act, a statement of compliance relating to an application for acceptance of a gas installation must be—
- (a) in the form of Schedule 10; and
  - (b) signed by a person who Energy Safe Victoria considers has the necessary training, qualifications or experience to provide the statement.
- (6) For the purposes of section 73(2)(c) of the Act, a statement of compliance relating to completion of a gas installation must be—
- (a) in the form of Schedule 11; and
  - (b) signed by a person who Energy Safe Victoria considers has the necessary training, qualifications or experience to provide the statement.

## **28 Inspection and testing of gas installations**

- (1) Before accepting a gas installation under section 73 of the Act, Energy Safe Victoria may—
- (a) inspect or audit the gas installation; and
  - (b) require it to be tested to determine whether it complies with the Act and these Regulations; and
  - (c) allow gas supply for commissioning purposes for a period not exceeding 21 business days or a longer period that is allowed by Energy Safe Victoria.

- (2) A person who is an applicant under section 73(1) of the Act may request in writing that Energy Safe Victoria allow gas supply for commissioning purposes for a period longer than 21 business days.
- (3) An application under subregulation (2) must specify the period for which gas supply is required.
- (4) Energy Safe Victoria may allow or refuse to allow a longer period of gas supply for commissioning purposes.
- (5) For the purposes of carrying out any inspection or test under subregulation (1), Energy Safe Victoria may remove any part of the gas installation from the installation or the premises in which it is situated.

### **29 Acceptance of gas installations containing Type B appliances subject to conditions**

- (1) This regulation applies if Energy Safe Victoria accepts, under section 73 of the Act, a gas installation that contains a Type B appliance subject to a condition requiring the gas installation to be tested by a person or body approved by Energy Safe Victoria.
- (2) The applicant for acceptance must—
  - (a) arrange for the required tests to be carried out; and
  - (b) notify Energy Safe Victoria, in writing, of the results of those tests.
- (3) A notice under subregulation (2) must contain or be accompanied by a statement of compliance in the form of Schedule 11 made and signed by the person or body approved by Energy Safe Victoria who carried out the tests of the gas installation.

### **30 Compliance plates for Type B appliances**

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If Energy Safe Victoria requires a compliance plate to be affixed to a Type B appliance in accordance with a condition of an acceptance of a gas installation under section 73 of the Act, the compliance plate—

- (a) must be a compliance plate issued by Energy Safe Victoria; and
  - (b) must be securely affixed in a place that is readily accessible; and
  - (c) must be in the form of Schedule 12 and meet the requirements of Schedule 12.
-

**PART 5—GENERAL**

**31 Duty to keep complex gas installation in a proper state of repair**

A person who is the owner of a complex gas installation must—

- (a) keep the installation safe and in a proper state of repair; and
- (b) keep any Type B appliance contained in the complex gas installation in a safe condition and in a proper state of repair; and
- (c) keep records relating to the service, maintenance, repair and modification of the complex gas installation and any Type B appliance contained in the complex gas installation for a period of three years after the relevant service, maintenance, repair or modification.

Penalty: 20 penalty units.

**32 Duty to report gas incidents**

If a gas incident occurs in relation to a complex gas installation the owner of the installation must report the gas incident, without delay, to Energy Safe Victoria and—

- (a) if the installation uses natural gas, to the gas distribution company which supplies that gas to the gas installation; or
- (b) if the installation uses LPG, to the gas retailer which supplies that gas to the gas installation.

Penalty: 20 penalty units.

**33 Power of inspector to disconnect or order disconnection**

- (1) If an inspector determines from an inspection under the Act or these Regulations that a gas installation—
- (a) does not comply with the Act or these Regulations; or
  - (b) is immediately dangerous or defective—
- the inspector may—
- (c) disconnect the gas installation or any part of the gas installation from the gas supply; or
  - (d) order any person to disconnect the gas installation or any part of the gas installation from the gas supply.
- (2) A person must comply with an order under subregulation (1).
- Penalty: 20 penalty units.
- (3) A person must not connect gas to a gas installation or any part of a gas installation which has been disconnected by or on the order of an inspector under this regulation, unless Energy Safe Victoria or an inspector has authorised the connection.
- Penalty: 20 penalty units.

**34 Exception for supply of gas by gas company**

For the purposes of section 34(2) of the Act it is a prescribed circumstance if the gas company supplies gas for commissioning purposes with the approval of Energy Safe Victoria.

### **35 Prescribed requirements for supply or sale of LPG**

- (1) For the purposes of section 79A(1)(a) of the Act, the prescribed standards of quality are that –
  - (a) the gas have an odour which is distinctive and unpleasant and an odour level that is discernible at one-fifth of the lower explosive limit of the gas; and
  - (b) LP Gas supplied or sold to a customer complies with AS 4670.
- (2) For the purposes of section 79A(1)(c) of the Act, the prescribed requirements are that the person affix at or near the place the gas is supplied a sign that is—
  - (a) in the form of Schedule 13; and
  - (b) at least 200 millimetres long and 100 millimetres high.
- (3) For the purposes of section 79A(2) of the Act, the prescribed appliances are—
  - (a) Type A appliances that have been accepted under sections 68 or 69 of the Act for use with LPG of any composition; and
  - (b) Type B appliances that have been accepted under section 73 of the Act for use with LPG of any composition.

### **36 Waiver or rebate of fees**

If an application to Energy Safe Victoria under these Regulations requires payment of a fee, Energy Safe Victoria may waive or rebate all or part of the fee in circumstances that Energy Safe Victoria considers appropriate.

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**SCHEDULES**

**SCHEDULE 1**

**REVOCATIONS**

1. Gas Safety (Gas Installation) Regulations 2008<sup>1</sup>.
  2. Gas Safety (Gas Installation) Amendment Regulations 2014<sup>2</sup>.
-

**SCHEDULE 2**

**INFORMATION TO BE SUPPLIED BY PERSONS SEEKING  
ACCEPTANCE OF AN APPLIANCE**

(Section 69)  
(Regulation 8)

- 1 Full name, address, ABN or ACN and contact details of person applying for acceptance.
- 2 Details of test results received from a testing agency accepted by Energy Safe Victoria:

**3 Appliance details**

Details regarding the appliance, including where relevant:

- (a) Manufacturer's name.
- (b) Model identification.
- (c) Maximum and minimum gas consumption (MJ/h).
- (d) Nominal gas consumption.
- (e) Gas type/s.
- (f) Maximum and minimum gas supply pressures.
- (g) Gas pressure at burner head for the maximum and minimum gas consumption.
- (h) Gas pressure at burner head for the nominal gas consumption.
- (i) Burner ignition details (pilots, etc.).
- (j) Flueing details.
- (k) Installation instructions.

**4 Component details**

Details regarding components, including where relevant:

- (a) Manufacturer's name.
- (b) Model identification.
- (c) Gas type/s.
- (d) Maximum and minimum gas supply pressures.
- (e) Rated working pressure.
- (f) Maximum and minimum gas flow rates.
- (g) Electrical specifications, ratings etc.

- (h) Acceptance number issued under an acceptance scheme authorised by Energy Safe Victoria.

**5 Valve train schematic diagram**

A schematic diagram clearly indicating:

- (a) All components (including brand and model).
- (b) Rated working pressure of all components.
- (c) Proposed settings of all adjustable devices.

**6 Appliance electrical circuit diagram**

A circuit diagram in ladder-logic format clearly indicating:

- (a) Safety and control circuits.
- (b) Details of all major components (including brand and model).
- (c) Method of operation of all major components.

**Note: There is no Schedule 3.**

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**SCHEDULE 4**

(Section 69)  
(Regulation 10)

**COMPLIANCE PLATE DETAILS**

**TYPE A APPLIANCE**

<p>State of Victoria Energy Safe Victoria <b>COMPLIANCE PLATE</b> <b>TYPE A APPLIANCE</b> This appliance has been accepted under section 69 of the <b>Gas Safety Act 1997.</b> ESV Acceptance No.: Date:</p>
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**Note: There is no Schedule 5.**

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**SCHEDULE 6**

**APPLICATION FOR EXEMPTION**

(Section 72)  
(Regulation 20)

1 Full name and ABN or ACN of applicant:

2 Address and contact details of applicant:

3 Name, address and contact details of customer:

4 Address of gas installation:

5 Name, address and contact details of person carrying out gasfitting work:

6 Details of proposed gasfitting work:

7 Details of standard(s) or requirement(s) from which exemption is sought  
(please specify regulation number(s) and/or the standard(s) or clause  
number(s) in the relevant standard(s)):

8 Statement of reasons why you believe that compliance with the standards or  
requirements does not warrant the cost of compliance and the alternative  
means by which you propose to achieve an acceptable level of safety:

Dated:

Signature of applicant:

  

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**SCHEDULE 7**

**INFORMATION TO BE SUPPLIED BY PERSONS SEEKING  
ACCEPTANCE OF A GAS INSTALLATION**

(Section 73)  
(Regulation 27(1))

- 1 Full name:
  - 2 ABN or ACN:
  - 3 Address:
  - 4 Phone number:
  - 5 Registration number:
  - 6 Email address:
  - 7 Facsimile number:
  - 8 Address of gas installation.
  - 9 Consumer's name and site contact name.
  - 10 Type of work.
  - 11 Type of gas.
  - 12 Summary of work.
  - 13 Commencement and completion dates for work.
  - 14 Details of:
    - (a) the gas rate (only if the rate is to exceed 3.8 GJ/h);
    - (b) the operating pressure (only if the operating pressure is to exceed 200kPa);
    - (c) whether or not the building exceeds 10 storeys above the ground.
-

**SCHEDULE 8**

**ADDITIONAL INFORMATION TO BE SUPPLIED BY  
PERSONS SEEKING ACCEPTANCE OF CERTAIN GAS  
INSTALLATIONS**

(Section 73)  
(Regulation 27(2))

- 1 Details of the gas installation, including drawings of:
    - (a) the general arrangements of the consumer piping;
    - (b) the location of valves, pressure control regulators and other controls or devices installed within the piping;
    - (c) the location of any gas meter (but not the gas company's meter);
    - (d) piping designed to safely discharge gas from safety or control devices; and
    - (e) any associated electrical circuit diagrams.
  - 2 Details of design, calculations, test and commissioning procedures including:
    - (a) calculations of pressure loss;
    - (b) testing for gas tightness;
    - (c) purging associated with commissioning or decommissioning piping; and
    - (d) commissioning pressure control and other pipeline devices.
  - 3 Details of all control or other devices installed within the piping, including:
    - (a) manufacturer's data sheets; and
    - (b) proposed settings of all adjustable devices.
-

**SCHEDULE 9**

**ADDITIONAL INFORMATION TO BE SUPPLIED FOR A  
TYPE B APPLIANCE**

(Section 73)  
(Regulation 27(3))

**1 Appliance details**

Details regarding the appliance, including where relevant:

- (a) Manufacturer's name.
- (b) Model identification.
- (c) Nominal gas consumption (MJ/h).
- (d) Gas type.
- (e) Maximum and minimum gas supply pressures.
- (f) Purge times.
- (g) Gas pressure at burner head for the nominal gas consumption.
- (h) Combustion chamber volume.
- (i) Purge volume, being the total volume swept from the entry of the purge medium to the point of emission including interconnecting ductwork.
- (j) Serial number.
- (k) Date of manufacture.

- 2 Description of the appliance function and any associated industrial process with which the appliance is integrated together with a drawing indicating the general arrangement.

**3 Valve train schematic diagram**

A schematic diagram clearly indicating:

- (a) All components (including brand and model) and component acceptance numbers.
- (b) Rated working pressure of all components.
- (c) Proposed settings of all adjustable devices.
- (d) Nominal gas consumption.
- (e) Supply pressure at appliance and burner pressure.

**4 Electrical circuit diagram**

A circuit diagram in ladder-logic format clearly indicating:

- (a) Safety and control circuits.
- (b) Details of all major components (including brand and model).
- (c) Method of operation of all major components.

**5 Process and instrumentation diagram clearly indicating the relationship between the safety and control functions of the appliance/process.**

**6 Purge time calculation**

Calculation of the time required to purge the appliance in accordance with AS 3814.

**7 Safe start gas rate**

Where required by AS 3814, calculation of the safe start gas rate or the critical time for ignition or critical energy.

**8 Explosion relief area and dilution air flow rate (where relevant)**

If the appliance process involves solvents or dusts and where required by AS 3814, provide details of, and calculations for, explosion relief area and dilution air flow rates.

**9 Details of flueing.**

**10 Details of ventilation.**

**11 Commissioning procedures and operating instructions.**

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**SCHEDULE 10**

**STATEMENT OF COMPLIANCE IN RELATION TO A GAS  
INSTALLATION**

(Section 73)  
(Regulation 27(5))

**Certification**

I certify that this gas installation will meet the requirements of the **Gas Safety Act 1997** and the Gas Safety (Gas Installation) Regulations 2018.

Signature:

Date:

  

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**SCHEDULE 11**

**STATEMENT OF COMPLIANCE IN RELATION TO  
COMPLETION OF GAS INSTALLATION**

(Section 73)  
(Regulations 27(6) and 29(3))

**Certification**

I certify that this gas installation meets the requirements of the **Gas Safety Act 1997** and that the required tests have been carried out and it will be safe for gas to be made available to the consumer.

Signature:

Date:

  

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**SCHEDULE 12**

(Section 73)  
(Regulation 30)

**COMPLIANCE PLATE DETAILS**

**TYPE B APPLIANCE**

<p>State of Victoria Energy Safe Victoria <b>COMPLIANCE PLATE</b> <b>TYPE B APPLIANCE</b> This appliance has been commissioned in compliance with the <b>Gas Safety Act 1997</b>. ESV Acceptance No.: Appliance Serial No.: Installed at: Date:</p>
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**SCHEDULE 13**

(Section 79A(1))  
(Regulation 35(2)(a))

**WARNING SIGN**

**WARNING**

Household LPG appliances (including BBQs and LPG camping equipment) are not designed to operate on Autogas. Using Autogas in such appliances may make them UNSAFE.

No commercial, household or portable LPG cylinders shall be filled with Autogas on this site.

Knowingly supplying Autogas for use in a household LPG appliance is an offence.



Gas Safety (Gas Installation) Regulations 2018

<sup>1</sup> Reg. 4(a): S.R. No. 165/2008.

<sup>2</sup> Reg. 4(b): S.R. No. 9/2014.

**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 5, definition of <i>AS 3814</i> Regulation 13	AS 3814, “Industrial and commercial gas-fired appliances” published on 18 February 2015 by Standards Australia	The whole.
Regulation 5, definition of <i>AS 4670</i> Regulation 35(1)(b)	AS 4670, “Commercial propane and commercial butane for heating purposes” published on 1 September 2006 by Standards Australia	The whole.
Regulation 5, definitions of <i>AS/NZS 5601.1, consumer piping, gas pressure regulator, operating pressure, pressure, rated working pressure</i> Regulations 12(1)(a), 12(2), 14(1)(a), 14(2)	AS/NZS 5601.1 “Gas installations—Part 1: General installations” published on 16 September 2013 by Standards Australia and Standards New Zealand	The whole.

Gas Safety (Gas Installation) Regulations 2018

Regulation 5, definition of <b>AS/NZS 5601.2</b> Regulation 12(1)(b) Regulation 12(3), definitions of <b>boat</b> and <b>caravan</b> Regulation 14(1)(b) Regulation 14(3), definitions of <b>boat</b> and <b>caravan</b>	AS/NZS 5601.2, “Gas installations—Part 2: LP Gas installations in caravans and boats for non-propulsive purposes” published on 16 September 2013 by Standards Australia and Standards New Zealand	The whole.
Regulation 5, definition of <b>BCA Volume One</b>	National Construction Code 2016 Volume One, published February 2016 by the Australian Building Codes Board	The whole.
Regulation 5, definition of <b>BCA Volume Two</b>	National Construction Code 2016 Volume Two, published February 2016 by the Australian Building Codes Board	The whole.
Regulation 5, definition of <b>commercial catering equipment</b>	AS/NZS 5601.1 “Gas installations—Part 1: General installations” published on 16 September 2013 by Standards Australia and Standards New Zealand	Section 6.10.2
Regulation 7(1)(b)	National Construction Code 2016 Volume Two, published February 2016 by the Australian Building Codes Board	Clause 1.3.2
Regulations 7(1)(c) and (d), 7(2)	National Construction Code 2016 Volume One, published February 2016 by the Australian Building Codes Board	Clause A3.2