

1992—No. 308

GAS ACT 1986—REGULATION

(Relating to certificates of compliance, the calculation of charges for gas and other minor law revision matters)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Gas Act 1986, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER
Minister for Energy.

Commencement

1. This Regulation commences on 26th June, 1992.

Amendments

2. The Gas Regulation 1991 is amended:

- (a) by omitting from paragraph (b) of the definition of “advanced LPG gasfitting work” in clause 3 (1) the words “cement or” and by inserting instead the words “cement pipes or being”;
- (b) by inserting in clause 3 (1) after the definition of “approved” the following definition:
 “authorised gas distributor” means a gas distributor in respect of which an authorisation is in force under Part 2 of the Act;
- (c) by omitting from paragraph (b) of the definition of “general gasfitting work” in clause 3 (1) the words “cement or” and by inserting instead the words “cement pipes or being”;
- (d) by omitting from paragraph (b) of the definition of “LPG gasfitting work” in clause 3 (1) the words “cement or” and by inserting instead the words “cement pipes or being”;

- (e) by omitting from paragraph (b) of the definition of “standard reference conditions” in clause 3 (1) the word “barometric” and by inserting instead the word “absolute”;
- (f) by inserting at the end of clause 3 (2) the following paragraph:
 - (c) a reference to the approved capacity of a meter is a reference to the maximum quantity of air per hour that the meter is approved to measure.
- (g) by inserting at the end of clause 7 the following paragraphs:
 - (d) the standard published by Standards Australia under the title “AS 1697: Gas Transmission and Distribution Systems” (the SAA Gas Pipeline Code), as in force from time to time;
 - (e) the standard published by Standards Australia under the title “AS 3723: Installation and Maintenance of Plastic Pipe Systems”, as in force from time to time.
- (h) by inserting after clause 10 the following clause:

Certificates of compliance

10A. (1) A person who carries out gasfitting work within the area of operations of an authorised gas distributor must, when satisfied that the gas installation concerned (together with the gas metering and gas consuming devices connected to it) is in safe working order, furnish the owner of the gas installation with a certificate of compliance stating that the work has been carried out in accordance with the relevant gasfitting rules or codes.

(2) A person must not issue a certificate of compliance unless the person is satisfied as to the matters referred to in subsection (1).

Maximum penalty: \$2,000.

(3) A certificate of compliance is to be in the approved form.

(4) Each authorised gas distributor is to ensure that it has available sufficient blank certificates of compliance for the purposes of enabling persons within its area of operations to comply with the requirements of this clause.

(5) A person who issues a certificate of compliance under this clause:

- (a) must, within 5 days after doing so, furnish a copy of the certificate to the authorised gas distributor concerned; and
- (b) must retain a copy of the certificate for 12 months from the date on which it is issued.

Maximum penalty: \$2,000.

- (i) by omitting clause 15 (1) (b) and by inserting instead the following paragraphs:
 - (b) 1,125 pascals, in the case of natural gas supplied otherwise than by the Albury Gas Company Limited; or
 - (b1) 1,000 pascals, in the case of natural gas supplied by the Albury Gas Company Limited; or
- (i) by inserting in clause 17 (2) after the word “level” the words “or by using some other approved equipment”;
- (k) by omitting clause 18 (2) and by inserting instead the following subclause:
 - (2) Gas testing equipment, and any equipment used for the testing or sealing of a gas meter, must be located in a place that is properly ventilated and that is well and soundly built with such material, and in such manner, as to maintain as nearly as is practicable a uniform temperature during the testing of the gas or gas meter.
- (l) by inserting in clause 18 (3) after the word “gas” the words “or gas meters”;
- (m) by inserting in clause 18 (4) after the words “The equipment” the words “for testing gas and gas meter testing equipment”;
- (n) by omitting from clause 18 (4) the words “, is to be permanently connected directly to a gas main”;
- (o) by inserting after clause 18 (4) the following subclause:
 - (4A) The equipment for testing gas is to be permanently connected directly to a gas main.
- (p) by omitting clause 18 (9) and by inserting instead the following subclause:
 - (9) This clause does not apply to the testing of liquefied petroleum gas that is supplied by means of a reticulation system.
- (9) by inserting after clause 19 (7) the following subclause:
 - (8) This clause does not apply to:
 - (a) the testing of natural gas supplied by the Wagga City Council; or
 - (b) the testing of natural gas supplied by any gas distributor (other than AGL Sydney Limited) referred to in Schedule 1 to the Act; or
 - (c) the testing of natural gas supplied by the Albury Gas Company Limited while it remains a subsidiary of the Gas and Fuel Corporation of Victoria.

- (r) by omitting clause 22 (c) (ii) and by inserting instead the following subparagraph:
 - (ii) the approved capacity of the meter;
- (s) by omitting from clause 23 (1) (b) (ii) the words “maximum hourly rate at which it is approved to operate” and by inserting instead the words “approved capacity of the meter”;
- (t) by omitting from clause 23 (1) (c) the word “exceeds” and by inserting instead the words “observed when air is passed through the meter at the approved capacity of the meter, for more than one complete operation of the diaphragm system, is more than”;
- (u) by omitting from clause 23 (1) (c) the words “a capacity” wherever occurring and by inserting instead the words “an approved capacity”;
- (v) by omitting from clause 23 (1) (d), (2) (c) and (d) and (3) (b) the words “maximum hourly rate at which the meter is approved to operate” wherever occurring and by inserting instead the words “approved capacity of the meter”;
- (w) by omitting from clause 23 (1) (d) (i) and (ii) the word “kilopascals” wherever occurring and by inserting instead the word “pascals”;
- (x) by omitting clause 23 (1) (e) and by inserting instead the following paragraph:
 - (e) if the quantity of air registered by the meter is more than 2 per cent more, or more than 3 per cent less, than the quantity of air registered by the testing apparatus when the meter is tested in accordance with subclause (2).
- (y) by omitting clause 23 (3) (c) and by inserting instead the following paragraph:
 - (c) if the quantity of air registered by the meter is more than 2 per cent more, or more than 3 per cent less, than the quantity of air registered by the testing apparatus when air is passed through the testing apparatus and the meter at any rate between 10 per cent and 100 per cent of the approved capacity of the meter.
- (z) by omitting clause 23 (4);
- (aa) by omitting from clause 25 (1) the words “a capacity” wherever occurring and by inserting instead the words “an approved capacity”;

- (ab) by inserting in clause 26 after the words “cause any” the word “gas”;
- (ac) by inserting in clause 27 (5) after the words “if the” wherever occurring the word “approved”;
- (ad) by omitting from clause 27 (5) (b) the word “maximum” firstly and secondly occurring;
- (ae) by omitting clause 27 (7) and (8) and by inserting instead the following subclauses:
 - (7) If the result of the test is that the meter registers inaccurately in favour of the owner of the meter by more than 2 per cent, the owner of the meter must replace the meter and (if the gas user has paid the fee referred to in subclause (1)) must return to the gas user an amount equivalent to that fee.
 - (8) If the result of the test is that the meter registers inaccurately in favour of the gas user by more than 3 per cent, the owner of the meter must replace the meter.
- (af) by omitting from clause 27 (9) the words “a capacity” wherever occurring and by inserting instead the words “an approved capacity”;
- (ag) by omitting from clause 29 (1) the words “maximum hourly rate at which the meter is approved to operate” and by inserting instead the words “approved capacity of the meter”;
- (ah) by omitting from clause 31 (5) the words “A gas distributor” and by inserting instead the words “Subject to subclause (5A), a gas distributor”;
- (ai) by inserting after clause 31 (5) the following subclause:
 - (5A) In any particular case or class of cases:
 - (a) the gas distributor and the gas user may agree; or
 - (b) the Gas Controller may direct,
 that the computation of an adjustment be made over a longer period of time than that allowed by subclause (5).
- (aj) by omitting from clause 33 (1) the words “can exceed 7,000 pascals” and by inserting instead the words “is likely to exceed 7,000 pascals during normal usage”;
- (ak) by omitting from clause 33 (5) the word “rated” and by inserting instead the word “approved ” ;
- (al) by inserting in clause 35 (1) after the word “may” the words “examine or”;

- (am) by omitting clause 34 and by inserting instead the following clause:

Gas accounts

36. The charges for gas supplied by a gas distributor and measured by a gas meter are to be calculated:

- (a) on the basis that gas so supplied between 2 consecutive readings of the meter was consumed at a uniform rate throughout the period between the meter readings; or
- (b) if the gas meter comprises an approved metering device that is capable of indicating the actual times at which gas is consumed, on the basis that gas so supplied was consumed at the times indicated by the device.

- (an) by inserting after clause 37 (2) the following subclause:

(3) Any arithmetic procedure may be used for the purpose of determining a charge payable in accordance with this clause so long as the procedure yields the same result as the result obtained by following the procedure set out in this clause.

- (ao) by inserting at the end of clause 38 (2) the following paragraph:

- (c) a statement to the effect that, on payment of the prescribed fee to the gas distributor, a gas user's meter may be independently tested for accuracy by the NSW Office of Energy and that the testing fee will be refunded if the meter favours the gas supplier by more than 2 per cent.

- (ap) by omitting clause 39 (5) and by inserting instead the following subclause:

(5) A gas distributor must keep a record of each account that has been calculated in accordance with clause 37 for 7 years from the date on which it was calculated.

- (aq) by omitting from clause 39 (6) the words "The list" and by inserting instead the words "All the records";

- (ar) by omitting from clause 39 (6) the words "the list" wherever occurring and by inserting instead the words "any such record";

- (as) by omitting clause 39 (7);

- (at) by inserting in clause 47 (2) after the word "calorimeter" the word "meter";

- (au) by inserting after clause 50 the following clause:

Sec. 30 (1) not to apply to certain AGL contracts

50A. Section 30 (1) of the Act does not prevent AGL Sydney Limited from entering into and carrying out its obligations and exercising its rights under:

- (a) contracts with the Pipeline Authority established by the Pipeline Authority Act 1973 of the Commonwealth for the haulage of natural gas in New South Wales for delivery and supply to AGL Sydney Limited; and
- (b) contracts with AGL Sydney Limited for the delivery and supply of natural gas to AGL Sydney Limited.
- (av) by omitting from Part 1 of Schedule 1 the matter “42.0” wherever occurring (except where occurring in relation to the Albury Gas Company Limited) and by inserting instead the matter “43.0”;
- (aw) by omitting from Parts 2 and 3 of Schedule 1 the words “Range of heating” wherever occurring and by inserting instead the word “Heating”;
- (ax) by inserting at the end of Form 1 in Schedule 2 the following words:

NOTE: Estimated figures may, with the approval of the Gas Controller, be furnished in place of exact figures where the furnishing of exact figures is impracticable.

EXPLANATORY NOTE

The object of this Regulation is to make miscellaneous amendments to the Gas Regulation 1991. The amendments include provisions:

- (a) providing for the issuing of certificates of compliance in connection with the carrying out of gasfitting work (proposed clause 10A); and
 - (b) providing for the manner of calculating charges for gas accounts (proposed clause 36); and
 - (c) preserving the rights of AGL Sydney Limited to enter into and perform certain contractual obligations (proposed clause 50A); and
 - (d) giving effect to minor law revision.
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