

14 December 2016

**Gas and electricity consumer safety laws**

Regulatory Policy, Better Regulation Division  
Department of Finance, Services and Innovation  
Level 9, McKell Building  
2-24 Rawson Place  
SYDNEY NSW 2000

Via email: [policy@finance.nsw.gov.au](mailto:policy@finance.nsw.gov.au)

**GAS ENERGY AUSTRALIA SUBMISSION TO NSW FAIR TRADING  
CONSOLIDATE GAS AND ELECTRICITY CONSUMER SAFETY LAWS 2016**

Dear Sir/Madam

Gas Energy Australia is pleased to respond to the NSW Fair Trading consultation – Consolidate Gas and Electricity Consumer Laws through proposed amendments contained in the public consultation draft Gas and Electricity (Consumer Safety) Bill 2016 (Draft Bill).

Gas Energy Australia is the national peak body which represents the bulk of the downstream alternative gaseous fuels industry which covers Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG). The industry comprises major companies and small to medium businesses in the alternative gaseous fuels supply chain; refiners, fuel marketers, equipment manufacturers, vehicle converters, consultants and other providers of services to the industry.

In general, Gas Energy Australia supports the changes outlined in the Draft Bill but would like to see reconsideration of the proposed penalty provisions and also suggests some clearer editing could reduce confusion about the inclusion of portable and mobile gas appliances under the Draft Bill.

In particular, Gas Energy Australia notes that while the proposed amendments have a significantly increased penalty provision to align with electrical articles, this is out of step with other jurisdictions gas appliance penalty provisions. For example, the maximum penalty for the sale of uncertified appliances has increased from approximately \$11,000 to \$550,000.

Using this example, penalties for the same offence in some of the other jurisdictions are:

- South Australia – approx. \$5,000 (clause 6 of the Energy Products (Safety and Efficiency) Act 2000)
- Victoria – approx. \$31,000 (clause 71 of the Gas Safety Act 1997)
- Tasmania – approx. \$31,400 (clause 78 of the Gas Act 2000)

As a result, Gas Energy Australia recommends amending the Draft Bill penalty provisions to be more consistent with other jurisdictions' gas appliance penalty provisions.

Gas Energy Australia is also concerned that portable and mobile appliances are not easily recognisable as being covered under this regulation. The requirements for a certified gas appliance are outlined in the Draft Bill - Clause 38 (2).

*38 Restrictions on connection of gas appliances to certain gas installations.*

*(2) A person must not connect a gas appliance to any other gas installation unless the appliance:*

- a) is a certified gas appliance that is labelled in accordance with the regulations, and*
- b) is suitable and safe for use with the gas with which it is designed to be used.*

To understand the full coverage of this clause, the reader must go to the definition of "gas installation" which references "gas supply point" and "gas installation end point" which in turn references the term "gas container" before it becomes apparent that the clause applies to an appliance supplied gas via a cylinder, canister or tank.

Gas Energy Australia is pleased to see that the Draft Bill is addressing un-certified gas appliances but recommends that the wording make this clearer in the text.

In summary, Gas Energy Australia recommends the Draft Bill be modified so:

- its penalty provisions are more consistent with other jurisdictions' gas appliance penalty provisions; and
- it is clearer it covers portable and mobile gas appliances.

Gas Energy Australia thanks NSW Fair Trading for the opportunity to provide a submission and looks forward to continuing to work with it to improve the safety of gaseous fuel consumers.

For your consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Griffiths", with a long horizontal flourish extending to the right.

John Griffiths  
Chief Executive Officer