

**Authorised Version No. 002**  
**Gas Safety (Safety Case) Regulations 2008**

**S.R. No. 164/2008**

Authorised Version as at  
20 March 2013

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are—

- (a) to make provision for safety cases in relation to facilities, gas installations and appliances; and
- (b) to provide for the reporting of gas incidents.

**2 Authorising provision**

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

**3 Commencement**

These Regulations come into operation on 18 January 2009.

**4 Revocations**

- (1) The Gas Safety (Safety Case) Regulations 1999<sup>1</sup> are **revoked**.
- (2) The Gas Safety (Safety Case) (Amendment) Regulations 1999<sup>2</sup> are **revoked**.

**5 Definitions**

In these Regulations—

*facility description* means a facility description referred to in regulation 10 or 24;

*formal safety assessment* means a formal safety assessment referred to in regulation 25;

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***manufacturer*** has the same meaning as it has in section 51 of the Act;

***operator*** has the same meaning as it has in section 51 of the Act;

***published technical standard*** in relation to any matter means a document which gives technical information, guidance or advice on that matter and that is published by—

- (a) Standards Australia; or
- (b) the British Standards Institute; or
- (c) the International Organization for Standardization (ISO); or
- (d) the Institution of Gas Engineers (United Kingdom); or
- (e) any similar standards organisation, whether within Australia or outside Australia;

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

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**PART 2—SAFETY CASE FOR FACILITY**

**Division 1—Application**

**6 Application of this Part**

This Part applies to a safety case under Division 2 of Part 3 of the Act.

**Division 2—Content of safety case for gas retail facilities**

**7 Application of this Division**

This Division applies to a safety case relating to a facility for the sale by retail of gas.

**8 Person responsible for operation of facility**

A safety case must specify the name, title and business address of the chief executive officer, managing director or other person who has responsibility for the management, control and safe operation of the gas company.

**9 Person responsible for safety case**

A safety case must specify the title of the position of the person who is responsible for preparation and submission of the safety case.

**10 Facility description**

- (1) A safety case must contain a facility description.
- (2) The facility description must provide a detailed description of the functions and operation of the facility to which the safety case relates.
- (3) The facility description must provide sufficient information to enable the extent and scope of the operations of the gas company in relation to the facility and the risks associated with those operations to be assessed.

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## **11 Safety management system**

- (1) A safety case must specify the safety management system followed or to be followed in relation to the facility.
- (2) The safety management system must contain the information specified in Division 3.

### **Division 3—Content of safety management system— gas retail facilities**

## **12 Safety policy**

The safety management system for a facility for the sale by retail of gas must specify the gas company's safety policy.

## **13 Organisational structure and responsibilities**

The safety management system for a facility for the sale by retail of gas must specify the titles of the positions and the duties of the persons responsible for the implementation of the safety policy for the facility.

## **14 Adequacy of gas supply to customers**

The safety management system for a facility for the sale by retail of gas must specify the means by which the gas company ensures that it meets its duties under section 32 of the Act.

## **15 Quality of gas supplied to customers**

The safety management system for a facility for the sale by retail of gas must specify the means by which the gas company ensures that it meets its duties under section 33 of the Act.

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## **16 Supply of gas for use in gas installations**

The safety management system for a facility for the sale by retail of gas must specify the means by which the gas company ensures that it meets its duties under sections 34 and 35 of the Act.

## **17 Reporting of gas incidents**

The safety management system for a facility for the sale by retail of gas must specify the means by which the gas company ensures that it meets its duties under section 36(1) and (2) of the Act in relation to the reporting of gas incidents.

## **18 Emergency preparedness**

- (1) The safety management system for a facility for the sale by retail of gas must specify a response plan designed to address all reasonably foreseeable emergencies.
- (2) The response plan must—
  - (a) ensure the safety of the public and customers; and
  - (b) specify the means by which the gas company ensures that it meets its duties under sections 32 and 33 of the Act.

## **19 Internal monitoring, auditing and reviewing**

- (1) The safety management system for a facility for the sale by retail of gas must specify the processes and the performance indicators to be used by the gas company for monitoring, auditing and reviewing the adequacy and implementation of the safety policies and procedures specified in the safety management system.

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- (2) The safety management system for a facility for the sale by retail of gas must specify the means to be used to ensure—
- (a) regular and systematic identification of deficiencies in those policies and procedures and in their implementation; and
  - (b) regular and systematic improvement in those policies and procedures and in their implementation to improve the safety of the facility and its operation.

## **20 Competence and training**

The safety management system for a facility for the sale by retail of gas must specify the work and staffing systems in relation to the facility to ensure that—

- (a) the minimum level of qualifications, skill and competence that is required for the carrying out of work in relation to the facility is identified; and
- (b) only persons with the qualifications, skills and competence appropriate to that work are assigned to carry out the work; and
- (c) any training necessary for persons assigned to carry out that work is provided.

## **Division 4—Content of safety case for other gas facilities**

### **21 Application of this Division**

This Division applies to a safety case for a gas company facility, other than a facility for the sale by retail of gas.

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## **22 Person responsible for operation of facility**

A safety case must specify the name, title and business address of the chief executive officer, managing director or other person who has responsibility for the management, control and safe operation of the gas company.

## **23 Person responsible for safety case**

A safety case must specify the title of the position of the person who is responsible for preparation and submission of the safety case.

## **24 Facility description**

- (1) A safety case must contain a facility description.
- (2) The facility description must provide a detailed description of the structure, assets, function and operation of the facility to which the safety case relates.
- (3) The facility description must provide sufficient information to enable the extent and scope of the assets and operations of the gas company in relation to the facility and the risks associated with those assets and operations to be assessed.

## **25 Formal safety assessment**

- (1) A safety case must contain a formal safety assessment.
- (2) The formal safety assessment for a facility must be consistent with the facility description for the facility and must provide—
  - (a) a description of the methodology used and investigations undertaken for the formal safety assessment; and
  - (b) an identification of hazards having the potential to cause a gas incident; and

- (c) a systematic assessment of risk, including the likelihood and consequences of a gas incident; and
- (d) a description of technical and other measures undertaken, or to be undertaken, to reduce that risk as far as practicable.

## **26 Safety management system**

- (1) A safety case must specify the safety management system followed or to be followed in relation to the facility.
- (2) The safety management system must contain the information specified in Division 5.

## **Division 5—Content of safety management system—other gas facilities**

### **27 Safety policy**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the gas company's safety policy.

### **28 Organisational structure and responsibilities**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the titles of the positions and the duties of the persons responsible for the implementation of the safety policy for the facility.

### **29 Published technical standards**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the published technical standards applied to or used or to be used in the design, construction, commissioning, installation, operation, maintenance and decommissioning of the facility or any part of the facility.

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**30 Design, construction, installation, operation, maintenance and modification**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the procedures and the asset management plan that are used or to be used by the gas company to ensure that the design, construction, commissioning, installation, operation, maintenance and decommissioning of the facility and any modification of the facility—

- (a) is adequate for the safety and safe operation of the facility; and
- (b) is adequate for the safe and reliable conveyance and supply of gas; and
- (c) is adequate for ensuring the quality of gas conveyed or supplied; and
- (d) takes into account the results of the formal safety assessment for the facility.

**31 Permit to work system**

- (1) The safety management system for a facility (other than a facility for the sale by retail of gas) must specify all work relating to the facility for which a permit to work system needs to be established.
- (2) If work is specified under subregulation (1), the safety management system must specify the permit to work system that is to apply in respect of that work.
- (3) A permit to work system must—
  - (a) prohibit any person from performing work for which a permit is required without a written permit to work issued by a person authorised by the gas company to issue that permit; and

- (b) specify the positions of the persons who are authorised to issue permits to work and to supervise that work; and
- (c) ensure that persons authorised to issue permits to work and persons carrying out operations under those permits are competent and are provided with appropriate training, procedures, tools, equipment and emergency support.

### **32 Emergency preparedness**

- (1) The safety management system for a facility (other than a facility for the sale by retail of gas) must specify a response plan designed to address all reasonably foreseeable emergencies which have been identified through the formal safety assessment.
- (2) The response plan must—
  - (a) ensure the safety of the public; and
  - (b) specify the means to ensure the continued safe operation of the facility; and
  - (c) specify the means by which the gas company ensures that it meets its duties under sections 32 and 33 of the Act.

### **33 Reporting of gas incidents**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the means by which the gas company ensures that it meets its duties under section 36(1) and (2) of the Act in relation to the reporting of gas incidents.

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### **34 Internal monitoring, auditing and reviewing**

- (1) The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the processes and the performance indicators to be used by the gas company for monitoring, auditing and reviewing the adequacy and implementation of the safety policies and procedures specified in the safety management system.
- (2) The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the means to be used to ensure—
  - (a) regular and systematic identification of deficiencies in those policies and procedures and in their implementation; and
  - (b) regular and systematic improvement in those policies and procedures and in their implementation to improve the safety of the facility and its operation.

### **35 Gas incident recording, investigation and reviewing**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify—

- (a) the means to be used for recording and investigating gas incidents; and
- (b) the management systems to be used for reviewing and taking action on the information so recorded or arising from those investigations to improve the safety of the facility and its operation.

### **36 Competence and training**

The safety management system for a facility (other than a facility for the sale by retail of gas) must specify the work and staffing systems in relation to the facility to ensure that—

- (a) the minimum level of qualifications, skill and competence that is required for the carrying out of work in relation to the facility is identified; and
- (b) only persons with the qualifications, skills and competence appropriate to that work are assigned to carry out the work; and
- (c) any training necessary for persons assigned to carry out that work is provided.

### **Division 6—Records**

### **37 Records**

- (1) A gas company must, in accordance with this regulation, establish and maintain a system for keeping records relating to the safety case for each of its facilities.

Penalty: 20 penalty units.

- (2) The records required to be kept under subregulation (1) are—
  - (a) the accepted safety case; and
  - (b) any revisions of the accepted safety case; and
  - (c) any written audit reports of the accepted safety case; and
  - (d) any reports of investigations by the gas company of gas incidents; and
  - (e) a copy of each report given by the gas company to Energy Safe Victoria.

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- (3) The records must be kept—
- (a) at the address or location nominated in the safety case by the gas company; and
  - (b) in a manner that makes their retrieval reasonably practicable; and
  - (c) in a secure manner; and
  - (d) for the period of 7 years from the creation of the record.
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**PART 3—SAFETY CASES FOR GAS INSTALLATIONS AND APPLIANCES**

**38 Safety case under section 52 of the Act**

Divisions 4, 5 and 6 of Part 2 apply to a safety case under section 52 of the Act as if—

- (a) any reference to a facility were a reference to a complex gas installation; and
- (b) any reference to a gas company were a reference to the operator of the complex gas installation.

**39 Safety case under section 53 of the Act**

Divisions 4, 5 and 6 of Part 2 apply to a safety case under section 53 of the Act as if—

- (a) any reference to a facility were a reference to the supply and installation of the Type B appliances concerned; and
- (b) any reference to a gas company were a reference to the manufacturer of the Type B appliances.

**40 Safety case under section 54 of the Act**

Divisions 4, 5 and 6 of Part 2 apply to a safety case under section 54 of the Act as if—

- (a) any reference to a facility were a reference to the manufacture of the complex gas installations concerned; and
  - (b) any reference to a gas company were a reference to the manufacturer of the complex gas installations.
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**PART 4—REPORTING OF GAS INCIDENTS**

**41 Requirements for reporting of gas incidents**

- (1) For the purposes of section 36(1) of the Act, a gas company must report gas incidents in the form of a statistical summary on a quarterly basis.
- (2) Despite subregulation (1), for the purposes of section 36(1) of the Act, a gas company must report a gas incident as soon as practicable after it occurs if the gas incident—
  - (a) involves a transmission pipeline; or
  - (b) causes the death of or injury to a person; or
  - (c) causes significant property damage; or
  - (d) causes significant disruption to the community.
- (3) For the purposes of section 36(2) of the Act, a gas company must report a gas incident as soon as practicable after it becomes aware of the incident.
- (4) The report of a gas incident under section 36 (other than a gas incident to which subregulation (1) applies) must specify, to the extent that the information is available to the gas company—
  - (a) the nature of the gas incident; and
  - (b) where and when the gas incident occurred; and
  - (c) the cause of the gas incident; and
  - (d) whether any emergency service attended the gas incident; and
  - (e) what remedial actions (if any) were taken by the gas company.

## ENDNOTES

### 1. General Information

The Gas Safety (Safety Case) Regulations 2008, S.R. No. 164/2008 were made on 16 December 2008 by the Governor in Council under section 118 of the **Gas Safety Act 1997**, No. 99/1997 and came into operation on 18 January 2009: regulation 3.

The Gas Safety (Safety Case) Regulations 2008 will sunset 10 years after the day of making on 16 December 2018 (see section 5 of the **Subordinate Legislation Act 1994**).

## **2. Table of Amendments**

There are no amendments made to the Gas Safety (Safety Case) Regulations 2008 by statutory rules, subordinate instruments and Acts.

**Endnotes**

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**3. Explanatory Details**

<sup>1</sup> Reg. 4(1): S.R. No. 5/1999 as amended by S.R. No. 100/1999.

<sup>2</sup> Reg. 4(2): S.R. No. 100/1999.