

1995—No. 330

DANGEROUS GOODS ACT 1975—REGULATION

(Relating to the inspection of gas installations and law revision)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dangerous Goods Act 1975, has been pleased to make the Regulation set forth hereunder.

JEFFREY WILLIAM SHAW, Q.C., M.L.C.,
Minister for Industrial Relations.

Commencement

1. This Regulation commences on 1 January 1996.

Amendments

2. The Dangerous Goods (Gas Installations) Regulation 1982 is amended:

- (a) by inserting before the definition of “approved” in clause 4 (1) the following definition:

“**apparent defect**” means a defect which presents an immediate or potential danger to persons or property and which is apparent:

- (a) in the case of a gas installation—on testing or inspection; or
 - (b) in the case of a gas container, gas metering device, or gas consuming appliance, connected to a gas installation—on inspection;
- (b) by omitting from the definition of “approved” in clause 4 (1) the words “Chief Inspector” and by inserting instead the words “WorkCover Authority”;

- (c) by omitting the definitions of “AS 1425” and “AS 1596” from clause 4 (1) and by inserting instead the following definitions:
 - “**AS 1425**” means the standard entitled “LP gas fuel systems for vehicle engines” numbered “AS 1425” and published by the Standards Association of Australia;
 - “**AS 1596**” means the standard entitled “LP Gas—Storage and handling”, numbered “AS 1596” and published by the Standards Association of Australia;
 - “**AS 2739**” means the standard entitled “Natural gas fuel systems for vehicle engines”, numbered “AS 2739” and published by the Standards Association of Australia;
- (d) by omitting the definition of “Installation Code” from clause 4 (1) and by inserting instead the following definition:
 - “**Installation Code**” means the code entitled “Gas Installation Code”, numbered “AG 601” and published by the Australian Liquefied Petroleum Gas Association Ltd and The Australian Gas Association;
- (e) by omitting the definition of “certificate of compliance” from clause 6 (1) and by inserting instead the following definition:
 - “**certificate of inspection**” means a certificate furnished under clause 8;
- (f) by omitting clause 8 and by inserting instead the following clause:

Certificates of inspection

8. (1) The holder of an appropriate authority who tests a gas installation to determine whether it is without any apparent defects (whether or not the test is carried out under subclause (2)) must:

 - (a) inspect any gas containers, gas metering devices and gas consuming appliances connected to the installation to determine whether they are without any apparent defects; and
 - (b) furnish the owner of the installation with a certificate of inspection for the installation (and the containers, devices and appliances (if any) connected to it) in the approved form; and
 - (c) retain a copy of the certificate for 5 years.

(2) The holder of an appropriate authority who inspects any gas container, gas metering device or gas consuming appliance connected to a gas installation to determine whether the container, device or appliance is without any apparent defects must also test the installation to determine whether it is without any apparent defects.

(3) If it is not reasonably practicable to furnish the certificate to the owner of the installation, or the owner cannot be identified or found, the authority holder may instead furnish any user of the installation with the certificate of inspection.

(4) If the authority holder finds in the testing and inspection that the gas installation, containers, devices or appliances have one or more apparent defects, he or she must:

- (a) securely attach a defect notice in a conspicuous position on the installation (if it has an apparent defect) and on each container, device or appliance that has an apparent defect; and
- (b) include in the certificate of inspection furnished under this clause a statement of the apparent defects and of the work which the authority holder believes is required to remedy the defects; and
- (c) if the defects cannot be isolated from the installation, remove the compliance plate from the installation (if it has not already been removed); and
- (d) if only one supplier normally supplies gas to the installation and the authority holder knows who that is, furnish a copy of the certificate of inspection to the supplier.

(5) The defect notice must have the word “DEFECT” clearly printed on it in capital letters, be clearly marked and easily read and be of durable and weather-resistant material.

- (g) by omitting clause 9 (1) and by inserting instead the following subclause:

(1) If the holder of an appropriate authority furnishes a certificate of inspection for an installation and the certificate does not include any statement of apparent defects, he or she must attach a compliance plate to the installation (if one is not already attached). The compliance plate must be attached in a conspicuous position adjacent to the control valve or other point by which the installation is designed to be connected to a gas container.

- (h) by omitting from clause 9 (2) (d) (i) the word “compliance” and by inserting instead the word “inspection”;
- (i) by omitting from clause 10 (2) the word “acordance” and by inserting instead the word “accordance”;

- (j) by inserting after clause 12 the following clauses:

Using or fuelling gas installations and other equipment subject to defect notices

12A. (1) A person furnished with a certificate of inspection for an installation that includes a statement of apparent defects must not:

- (a) connect a gas container that contains gas to the installation, or cause such a container to be so connected; or
- (b) supply a gas container connected to the installation with gas, or cause such a container to be supplied with gas,

unless the person has been furnished with a subsequent certificate for the installation that does not include such a statement.

(2) A person must not use, or supply gas to, a gas installation, gas container, gas metering device or gas consuming appliance to which a defect notice is attached.

(3) This clause does not prevent the connection of a gas container, or the supply of gas, to a gas installation, gas container, gas metering device or gas consuming appliance for the purpose of a test being carried out by the holder of an appropriate authority.

Removing defect notices

12B. A person must not remove a defect notice from a gas installation, gas container, gas metering device or gas consuming appliance until the apparent defects to which the notice relates have been rectified.

- (k) by omitting from clause 17 (2) (b) the words “Chief Inspector” and by inserting instead the words “WorkCover Authority”;
- (l) by inserting in the Table to clause 19, before the matter relating to autogas (LPG) installations, the following matter:
Autogas (CNG) installation. I AS 2739.
- (m) by omitting from clause 27 the words “Minister” and by inserting instead the words “WorkCover Authority”;
- (n) by inserting after clause 27 the following clause:

Saving of exemptions

28. An exemption in force under clause 27 immediately before an amendment to that clause is taken to continue in force as if made under that clause as so amended. The exemption may be revoked, or any conditions to which it is subject varied or revoked, as if the exemption had been so made.

- (o) by omitting Forms 1 and 2;

- (p) by omitting from Form 3 the words “DEPARTMENT OF INDUSTRIAL RELATIONS” and by inserting instead the words “WORKCOVER AUTHORITY”;
 - (q) by omitting from Form 4 the words “DEPARTMENT OF INDUSTRIAL RELATIONS” and by inserting instead the words “WORKCOVER AUTHORITY”.
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EXPLANATORY NOTE

The object of this Regulation is to modify the scheme under which qualified tradespersons test natural gas installations and liquefied petroleum gas installations after working on them. At present, they examine them (and associated gas containers and appliances), then certify that the installations are in safe working order.

Under the modified scheme, a tradesperson tests the installation (and inspects associated gas containers and appliances) for the absence of defects. The tradesperson then certifies (in a certificate of inspection) that the test and inspection have been carried out and, if there are any apparent defects, mentions them in the certificate and attaches a defect notice to the defective item. If the defects are of a kind that cannot be isolated from the installation, the tradesperson must also remove the compliance plate from the installation. If, on the other hand, the certificate is “clean”, the tradesperson is also required to attach a compliance plate to the installation if one has not already been attached. A person to whom a certificate that refers to apparent defects has been given is prohibited from using, or supplying gas to, the installation concerned (until a clean certificate is given) and there is a general prohibition (in existing clause 11) on using an installation which has no compliance plate.

No change is made to the application of the scheme. The scheme will continue to apply only to larger, self-contained installations (as opposed to portable installations connected to gas containers of 25 litres capacity or less, automotive installations and installations connected to reticulated systems authorised under Part 2 of the Gas Act 1986).

The Regulation also makes a number of consequential changes as well as some for the purposes of law revision.

This Regulation is made under section 41 of the Dangerous Goods Act 1975 and in particular section 41 (l) (d1), (k) and (m).
