

DANGEROUS GOODS ACT 1975—REGULATION

(Relating to gasfitting work)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dangerous Goods Act 1975, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Minister for Industrial Relations,
Minister for Further Education,
Training and Employment.

Commencement

1. This Regulation commences on 12 April 1991.

Amendment of Dangerous Goods (Gas Installations) Regulation 1982

2. The Dangerous Goods (Gas Installations) Regulation 1982 is amended:

- (a) by omitting from clause 4 (1) the definition of “advanced gasfitting work”;
- (b) by omitting from clause 4 (1) the definition of “gasfitting work” and by inserting instead the following definition:

“**gasfitting work**” means the carrying out of work on a gas installation (other than an autogas installation) which is designed for use with natural gas, or on a flue associated with such a gas installation;
- (c) by omitting clause 5 (b) and by inserting instead the following paragraph:
 - (b) a gas installation used to convey gas supplied under an authorisation in force under Part 2 of the Gas Act 1986; or

- (d) by omitting from clause 6 (1) the definition of “appropriate licence” and by inserting instead the following definition:

“**appropriate authority**”, in relation to the doing of any gasfitting work, liquefied petroleum gasfitting work or advanced liquefied petroleum gasfitting work, means an endorsed licence or supervisor certificate in force under the Building Services Corporation Act 1989 authorising the doing of the work;

- (e) by inserting in clause 6 (1) after the definition of “compliance plate” the following definition:

“**contractor licence**”, in relation to the doing of any gasfitting work, liquefied petroleum gasfitting work or advanced liquefied petroleum gasfitting work, means a licence in force under the Building Services Corporation Act 1989 authorising the holder to contract to do the work;

- (f) by omitting clause 6 (2);

- (g) by omitting clause 7 and by inserting instead the following clause:

Gasfitting work etc. only to be done by qualified persons

7. An individual must not do any gasfitting work, liquefied petroleum gasfitting work or advanced liquefied petroleum gasfitting work, except:

- (a) as the holder of an endorsed licence, or of a supervisor or registration certificate, in force under the Building Services Corporation Act 1989 authorising its holder to do that work; or
- (b) under the immediate supervision of the holder of such an endorsed licence or supervisor certificate.

Maximum penalty: 100 penalty units.

- (h) by omitting from clause 8 (1) the word “licence” and by inserting instead the word “authority”;

- (i) by omitting clause 8 (2) (c) and (d) and by inserting instead the following paragraphs:

(c) specify the name of that person, the work authorised by the appropriate authority held by the person and the type and number of the appropriate authority;

(d) specify the name of the contractor, if any, by whom that person was employed while testing that installation and the number of the contractor licence held by that contractor;

- (j) by omitting from clause 8 (3) the word “licence” and by inserting instead the word “authority”;

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- (k) by omitting from clause 9 (1) the word “licence” and by inserting instead the word “authority”;
- (l) by omitting from clause 9 (2) (d) (ii) the word “licence” and by inserting instead the word “authority”;
- (m) by omitting from clause 9 (2) (d) (iii) the words “contractor’s authority” and by inserting instead the words “contractor licence”;
- (n) by omitting from clause 11 (2) (a) the word “licence” and by inserting instead the word “authority”;
- (o) by omitting from clause 12 (2) (c) the word “licence” and by inserting instead the word “authority”;
- (p) by inserting in clause 26 after the word “and” the words “, unless a penalty is otherwise provided, is”;
- (q) by omitting from Forms 1 and 2 in Schedule 1 the matter “(*class of licence*)”, “Licence No:” and “(Authority No:)” wherever occurring and by inserting instead the matter “(*type of licence/certificate*)”, “(Endorsed Licence/Certificate No:)” and “(Contractor Licence No:)”, respectively;
- (r) by omitting from Forms 3 and 4 in Schedule 1 the matter “(Licence No.)” and “(Authority No.)” wherever occurring and by inserting instead the matter “(Endorsed Licence/Certificate No.)” and “(Contractor Licence No.)”, respectively.

Amendment of Dangerous Goods Regulation 1978

3. The Dangerous Goods Regulation 1978 is amended:

- (a) by inserting in clause 31 after the word “liable” the words “, unless a penalty is otherwise provided.”;
- (b) by omitting clause 284A (2) and by inserting instead the following subclause:
 - (2) An individual must not carry out work on any pipes, fittings or appliances which are attached to, or form part of, a transport container to which this clause applies, except:
 - (a) as the holder of an endorsed licence, or of a supervisor or registration certificate, in force under the Building Services Corporation Act 1989 authorising its holder to do advanced liquefied petroleum gasfitting work; or
 - (b) under the immediate supervision of the holder of such an endorsed licence or supervisor certificate.

Maximum penalty: 100 penalty units.

EXPLANATORY NOTE

The object of this Regulation is to update the Dangerous Goods (Gas Installations) Regulation 1982 and the Dangerous Goods Regulation 1978 as a consequence of the commencement of the Building Services Corporation Act 1989.

The Regulation amends these Regulations:

- to make it an offence to carry out certain gasfitting work without being licensed, or under the supervision of a person licensed, to do that work under the Building Services Corporation Act 1989; and
- to make it an offence to carry out certain work on containers used to carry liquefied petroleum gas without being licensed, or being under the supervision of a person licensed, to do advanced liquefied petroleum gasfitting work under the Building Services Corporation Act 1989; and
- to omit references in the Dangerous Goods (Gas Installations) Regulation 1982 to advanced gasfitting work, since advanced gasfitting licences will no longer be issued by the Building Services Corporation.

A maximum penalty of 100 penalty units (\$10,000) may be imposed for both offences.
