

Authorised Version No. 001
Gas Safety (Safety Case) Regulations 2018

S.R. No. 141/2018

Authorised Version as at
22 October 2018

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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; and
- (c) to prescribe safety standards for the quality of gas and the testing of natural gas conveyed through a transmission pipeline.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 22 October 2018.

4 Revocations

The following Regulations are **revoked**—

- (a) the Gas Safety (Safety Case) Regulations 2008¹;
- (b) the Gas Safety (Gas Quality) Regulations 2017².

5 Definitions

In these Regulations—

AS 4564 means Australian Standard AS 4564—2011, "Specification for general purpose natural gas", as published or amended from time to time;

AS 4670 means Australian Standard AS 4670:2018, "Commercial propane and commercial butane for heating purposes", as published or amended from time to time;

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

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

facility description means a facility description referred to in regulation 11 or 26;

formal safety assessment means a formal safety assessment referred to in regulation 27;

LP Gas means commercial butane or commercial propane that is intended for use in an appliance;

LPG means liquefied petroleum gas and includes LP Gas;

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

NATA means National Association of Testing Authorities, Australia ACN 004 379 748;

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 Institution (BSI);
or
- (c) the International Organization for Standardization (ISO); or
- (d) the Institution of Gas Engineers and Managers (IGEM) (United Kingdom);
or
- (e) any similar standards organisation, whether within Australia or outside Australia;

the Act means the **Gas Safety Act 1997**;

Wobbe Index has the same meaning it has in AS 4564.

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 Specification of Australian Business Number or Australian Company Number

A safety case must specify the ABN or ACN of the gas company.

9 Person responsible for facility

A safety case must specify the name, title and business address of the person who—

- (a) is responsible for the management, control and safe operation of the gas company; and
- (b) has authorised the company's safety case.

10 Person responsible for safety case

A safety case must specify the title of the position and the contact details of the person who is responsible for preparing, submitting and updating the safety case.

11 Facility description

- (1) A safety case must contain a facility description.
- (2) The facility description must provide a detailed description of the 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 operations of the gas company in relation to the facility and the risks associated with those operations to be assessed.

12 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

13 Application of this Division

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

14 Organisational structure and responsibilities

The safety management system must specify the titles of the positions and the duties of the persons responsible for its implementation and management.

15 Safety of gas supply to customers

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

16 Quality of gas supplied to customers

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

Note

Regulations 45 and 46 prescribe standards of gas quality for the purposes of section 33 of the Act.

17 Supply of gas for use in gas installations

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

18 Reporting of gas incidents

The safety management system 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.

19 Emergency preparedness

- (1) The safety management system must specify a response plan designed to address all reasonably foreseeable emergencies.
- (2) The response plan must—
 - (a) specify the means to 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.

Note

Regulations 45 and 46 prescribe standards of gas quality for the purposes of section 33 of the Act.

20 Internal monitoring, auditing and reviewing

- (1) The safety management system 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 management system.

- (2) The safety management system must specify the means to be used to ensure—
- (a) regular and systematic identification of deficiencies in the safety management system and its implementation; and
 - (b) regular and systematic improvement of the safety management system and its implementation to improve the safety of the facility and its operation.

21 Competence and training

The safety management system 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

22 Application of this Division

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

23 Specification of Australian Business Number or Australian Company Number

A safety case must specify the ABN or ACN of the gas company.

24 Person responsible for facility

A safety case must specify the name, title and business address of the person who—

- (a) is responsible for the management, control and safe operation of the gas company; and
- (b) has authorised the company's safety case.

25 Person responsible for safety case

A safety case must specify the title of the position of the person who is responsible for preparing, submitting and updating the safety case.

26 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.

27 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 minimise that risk as far as practicable.

28 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 and must demonstrate the adequacy of the technical and other measures undertaken or to be undertaken under regulation 27.

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

29 Application of this Division

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

30 Organisational structure and responsibilities

The safety management system for a facility must specify the titles of the positions and the duties of the persons responsible for its implementation and management.

31 Published technical standards

The safety management system for a facility 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.

32 Design, construction, installation, operation, maintenance and modification

The safety management system for a facility must specify the means by which a gas company will 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 to ensure the safety of the public; and
- (c) is adequate to minimise the risk of damage to another person's property; and
- (d) is adequate for the safe and reliable conveyance and supply of gas; and
- (e) is adequate for ensuring the quality of gas conveyed or supplied; and

Note

Regulations 45 and 46 prescribe standards of gas quality for the purposes of section 33 of the Act.

- (f) takes into account the results of the formal safety assessment for the facility; and
- (g) meets the published technical standards specified in the safety management system in accordance with regulation 31; and
- (h) is adequate for monitoring and maintaining the integrity of the facility taking into account the expected operational life of the facility.

33 Permit to work system

- (1) The safety management system for a facility 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.

34 Emergency preparedness

- (1) The safety management system for a facility must specify a response plan designed to address all reasonably foreseeable emergencies and gas incidents which have been identified through the formal safety assessment.
- (2) The response plan must—
 - (a) specify the means to 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.

Note

Regulations 45 and 46 prescribe standards of gas quality for the purposes of section 33 of the Act.

35 Reporting of gas incidents

The safety management system for a facility 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.

36 Internal monitoring, auditing and reviewing

- (1) The safety management system for a facility 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 management system.
- (2) The safety management system for a facility must specify the means to be used to ensure—
- (a) regular and systematic identification of deficiencies in the safety management system and its implementation; and
 - (b) regular and systematic improvement of the safety management system and its implementation to improve the safety of the facility and its operation.

37 Gas incident recording, investigation and reviewing

The safety management system for a facility 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 and to prevent gas incidents.

38 Competence and training

The safety management system for a facility 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

39 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.
- (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.

Part 3—Safety cases for gas installations and appliances

40 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.

41 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.

42 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.

**43 Specification of Australian Business Number or
Australian Company Number**

A safety case submitted under this Part must specify the ABN or ACN of the operator or manufacturer.

Part 4—Reporting of gas incidents

44 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 of the Act (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) the remedial actions (if any) that were taken by the gas company; and

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Part 4—Reporting of gas incidents

- (f) the corrective actions that were taken or are proposed to be taken by the gas company to prevent a similar incident.

Part 5—Gas quality

45 Standards of quality—quality of gas

For the purposes of section 33(1) and (2) of the Act—

- (a) the prescribed standard of quality for natural gas conveyed through a transmission pipeline or a distribution pipeline is set out in AS 4564; and
- (b) the prescribed standard of quality for the supply or sale of natural gas supplied to a customer is set out in AS 4564; and
- (c) the prescribed standard of quality for LP Gas supplied or sold to a customer for use in an appliance (other than LP Gas used or intended to be used for automotive purposes) is set out in AS 4670.

46 Standards of quality—odour

- (1) For the purposes of section 33(1) and (2) of the Act, it is a prescribed standard of quality that all gas must—
 - (a) have an odour which is distinctive and unpleasant; and
 - (b) have an odour level that is discernible at one-fifth of the lower explosive limit of the gas.
- (2) This regulation does not apply to any of the following—
 - (a) LPG used or intended to be used for automotive purposes;
 - (b) liquefied natural gas used or intended to be used for automotive purposes.

47 Testing of gas quality conveyed through transmission pipelines

- (1) This regulation applies to a gas company that conveys natural gas through a transmission pipeline.
- (2) The gas company must test or cause to be tested the natural gas it conveys in accordance with this regulation to ensure that the gas meets the prescribed standard of quality referred to in regulation 45(a).
- (3) The gas company must test or cause to be tested the Wobbe Index of the natural gas it conveys by using—
 - (a) an instrument that determines the Wobbe Index at least once every 6 minutes; or
 - (b) an instrument that determines the Wobbe Index that is of a class approved by Energy Safe Victoria.
- (4) The gas company must test or cause to be tested the hydrogen sulphide content of the natural gas it conveys by using—
 - (a) an instrument that determines the hydrogen sulphide content at least once every 6 minutes; or
 - (b) an instrument that determines the hydrogen sulphide content that is of a class approved by Energy Safe Victoria.
- (5) The gas company must ensure that a test of the Wobbe Index or hydrogen sulphide content of the natural gas it conveys is carried out in accordance with methods—
 - (a) accredited by NATA; or
 - (b) approved by Energy Safe Victoria.

Part 6—Fees

48 Fees for complex gas installation and Type B appliance safety cases

- (1) An operator or manufacturer under a safety case submitted under section 52, 53 or 54 of the Act (*voluntary safety case*) must pay an annual administration fee of 1007 fee units to Energy Safe Victoria.
- (2) The administration fee is payable on acceptance of the voluntary safety case and on each anniversary of acceptance.

49 Waiver or rebate of fees

- (1) Energy Safe Victoria may waive or rebate all or part of the administration fee if, in the opinion of Energy Safe Victoria—
 - (a) the consideration of the safety case would impose or has imposed a lesser burden than usual on Energy Safe Victoria; or
 - (b) administration of the safety case has imposed no appreciable burden or a lesser burden than usual on Energy Safe Victoria.
- (2) In deciding whether to waive or rebate all or part of the administration fee, Energy Safe Victoria may have regard to—
 - (a) the voluntary safety case operator's safety performance and compliance with the accepted safety case; or
 - (b) in the case of a safety case submitted under section 52 of the Act, the number and characteristics of any Type B appliances forming part of the complex gas installation.

Part 7—Exemptions

50 Exemptions

- (1) Energy Safe Victoria, on the application of a gas company or a manufacturer or operator referred to in Part 3 of the Act, may—
 - (a) exempt a safety case from any of the requirements of these Regulations; or
 - (b) in the case of an application from a gas company for an exemption from compliance with a prescribed standard of quality specified in regulation 45 or 46, grant the exemption if the gas company satisfies Energy Safe Victoria that the conveyance, supply, sale or use of the gas to which the standard of quality relates will be safe in the circumstances.
- (2) An application for exemption must be in writing and state the reasons for applying for the exemption.
- (3) An exemption granted under subregulation (1)—
 - (a) must be in writing; and
 - (b) may specify conditions to which the exemption is subject.
- (4) A gas company or other person to whom an exemption is granted under this regulation must comply with the conditions (if any) of the exemption.

Penalty: 20 penalty units.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Gas Safety (Safety Case) Regulations 2018, S.R. No. 141/2018 were made on 25 September 2018 by the Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, under section 118 of the **Gas Safety Act 1997**, No. 99/1997 and came into operation on 22 October 2018: regulation 3.

The Gas Safety (Safety Case) Regulations 2018 will sunset 10 years after the day of making on 25 September 2028 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

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Endnotes

2 Table of Amendments

There are no amendments made to the Gas Safety (Safety Case) Regulations 2018 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4(a): S.R. No. 164/2008.

² Reg. 4(b): S.R. No. 89/2017.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2018 is \$14.45. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 141/2018 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5, definitions of <i>AS 4564</i> , <i>Wobbe Index</i> Regulation 45(a) and (b)	AS 4564—2011, "Specification for general purpose natural gas" published on 9 June 2011 by Standards Australia	The whole
Regulation 5, definition of <i>AS 4670</i> Regulation 45(c)	AS 4670:2018, "Commercial propane and commercial butane for heating purposes" published on 25 January 2018 by Standards Australia	The whole