1991—No. 450

GAS ACT 1986—REGULATION

(Gas Regulation 1991)

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.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the 'Gas Regulation 1991.

Commencement

2. This Regulation commences on 1 September 1991.

Definitions

3. (1) In this Regulation:

"advanced LPG gasfitting work" means the construction, alteration, extension, disconnection, reconnection, removal, maintenance, repair or renewal of:

(a) gas installations of any kind that convey liquefied petroleum gas at any pressure; or

(b) other pipes or fittings (being fibrous cement or metal pipes or fittings that are less than 1.6mm in thickness) that are or are to be connected (whether directly or indirectly) to a gas consuming appliance for the purpose of conveying flue gases from the appliance,

but does not include the maintenance or adjustment of any gas consuming appliance or gas meter;

"approved" means approved for the time being, in accordance with recognised engineering standards and accepted industry practice, by the Gas Controller;

"Gas Controller" means the person appointed as Gas Controller, Office of Energy;

"gas installation" means a system of pipes and associated fittings that is designed to convey gas from a control valve or other connection point of a reticulation system to the control valve or other connection point of a gas consuming appliance;

"gas meter" means a device that is designed to register the flow of gas through a gas installation, and includes any ancillary device such as a pressure regulator, temperature or pressure compensating device or remote gas measurement indicator;

"gasfitting work" means general gasfitting work, LPG gasfitting work or advanced LPG gasfitting work;

"general gasfitting work" means the construction, alteration, extension, disconnection, reconnection, removal, maintenance, repair or renewal of:

(a) gas installations that convey gas (other than liquefied petroleum gas); or

(b) other pipes or fittings (being fibrous cement or metal pipes or fittings that are less than 1.6mm in thickness) that are or are to be connected (whether directly or indirectly) to a gas consuming appliance for the purpose of conveying flue gases from the appliance,

but does not include the maintenance or adjustment of any gas consuming appliance or gas meter;

"LPG gasfitting work" means the construction, alteration, extension, disconnection, reconnection, removal, maintenance, repair or renewal of

(a) gas installations (other than gas installations comprising pipes with an external diameter of more than 40mm) that convey liquefied petroleum gas at pressures of not more than 150 kilopascals; or

(b) other pipes or fittings (being fibrous cement or metal pipes or fittings that are less than 1 . 6 m in thickness) that are or are to be connected (whether directly or indirectly) to a gas consuming appliance for the purpose of conveying flue gases from the appliance,

but does not include the maintenance or adjustment of any gas consuming appliance or gas meter;

"standard reference conditions" means conditions under which:

(a) the temperature is 15 degrees Celsius; and

(b) the barometric pressure is 101.3 kilopascals; and

(c) there is a complete absence of water vapour;

"the Act" means the Gas Act 1986.

(2) In this Regulation:

(a) a reference to the gauge pressure of gas is a reference to the difference, as measured by a pressure gauge, between the actual pressure of the gas and the barometric pressure; and

(b) a reference to the absolute pressure of gas is a reference to the sum of the gauge pressure of the gas and the barometric pressure.

(3) In this Regulation, a reference to the total sulphur content of gas is a reference to the amount of sulphur contained in any gaseous compound present in the gas.

PART 2—AUTHORISATIONS

Prescribed fee for application to reticulate gas

4. For the purposes of section 11 (1) of the Act, the prescribed fee is $500.

Publication of notice of application to reticulate gas

5. For the purposes of section 11 (2) (b) of the Act, a copy of a notice of application must be published in a daily newspaper circulating in such area or areas (whether in New South Wales or elsewhere) as the Minister may determine, whether generally or in respect of a particular application or class of applications.

Publication of notice of Minister's intention to grant application

6. For the purposes of section 11 (3) (b) of the Act, the prescribed manner of publishing notice of intention to grant an application is by publishng the notice in a daily newspaper circulating in such area or areas (whether in New South Wales or elsewhere) as the Minister may determine, whether generally or in respect of a particular application or class of applications.

PART 3—RETICULATION SYSTEMS AND GAS INSTALLATIONS

Reticulation systems

7. A gas distributor who designs, installs, operates or maintains a reticulation system must do so in accordance with the requirements of the following codes and standards:

(a) the code published by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association under the title "AG 603: Gas Distribution Code", as in force from time to time;

(b) the standard published by Standards Australia under the title "AS 2885: Pipelines—Gas and Liquid Petroleum", as in force from time to time;

(c) the rules published by Standards Australia under the title "AS 1596: Australian Standard Rules for the Storage and Handling of Liquefied Petroleum Gas", as in force from time to time.

Work to be carried out by licensed persons

8. A person must not carry out any kind of gasfitting work, or employ any other person to carry out any kind of gasfitting work, unless the person by whom the work is carried out:

(a) holds an endorsed licence or a supervisor certificate in force under the Building Services Corporation Act 1989 authorising the holder to carry out that kind of work; or

(b) holds a certificate of registration in force under that Act authorising the holder to carry out that kind of work under supervision and carries out the work under the general supervision of the holder of a licence or certificate referred to in paragraph (a); or

(c) carries out the work under the immediate supervision of the holder of a licence or certificate referred to in paragraph (a).

Maximum penalty: 100 penalty units.

Gasfitting rules

9. A gas distributor may, with the approval of the Gas Controller, make rules concerning the manner in which gasfitting work is to be carried out in relation to gas installations that are or are to be connected to the gas distributor's reticulation system.

Gasfitting work

10. (1) A person must not carry out gasfitting work otherwise than in accordance with the relevant gasfitting rules or (if no such rules are in force) in accordance with the following codes:

(a) in the case of all gasfitting work—the code published by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association under the title "AG 601: Installation Code for Gas Burning Appliances and Equipment", as in force from time to time;

(b) in the case of LPG gasfitting work or advanced LPG gasfitting work—the code published by Standards Australia under the title "AS 1596: Australian Standard Rules for the Storage and Handling of Liquefied Petroleum Gas", as in force from time to time.

Maximum penalty: $2,000.

(2) Without affecting the generality of subclause (1), a person must not connect a gas consuming appliance to a gas installation unless the appliance is approved:

(a) under an approval scheme conducted by the Australian Gas Association or the Australian Liquefied Petroleum Gas Association, as the case requires; or

(b) if no such approval scheme exists or if the appliance, being of a rare or unusual type or design, is not covered by such a scheme—by the relevant gas distributor.

Maximum penalty: $2,000.

PART 4—GAS STANDARDS

Heating value

11. (1) The heating value of natural gas supplied by a gas distributor referred to in Part 1 of Schedule 1 must, when referred to standard reference conditions, be within the range of megajoules per cubic metre specified in respect of that distributor.

(2) The heating value of tempered liquefied petroleum gas supplied by a gas distributor referred to in Part 2 of Schedule 1 must, when referred to standard reference conditions, be not less than the number of megajoules per cubic metre specified in respect of that distributor.

(3) The heating value of liquefied petroleum gas supplied by a gas distributor referred to in Part 3 of Schedule 1 must, when referred to standard reference conditions, be not less than the number of megajoules per cubic metre specified in respect of that distributor.

Relative density

12. The relative density of gas supplied by a gas distributor referred to in Part 1, 2 or 3 of Schedule 1 must, when referred to standard reference conditions, be such that its Wobbe Index Number is within the range specified in respect of that distributor.

Standards for liquefied petroleum gas

13. (1) Liquefied petroleum gas supplied by a gas distributor must comply with the specifications set out in the standard published by the Australian Liquefied Petroleum Gas Association under the title "Liquefied Petroleum Gas Specification and Test Methods", as in force from time to time.

(2) For the purposes of this Regulation, the qualities and characteristics of liquefied petroleum gas are to be determined in accordance with the testing methods set out in that standard.

Points for testing pressure

14. The pressure at which gas is supplied to a gas user is to be measured at a point as close as practicable to the point at which the gas service pipe supplying the gas user enters the gas user's premises, but downstream of any pressure regulating device attached to the pipe.

Gas pressure

15. (1) The gauge pressure at which gas is supplied to a gas meter installed on the premises of a gas user is to be not less than:

(a) 3,000 pascals, in the case of liquefied petroleum gas in the vapour state; or

(b) 1,125 pascals, in the case of gas (other than liquefied petroleum gas); or

(c) 750 pascals, in the case of tempered liquefied petroleum gas.

(2) The gauge pressure at which gas is supplied to a gas meter installed on the premises of a gas user must not vary by more than plus 50 per cent or minus 25 per cent if the inlet pressure to the gas meter is 7,000 pascals or less.

(3) Any variation in the pressure at which gas is so supplied must not be such as is likely to adversely affect the performance of any gas consuming appliance (including any fitting or secondary pressure reducing or controlling equipment provided by the user) to or through which the gas is supplied.

Impurities

16. Gas supplied to a gas user must not contain more than:

(a) 20 milligrams of hydrogen sulphide; or

(b) 70 milligrams of ammonia; or

(c) 115 milligrams of total sulphur,

per cubic metre of gas, when referred to standard reference conditions.

Gas to be malodorous

17. (1) Gas must have an odour:

(a) that is distinct, unpleasant and non-persistent; and

(b) that has intensity that indicates the presence of gas down to one-fifth of the lower flammability limit of the gas (for gases containing less than 5 per cent by volume of carbon monoxide) and down to one-eighth of the lower flammability limit of the gas (for gases containing 5 per cent or more by volume of carbon monoxide).

(2) The odour intensity of gas is to be determined by using equipment of the type in which a stream of gas is mixed with pure air and the proportion of gas to air is measured at threshold odour level.

(3) This clause does not apply to any gas in respect of which the gas distributor satisfies the Gas Controller that the introduction of an odoriferous substance into the gas would be harmful in the further processing or use of the gas and that adequate alternative safeguards are provided.

(4) It must be established to the satisfaction of the Gas Controller that any odoriferous substance added to gas is suitable for odour purposes, having regard to the particular type of gas, and complies with any relevant laws regarding health and safety.

PART 5—TESTING OF GAS AND GAS METERING EQUIPMENT

Gas testing equipment

18. (1) A gas distributor must ensure that equipment is available to enable gas supplied by the gas distributor to be tested, whether by the gas distributor or by a person from whom the gas distributor receives the gas.

(2) The equipment must be located in a place which is properly ventilated and which 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 gas.

(3) The equipment, the place in which it is located and all other apparatus and materials provided for the testing of gas are to be under the control of the Gas Controller.

(4) The equipment is to be of an approved kind, is to be permanently connected directly to a gas main and is to include:

(a) a recording calorimeter, which must be maintained in continuous operation; and

(b) testing equipment for checking the accuracy of the recording calorimeter; and

(c) relative density test apparatus; and

(d) if the gas concerned is a gas other than liquefied petroleum gas or natural gas—test equipment for determining the amount of hydrogen sulphide, ammonia and sulphur present in the gas.

(5) The equipment is to be installed, and any test of the heating value, purity or relative density of gas is to be made, in accordance with approved standard specifications.

(6) If a "Cutler-Hammer", "Thomas" or similar type of total heat calorimeter is used, its accuracy is to be tested by an approved method.

(7) If a calorimeter other than one of a kind referred to in subclause (6) is used, its accuracy is to be checked by comparison to a flow calorimeter of an approved type.

(8) The Gas Controller must be given access to the testing place at all reasonable times in order to carry out or witness the carrying out of tests under this Regulation.

(9) This clause does not apply to reticulation systems supplying liquefied petroleum gas.

Testing and recording of heating value and purity of gas

19. (1) If a "Cutler-Hammer", "Thomas" or similar type of calorimeter is used in the testing of gas:

(a) the calorimeter is to be calibrated at least once every calendar month; and

(b) the testing of the calibration is to be witnessed by the Gas Controller; and

(c) a copy of the results of the calibration tests is to be forwarded to the Gas Controller.

(2) If a flow calorimeter is used in the testing of gas, a test of the heating value of the gas is to be carried out at least once every day.

(3) A test of the relative density of gas is to be carried out at least once every day.

(4) In the case of a gas other than liquefied petroleum gas or natural gas:

(a) a test of the gas for its hydrogen sulphide and ammonia content is to be carried out at least once every day; and

(b) a test of the gas for its total sulphur content is to be carried out at least once every week.

(5) A gas distributor must keep a record, in an approved gas calorimetry book, of all tests carried out of the heating value, purity and relative density of gas supplied by the gas distributor and that book must be made available to the Gas Controller at all reasonable times.

(6) A gas distributor must forward to the Gas Controller, within 7 days after the end of each month, a statement, signed and dated by an officer authorised by the gas distributor, showing the heating value and purity of the gas supplied by the gas distributor during each day of that month.

(7) The Albury Gas Company Limited, while it remains a subsidiary of the Gas and Fuel Corporation of Victoria, must forward to the Gas Controller, within 7 days after the end of each month, a statement, signed and dated by an officer authorised by the Gas and Fuel Corporation of Victoria, showing the heating value and purity of gas (other than liquefied petroleum gas) supplied by the Gas and Fuel Corporation of Victoria during each day of that month.

Meters to be tested before supply

20. A person must not supply or install a gas meter (or any other meter that is used for the purpose of regstering a supply of gas or of some other fluid that is heated or chilled by gas) for the purpose of measuring, for revenue purposes, a quantity of gas supplied, unless:

(a) the meter has been tested and sealed by the Gas Controller (or by a person authorised by the Gas Controller in that regard) in accordance with this. Part; and

(b) the seal is intact.

Maximum penalty: $2,000.

Authorities to test and seal meters

21. (1) The Gas Controller may authorise any person to test and seal gas meters.

(2) An authority may be granted subject to such conditions as the Gas Controller may impose.

(3) The Gas Controller may, at any time and for any reason, revoke an authority or vary any condition to which it is subject.

(4) The revocation of an authority, or the variation of any condition to which it is subject, takes effect when notice of the revocation or variation is served on the holder of the authority or on such later date as may be specified in the notice.

Testing of gas meters

22. A gas meter must not be sealed unless:

(a) the meter is strong enough, in the opinion of the person testing it, to withstand the wear and tear of ordinary use; and

(b) the meter is complete and undamaged, and bears no mark which might be mistaken for an authorised seal; and

(c) the meter bears (either on or attached to the registration dial or the front of the case) the following particulars legibly inscribed:

(i) in the case of a diaphragm type meter, the cubic capacity of the meter during one complete operation of the diaphragm system;

(ii) the maximum quantity of air per hour that the meter is approved to measure;

(iii) in the case of a new meter, the year of manufacture;

(iv) in the case of a repaired meter, the year of its most recent repair;

(v) in the case of a high pressure meter, the fact that it is a high pressure meter and the maximum pressure at which it is approved to operate;

(vi) the name of the manufacturer of the meter;

(vii) a unique identification number; and

(d) on the registration dial is marked, in the case of a new meter that has not previously been sealed, "cubic metres" or, in the case of any other meter, "cubic feet" or "cubic metres"; and

(e) the registration dials or drums, and any test dial or test drum, clearly show the quantity represented by the dial or drum; and

(f) the inlet of the meter is permanently marked with the word "inlet" or is otherwise permanently marked in such a way as to clearly indicate the correct direction of gas flow through the meter; and

(g) the meter is provided with an approved sealing device to prevent unauthorised adjustment, securely fixed in such manner that it cannot be detached without breaking the seal; and

(h) the meter is found not to be defective.

Defective gas meters

23. (1) A diaphragm type gas meter is defective:

(a) if the meter is found to leak when the outlet of the meter is closed and air pressure of 1.5 times the maximum pressure at which the meter is approved to operate is applied at the inlet of the meter; or

(b) if the meter is found not to register when:

(i) the meter is fixed on a horizontal base; and

(ii) the air pressure approved by the Gas Controller in respect of the kind of testing apparatus being used to test the meter is applied at the inlet of the meter; and

(iii) the outlet of the meter is restricted so that air passes through it at a rate of 1 per cent or less of the maximum hourly rate at which it is approved to operate, or at a rate of 0.01 cubic metres per hour or more, whichever is the greater, until one complete operation of the diaphragm system has occurred; or

(c) if the difference in pressure between the pressure at the inlet of the meter and the mean of the pressures at the outlet of the meter exceeds:

(i) 125 pascals, in the case of a meter having a capacity of 150 cubic metres or less per hour; or

(ii) 200 pascals, in the case of a meter having a capacity of more than 150 cubic metres but not more than 600 cubic metres per hour; or

(iii) 250 pascals, in the case of a meter having a capacity of more than 600 cubic metres per hour; or

(d) if the difference between the maximum and minimum outlet pressure (pressure oscillation) observed when air is passed through the meter at the maximum hourly rate at which the meter is approved to operate, for more than one complete operation of the diaphragm system, is more than:

(i) 75 kilopascals, in the case of a meter having a capacity of 150 cubic metres or less per hour; or

(ii) 100 kilopascals, in the case of a meter having a capacity of more than 150 cubic metres per hour; or

(e) if the quantity of air registered by the meter:

(i) in the case of a low pressure meter, is more than 2 per cent more, or more than 3 per cent less, than; or

(ii) in the case of a high pressure meter, differs by more than the approved tolerance from,

the quantity of air registered by the testing apparatus when the meter is tested in accordance with subclause (2).

(2) A test referred to in subclause (1) (e) is to be carried out in the following manner:

(a) the meter is to be fixed on a horizontal base and connected to an approved testing apparatus;

(b) the air pressure approved by the Gas Controller in respect of the kind of testing apparatus being used to test the meter is to be applied at the inlet of the meter;

(c) air is to be passed through the testing apparatus and the meter at 100 per cent of the maximum hourly rate at which the meter is approved to operate;

(d) air is also to be passed through the testing apparatus and the meter at 20 per cent of the maximum hourly rate at which the meter is approved to operate,

until at least one complete operation of the diaphragm system has been completed.

(3) A meter, other than a diaphragm type meter, is defective:

(a) if the meter is found to leak when the outlet of the meter is closed and air pressure of 1.5 times the maximum pressure at which the meter is approved to operate or 10 kilopascals, whichever is the greater, is applied at the inlet of the meter; or

(b) if the meter is found not to register when air is passed through it at a rate of 2 per cent or more of the maximum hourly rate at which the meter is approved to operate; or

(c) if the quantity of air registered by the meter:

(i) in the case of a low pressure meter, is more than 2 per cent more, or more than 3 per cent less, than; or

(ii) in the case of a high pressure meter, differs by more than the approved tolerance from,

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 maximum hourly rate at which the meter is approved to operate.

(4) When, for the purposes of subclause (3) (a), a meter is tested for leakage, the access cover for the meter must be in place but the metering cartridge of the meter may be removed for the test.

Testing of other meters

24. If a meter, other than a gas meter, is used for calculating the quantity of gas used for heating or cooling a fluid by measuring the quantity of fluid that is heated or cooled, the meter is to be tested and sealed in the approved manner.

Fees for testing meters

25. (1) If a gas meter is tested before being supplied or installed, the fee to be charged in respect of the test is to be an amount not greater than:

(a) $15, in the case of a meter having a capacity of 12 cubic metres or less per hour; or

(b) $25, in the case of a meter having a capacity of more than 12 but not more than 30 cubic metres per hour; or

(c) $30, in the case of a meter having a capacity of more than 30 but not more than 85 cubic metres per hour; or

(d) $150, in the case of a meter having a capacity of more than 85 cubic metres per hour.

(2) If the Gas Controller supervises the installation of a previously tested meter cartridge into a meter and the resealing of the meter, the gas distributor for whch the installation is carried out must pay to the Gas Controller a fee of $25.

Retesting of metres

26. A person must cause any meter through which the person supplies gas to be retested and resealed:

(a) within 15 years, or within such other period as the Gas Controller may from time to time require in respect of a particular meter, after the date on which the meter was last tested and sealed; and

(b) at any time, if the Gas Controller notifies the owner of the meter that the meter may be defective or registering inaccurately; and

(c) on its return to the premises of the owner of the meter, if the seal has been removed or become illegible.

Maximum penalty: $2,000.

Meters to be tested on application of gas users etc.

27. (1) A gas user may, on payment to the owner of the relevant gas meter of the prescribed fee, request the owner to apply to the Gas Controller to have the meter tested.

(2) An application to the Gas Controller to have a meter tested:

(a) may be made by the owner of a gas meter at any time; and

(b) must be made by the owner of a gas meter as soon as practicable after receipt of a request under subclause (1) in respect of the meter.

(3) Such an application must be in writing and accompanied by the prescribed fee.

(4) As soon as practicable after the receipt of such an application, the Gas Controller is to make arrangements to have the meter tested.

(5) A gas meter the subject of such an application is to be tested at each of the following flow rates:

(a) if the capacity of the meter is 6 cubic metres per hour or less, 1.0 cubic metres per hour and 2.25 cubic metres per hour; or

(b) if the capacity of the meter is more than 6 cubic metres per hour, 10 per cent of the approved maximum capacity of the meter and either the approved maximum capacity of the meter or the maximum capacity of the testing equipment, whichever is the lesser.

(6) The Gas Controller must cause to be forwarded to the gas user, and to the owner of the gas meter, a certificate showing the result of the test.

(7) If the result of the test is that the meter registers inaccurately in favour of the owner of the meter:

(a) by more than 2 per cent, in the case of a low pressure meter; or

(b) by more than the approved tolerance, in the case of a high pressure meter,

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:

(a) by more than 3 per cent, in the case of a low pressure meter; or

(b) by more than the approved tolerance, in the case of a high pressure meter,

the owner of the meter must replace the meter.

(9) For the purposes of this clause, the prescribed fee for testing a meter is:

(a) $35, in the case of a meter having a capacity of 12 cubic metres or less per hour; and

(b) $50, in the case of a meter having a capacity of more than 12 but not more than 30 cubic metres per hour; and

(c) $65, in the case of a meter having a capacity of more than 30 but not more than 85 cubic metres per hour; and

(d) $250, in the case of a meter having a capacity of more than 85 cubic metres per hour.

Off-site testing

28. (1) If the Gas Controller is of the opinion that a meter cannot conveniently be tested on site, the Gas Controller may require the owner of the meter to disconnect the meter and deliver it to an authorised testing place.

(2) The owner of the meter must forthwith comply with the requirement and, as soon as practicable after it has been tested, return and re-connect the meter, or supply and connect another meter.

(3) A gas user who has requested that a meter be tested may witness the test if the meter is removed for testing.

(4) Reasonable notice of intention to test a meter under this clause must be given to the owner of the meter and the owner may witness, or be represented at, the test.

Meters to be tested if gas distributor suspects defect

29. (1) If a gas distributor suspects that a gas meter is not registering the quantity of gas supplied, the gas distributor must test the meter on site at a flow rate of between 1 per cent and 100 per cent of the maximum hourly rate at which the meter is approved to operate.

(2) If the meter does not accurately register the quantity of gas supplied to the user, the gas distributor:

(a) must notify the gas user in writing that the meter is defective; and

(b) must record particulars of the defective meter in a book kept for the purpose and of the date on which the meter was found to be defective; and

(c) must, as soon as practicable, remove the meter and replace it with another meter.

(3) Any record of a defective meter kept under this clause must be retained by the gas distributor for a period of not less than 2 years.

Testing gas meters outside office hours

30. If, at the request of any gas distributor or person, a gas meter or reticulation system is tested by the Gas Controller:

(a) outside normal working hours; or

(b) at premises located at a radius of more than 60 kilometres from the Sydney General Post Office,

the fee that may be charged in respect of the test may include, in addition to any other fee chargeable under this Regulation in respect of the test, the additional costs (including overtime, travelling and out-of-pocket expenses) incurred by the Gas Controller in connection with or incidental to the carrying out of the test.

Computation of gas used if metes defective

36. (1) If a gas meter (or any other meter that is used for the purpose of registering a supply of gas or of some other fluid that is heated or chilled by gas) is found to register inaccurately or not to register, the meter is taken to have become defective at the beginning of the current accounting period or, if the meter has been tested as a result of a request made by the gas user, at the beginning of the accounting period during which the request was made.

(2) The gas distributor must forthwith compute the adjustment that shouldaccordingly be made and, subject to any agreement between the gas distributor and the gas user, the amount so computed must forthwith be paid by the gas distributor to the gas user or by the gas user to the gas distributor, as the case requires.

(3) If a gas meter (or any other meter that is used for the purpose of regstering a supply of gas or of some other fluid that is heated or chilled by gas) is found not to register, the computation must be based on the consumption of gas by the gas user:

(a) during the corresponding accounting period for the previous year; or

(b) if the gas user was not supplied with gas during that period, on the consumption of gas by the gas user during the previous accounting period; or

(c) if the gas user did not take a supply of gas during that period, on such basis as may be agreed on between the gas distributor and the gas user.

(4) The method of computing any adjustment must be clearly shown on the account rendered to the consumer.

(5) A gas distributor must not estimate a quantity of gas supplied for a period longer than:

(a) 180 days, if accounts are rendered quarterly; or

(b) 120 days, if accounts are rendered two monthly; or

(c) 90 days, if accounts are rendered monthly,

calculated from the date of the last meter reading before the discovery of the inaccuracy of the meter or of its failure to register the passage of gas.

(6) A gas distributor must not render an estimated account in respect of a supply of gas unless:

(a) the gas distributor has tested the meter concerned and notified the gas user that the meter is defective; or

(b) the Gas Controller has tested the meter concerned and found that it regsters incorrectly or has ceased to register; or

(c) the gas distributor and the gas user agree that an estimated quantity of gas has been supplied.

Receipt for money collected from prepayment meters

32. A person collecting money from a prepayment meter must deliver to the gas user, or to the gas user's representative, a receipt containing the following particulars:

(a) the amount of gas consumed;

(b) the price per megajoule of gas;

(c) the sum computed from (a) and (b);

(d) the sum collected from the meter;

(e) the balance, if any, in favour of the gas user or gas distributor;

(f) the signature of the person collecting the money.

Maximum penalty: $2,000.

High pressure meters

33. (1) A gas meter must, unless otherwise approved, be of a high pressure type if the pressure of gas at the inlet of the meter can exceed 7,000 pascals.

(2) A high pressure meter must be of an approved type or design.

(3) An accessible pressure testing point must be fitted at or near the inlet and outlet of any high pressure meter.

(4) A pressure regulator must be installed on the inlet side of a high pressure meter unless a pressure compensating device is installed as part of the meter.

(5) A pressure regulator must not permit the pressure of gas at the inlet of the meter to vary, by more than plus or minus 1 per cent of the absolute pressure at which the regulator is set, over the flow range from 5 per cent to 100 per cent of the rated capacity of the meter.

(6) After the flow rate of gas has been adjusted to a rate equivalent to the typical rate used by the gas user, the pressure regulator must be set to within 0.5 per cent of the absolute pressure used in the supply factor for the calculation to determine the quantity of energy supplied.

Pressure regulators and compensating devices to be sealed

34. A gas distributor must cause to be sealed:

(a) any pressure regulator that is capable, when installed, of operating with an outlet pressure of more than 35 kilopascals; or

(b) any compensating device,

that is attached to or forms part of a gas meter used for the purpose of registering the supply of gas.

Maximum penalty: $2,000.

Testing by Gas Controller of gas meters etc.

35. (1) The Gas Controller may test any gas meter, or any pressure regulator or compensating device used in connection with a gas meter, if the meter is installed on any premises for the purpose of registering the supply of gas by a gas distributor to those premises.

(2) If a gas meter, pressure regulator or compensating device to be tested is installed on premises supplied with gas at a gauge pressure of more than 35 Kilopascals, the Gas Controller must give the gas distributor concerned adequate notice of intention to conduct the test.

(3) A gas distributor that receives notice under this clause must ensure that a suitably qualified person is available to provide assistance to the person conducting the test and to ensure that the gas installation to which it is connected is left in a safe condition after completion of the test.

PART 6—GAS ACCOUNTS

Gas accounts

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

Calculation of charges if variation of gas tariff occurs

37. (1) If an account is rendered for gas measured by a gas meter during an accounting period in which a variation occurred, being a variation relating to a supply of gas for which no meter readings were recorded on the date on whch the variation took effect:

(a) the charge for gas for the period is to be calculated as if the gas supplied for the whole of the period had been supplied at the rate applicable when the last such variation took effect; and

(b) for each such variation, an amount equal to the sum of the adjustment components calculated for gas of each category for which a charge has been made must be deducted from the charge calculated in accordance with paragraph (a).

(2) For the purposes of subclause (1), the adjustment Component for gas of each category for which a charge is made is to be calculated in accordance with the following formula:

$$A = \frac{d \times (N - C)}{n}$$

where:

A is the adjustment component for gas of a category in respect of whch a charge is made in the account;

d is the number of days of the accounting period, being days during which gas of the category was supplied to the person to whom the account relates, that occurred:

(a) in the case of the first or only variation, before that variation took effect; or

(b) in the case of a second or subsequent variation, while the variation immediately preceding the second or subsequent variation was in force;

n is the number of days in the accounting period during which gas of the category was supplied to the person to whom the account relates;

N is the amount of charges for the accounting period calculated as if the rates of charges for gas for the whole of the period were at the rates that applied when the last or only variation took effect;

C is, in respect of a particular variation, the amount of charges for the accounting period calculated as if the rates of charges for the whole of the period were:

(a) in the case of the first or only variation, at the rates that applied immediately before the variation took effect; and

(b) in the case of a second or a subsequent variation, at the rates that applied immediately before the second or subsequent variation took effect.

Information to be included in gas accounts

38. (1) A gas distributor must include the following particulars on each account rendered by the gas distributor:

(a) the dates on which the accounting period for the account began and ended;

(b) if a meter reading was recorded on either of those dates, particulars of the meter reading or readings;

(c) if a meter reading was not recorded on either of those dates, information to that effect;

(d) particulars of the tariff codes and rates of charges applicable to the supply of gas of each category supplied;

(e) particulars of the quantity of gas supplied, or estimated to have been supplied, during the accounting period and of the rates of charges for gas supplied or estimated to have been supplied;

(f) if applicable, the amount by whch a gas user has exceeded a maximum demand requirement;

(g) the total charges required to be paid in respect of the account and the particulars required to enable those charges to be calculated.

(2) A gas distributor must also include the following information on each gas account rendered by the gas distributor:

(a) particulars of the average daily consumption of all gas supplied during the accounting period to a particular place and charged to the person to whom the account relates;

(b) if an account was rendered to that person for the corresponding accounting period during the previous year, particulars of the average daily consumption of all gas, if any, supplied to that place during that previous accounting period and charged to that person.

Payment not to be demanded until account rendered

39. (1) A demand for payment for gas supplied must not be made by a gas distributor until an account has been rendered in accordance with this Part.

(2) If a reading of a meter has not been made because access to the meter was not practicable, the account may bear an estimated reading instead of the actual reading.

(3) In those circumstances, a meter must be sighted and read at least once every 12 months.

(4) A gas distributor must not, except as provided by this clause, render an account for any quantity of gas supplied by meter other than the quantity registered by the meter as having been supplied to the user.

(5) A gas distributor must keep, at its head office, a list of all accounts which have been calculated in accordance with clause 37.

(6) The list must be kept available for inspection by an authorised officer of the Office of Energy at all reasonable times, and a copy of the list or an extract from the list must be supplied to the authorised officer upon request.

(7) An account for gas supplied by meter must have printed on it the following words:

"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. The testing fee will be refunded if the meter favours the supplier by more than the approved tolerance."

PART 7—GENERAL OFFENCES

Removal or defacing of seals

40. (1) A person must not remove, deface or interfere in any way with any seal affixed to a gas meter otherwise than as authorised by this Regulation.

Maximum penalty: $2,000.

(2) A seal that is affixed to a gas meter that has been tested in accordance with this Regulation, and that has been found to be incorrect, must immediately be removed or defaced by the person by whom the test was conducted.

(3) The Gas Controller (or a person authorised by the Gas Controller in that regard) may remove or deface a seal in the process of replacing a defective part of a gas meter and may reseal the meter.

Counterfeiting seals

41. A person must not:

(a) make or counterfeit, or procure or cause to be made or counterfeited or assist in making or counterfeiting, a seal, die, tool or implement used for sealing a gas meter; or

(b) knowingly sell, expose for sale, utter, dispose of, let or lend any gas meter bearing a counterfeited seal; or

(c) knowingly use or allow to be used any gas meter bearing a counterfeited seal.

Maximum penalty: $2,000.

Tampering with meters or fittings etc.

42. A person must not:

(a) repair, alter or tamper with, or do any other act in relation to, a sealed or unsealed gas meter if to do so would have the effect of causing the meter to register inaccurately; or

(b) injure, tamper with or remove any seal, fitting or apparatus attached to a fitting or appliance in accordance with this Regulation.

Maximum penalty: $2,000.

Removal of meters the subject of a complaint

43. A person must not remove from a gas user's premises a meter that is the subject of a complaint as to its accuracy of registration except for the purpose of forwarding it to the Gas Controller for testing.

Maximum penalty: $2,000.

PART 8—MISCELLANEOUS

Investigation of defective supply

44. (1) A gas user who believes a supply of gas to be defective may notify the gas distributor concerned and (if the gas distributor does not adjust the supply to the gas user's satisfaction within 7 days of the receipt of the notice) may, on payment of a fee of $50, request the Gas Controller to cause an investigation to be made.

(2) As soon as practicable after the receipt of such a request, the Gas Controller must cause an investigation to be made and a certificate as to the results of the investigation to be forwarded to the gas user and to the gas distributor.

(3) If the certificate states that the supply is defective and that the defect is due to a gas meter operating incorrectly, the gas distributor must, within 3 days of receipt of the report, remedy the defect.

(4) If the certificate states that the supply is defective but that the defect is due to some other cause, the gas distributor must give to the Gas Controller an estimate of the time required to rectify the defect.

(5) If the certificate states that the supply is defective and that the defect is the responsibility of the gas distributor, the gas distributor must forthwith refund to the consumer the fee of $50.

(6) Reasonable notice of intention to cause an investigation to be made under this clause must be given by the Gas Controller to the gas distributor and the gas distributor is entitled to be represented at the investigation.

Disconnection of dangerous supply

45. (1) A gas distributor may refuse or discontinue the supply of gas to a person if, in the opinion of the gas distributor:

(a) the supply or continued supply of gas is dangerous to life, health or property; or

(b) the gas installation or the appliances connected to it are not installed in accordance with the standards prescribed by or under this Regulation.

(2) A gas distributor may discontinue a supply of gas to premises or an appliance by disconnecting the system of supply to the premises or by disconnecting the appliance or by otherwise rendering the system or appliance inoperable.

(3) A gas distributor that refuses or discontinues the supply of gas to a person under this clause must cause written notice of the reasons for the refusal or discontinuance of supply to be given:

(a) to the person; and

(b) in the case of a discontinuance of supply of gas to premises—to the Gas Controller.

Interest on deposits

46. (1) If a gas user has given to a gas distributor a cash deposit, as provided for in section 110 of the Act, the interest paid on the deposit accrues monthly, but is only payable if the deposit is held for 6 months or more.

(2) Interest is payable when the deposit is refunded.

Calibration fees etc.

47. (1) A fee of $250 must be paid to the Gas Controller in respect of each test of a meter testing holder and each calibration of a "Simmance Canadian Pattern" calorimeter.

(2) A fee of $130 must be paid to the Gas Controller in respect of each calibration of a test meter or calorimeter.

Annual maintenance and safety reports

48. (1) For the purposes of section 119 (1) of the Act, Form 1 is the prescribed form for the maintenance and safety report referred to in hat subsection.

(2) For the purposes of section 119 (3) of the Act, $250 is the prescribed fee to accompany a maintenance and safety report.

Certificates of authority

49. For the purposes of section 121 (2) of the Act, Form 2 is the prescribed form for the certificate of authority referred to in that subsection.

Delegation of Gas Controller's functions

50. The Gas Controller may delegate to any person the exercise of any of the Gas Controller's functions under this Regulation.

Repeal

51. The Gas and Electricity (Gas) Regulations are repealed.

SCHEDULE 1—HEATING VALUE AND RELATIVE DENSITY

(Cl. 11)

PART 1—NATURAL GAS

Name of gas distributor	Range of heating values (megajoules per cubic metre)	Range of Wobbe index numbers
AGL Sydney Limited	35.6–42.0	47.4–51.1
AGL Western Limited	35.6–42.0	47.4–51.1
AIbury Gas Company Limited	36.0–42.0	45.0–51.0
City of Goulburn Gas and Coke Company Limited	35.6–42.0	47.4–51.1
Newcastle Gas Company Limited	35.6–42.0	47.4–51.1
Wagga Wagga City Council	35.6–42.0	47.4–51.1
Wollongong Gas Limited	35.6–42.0	47.4–51.1

PART 2—TEMPERED LIQUEFIED PETROLEUM GAS

Name of gas distributor	Range of heating values (megajoules per cubic metre)	Range of Wobbe index numbers
Armidale City Council	25.67	22.6–24.8
Elgas Pty Limited (Bega)	25.67	22.6–24.8
Glen Innes Municipal council	25.67	22.6–24.8
Lismore City Council	25.67	22.6–24.8
Shoalhaven Shire Council (Nowra)	25.67	22.6–24.8
Yass Shire Council	25.67	22.6–24.8

PART 3—LIQUEFIED PETROLEUM GAS

Name of gas distributor	Range of heating values (megajoules per cubic metre)	Range of Wobbe index numbers
Boral Gas (N.S.W.) Pty Limited	93.43	130.6–131.2

SCHEDULE 2—FORMS

Form 1

(Cl. 48)

MAINTENANCE AND SAFETY REPORT

(Section 119)

.....
(Name of gas distributor)

This report relates to the period of 12 months ending on 31 December ..... Information concerning the following matters is supplied in relation to that period:

Gas supply generally

1. The quantity of gas supplied.
2. The quantity of gas passed into the reticulation system.
3. The quantity of gas supplied from the reticulation system, as metered.
4. The quantity of gas unaccounted for *(subtract item 3 from item 2).*

The reticulation system

5. The total length of the reticulation system at the beginning of the period.
6. The total length of the reticulation system at the end of the period.
7. The length of the reticulation system that was renewed or upgraded.

Service requests

8. The number of outstanding requests from gas users that remained unattended as at 1 January.
9. The number of service requests received from gas users between 1 January and 31 December.
10. The number of outstanding requests from gas uses that remained unattended as at 31 December.

Gas leakages

11. The number of gas leakage surveys carried out.
12. The number of significant gas leaks detected in the reticulation system.
13. The number of other gas leaks reported and attended to.
14. The number of occasions on which there were interruptions in the supply of gas to any gas user.
15. The number of incidents that involved loss of life, personal injury or damage to property.

Other matters

16. Any other matter relating to maintenance and safety.

Dated:..... Signed:.....

Form 2

(Cl. 49)

CERTIFICATE OF AUTHORITY

(Section 121)

This certificate indicates that ....., whose photograph and signature appear below, is a government inspector for the purposes of Division 4 of Part 8 of the Gas Act 1986.

Affix photograph here

.....
(Signature of inspector)

.....
(Signature of Minister)

The provisions of Division 4 of Part 8 of the Gas Act 1986 confer on a government inspector the power to enter land, inspect equipment, require information and give directions in relation to the manufacture, production, distribution, supply, storage or consumption of gas. It is an offence to obstruct or delay a government inspector or to fail to comply with certain directions given by a government inspector.

TABLE OF PROVISIONS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake the provisions of the Gas and Electricity (Gas) Regulations. The new Regulation deals with:

(a) machinery matters concerning authorisations granted under the Gas Act 1986 (Part 2); and

(b) reticulation systems and gas installations (Part 3); and

(c) the standards with which gas distributors must comply in relation to the supply of gas (Part 4); and

(d) the procedures with which gas distributors must comply in testing gas and gas meters (Part 5); and

(e) the procedures with which gas distributors must comply in connection with the accounts they render to gas users (Part 6); and

(f) general offences under the Regulation (Part 7); and

(g) other matters of a minor, consequential and ancillary nature (Parts 1 and 8).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.