



Victoria Government Gazette

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Subordinate Legislation Act 1994

Gas Safety Act 1997

NOTICE OF DECISION

As Minister responsible for the **Gas Safety Act 1997**, I give notice under section 12 of the **Subordinate Legislation Act 1994** that, further to public consultation on a regulatory impact statement (RIS), I have decided to recommend the making of the Gas Safety (Gas Installation) Amendment (Type A Appliances) Regulations 2022.

I hereby give notice of the decision to make the Gas Safety (Gas Installation) Amendment (Type A Appliances) Regulations 2022.

An exposure draft of the proposed regulations and a RIS were released for public consultation on the Engage Victoria website between 16 February and 22 March 2022.

Six written submissions were received and 67 responses to the online survey were received. These submissions were considered in accordance with section 11 of the **Subordinate Legislation Act 1994**.

After consideration of the submissions, I have decided that the Gas Safety (Gas Installation) Amendment (Type A Appliances) Regulations 2022 should be made, without amendment to the draft that was released for public comment. In summary, the key details include:

- a. the proposed regulations mandate Australian Standard AS 4575 Gas appliances – Servicing of Type A appliances in Victoria through amendment of the Gas Safety (Gas Installation) Regulations 2018. Also mandated under the proposed regulations, are record keeping and reporting requirements to enable adequate monitoring, auditing and enforcement. The proposed regulations are expected to:
 - i. Improve safety by minimising adverse safety outcomes resulting from inadequate servicing.
 - ii. Increase the quality and consistency of this work.
 - iii. Improve clarity for both gasfitters and their customers as a clear minimum standard for servicing will be set and enforced.
 - iv. Increase accountability for gasfitters as they will be audited against this minimum standard.
 - v. Increase confidence of consumers in the effectiveness of servicing and increase confidence in the safety of their gas appliances.
 - vi. Improve alignment of regulations with other states and territories. AS4575 is already mandated in Tasmania and other states and territories may follow.
- b. The key items mandated by proposed regulations are:
 - i. The application of AS4575 to gas appliance servicing of all Type A appliances where they are part of a standard gas installation.
 - ii. The mandating of records keeping and the minimum content required in a record of the above work.
 - iii. The requirement to provide a copy of the above record to the person for whom the work was carried out and to the Victorian Building Authority (VBA).

The term ‘standard gas installation’ is defined in the **Gas Safety Act 1997**. Standard gas installations are within the jurisdiction of the VBA.

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- c. The Regulatory Impact Statement assessed two options for application of the standard:
 - 1. apply the standard to all Type A gas appliances that are part of a standard gas installation; or
 - 2. apply the standard only to open flued Type A gas appliances that are part of a standard gas installation.
- d. The Regulatory Impact Statement also considered two sub-options about keeping records:
 - a. gasfitter retains the record and provides to the VBA, on request; or
 - b. gasfitter submits the record to the VBA, within five days of completing the servicing activity.

Both of sub-options (a) and (b) above also include the requirement to provide the record to the person for whom the work was carried out.

- e. The RIS produced a preferred option (1b) which includes applying the standard to all Type A gas appliances that are part of a standard gas installation and the gasfitter submitting the record to the VBA, within 5 days of completing the servicing activity. This was supported by a majority of stakeholders consulted during preparation of the RIS.
- f. The RIS assessed the options described above, based on quantifiable costs and benefits of the proposed regulations, using a breakeven and multi criteria analysis. This demonstrated a breakeven point of the number of injuries and fatalities required to be prevented for each option. The RIS demonstrated the merits of the preferred option based on a multi criteria analysis that incorporated some additional non-quantifiable benefits.
- g. During the public consultation, feedback was received from a range of stakeholders including individual gas fitters as well as small, medium and large employers. Although the requirement to report to the VBA did not receive majority support, many respondents expressed support for the preferred option. The majority of respondents who identified as consumers or industry groups supported reporting to the VBA.
- h. After the public release of the RIS and consideration of public comments and submission, no changes were made to the proposed regulations.

The Gas Safety (Gas Installation) Amendment (Type A Appliances) Regulations 2022 will come into operation on 1 June 2022.

After the Gas Safety (Gas Installation) Amendment (Type A Appliances) Regulations 2022 are made, they will be published in the Government Gazette and be available from the government website: www.legislation.vic.gov.au

A copy of this notice, the submissions received, and a Statement of Reasons which summarises the issues raised in submissions and the reason for the final form of the Regulations will also be published on the Engage Victoria website: www.engage.vic.gov.au and available in hard copy at: Energy Safety and Security, Energy Group, Department of Environment, Land, Water and Planning, Level 3, 8 Nicholson Street, East Melbourne, Victoria 3002.

LILY D'AMBROSIO MP
Minister for Energy, Environment and Climate Change

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