



New South Wales

Gas Supply (Gas Meters) Regulation 1997

under the

Gas Supply Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Gas Supply Act 1996*.

MICHAEL EGAN, M.L.C.,

Minister for Energy

Explanatory note

The object of this Regulation is to repeal and remake those provisions of the *Gas Supply Regulation 1991* that deal with gas meters. The Regulation deals with the following matters:

- (a) the requirement that gas be supplied through gas meters (Part 2),
- (b) the testing of gas meters before supply or installation and their periodical retesting (Division 1 of Part 3),
- (c) other testing to be carried out on gas meters (Division 2 of Part 3),
- (d) gas meter testing equipment (Division 3 of Part 3),
- (e) other matters of a minor, consequential or ancillary nature (Part 1).

This Regulation is made under the *Gas Supply Act 1996*, including section 83 (the general regulation-making power).

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

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Clause 1 Gas Supply (Gas Meters) Regulation 1997

Part 1 Preliminary

Gas Supply (Gas Meters) Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gas Supply (Gas Meters) Regulation 1997*.

2 Commencement

This Regulation commences on 31 August 1997.

3 Definitions

In this Regulation:

Department means the Department of Energy.

Director-General means the Director-General of the Department.

inaccurate gas meter means a gas meter:

- (a) that over-registers the flow of gas by more than 2 per cent or (if the Director-General determines, by order published in the Gazette, that a smaller percentage applies in relation to any particular class of gas meters) by more than that smaller percentage, or
- (b) that under-registers the flow of gas by more than 3 per cent or (if the Director-General determines, by order published in the Gazette, that a smaller percentage applies in relation to any particular class of gas meters) by more than that smaller percentage.

interested party, in relation to a gas meter, means:

- (a) a person (including an end user customer and a supplier) to whom gas is conveyed through the gas meter, or
- (b) a supplier who supplies gas to other persons (including end user customers and other suppliers) through the gas meter, or
- (c) a network operator from whose distribution system gas is conveyed through the gas meter.

safety and operating plan, in relation to a distribution system, means a safety and operating plan that is required by the regulations under the Act to be prepared and implemented for the distribution system.

stated capacity of a gas meter means the capacity stated, on a badge attached to the gas meter, to be the gas meter capacity guaranteed by the manufacturer under specified conditions of operation.

the Act means the *Gas Supply Act 1996*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

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Part 2 Gas supply to be metered

Part 2 Gas supply to be metered

5 Gas supply to be metered

- (1) A person must not convey gas to another person by means of a distribution system otherwise than through a gas meter.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).
- (2) This clause does not apply to:
 - (a) the conveyance of gas to a network operator or an authorised supplier, or
 - (b) the conveyance of gas by or to any other person in accordance with an exemption referred to in subclause (3).
- (3) The Director-General may exempt any person from the operation of subclause (1) if, in the special circumstances of the case, the Director-General considers it appropriate to do so.
- (4) Such an exemption is to be in writing and may be granted unconditionally or subject to conditions.

Part 3 Testing of gas meters

Division 1 Testing of gas meters before supply or installation and periodical retesting

6 Authorised persons

- (1) The Director-General:
 - (a) may, by instrument in writing, authorise any person to test, seal and stamp gas meters, and
 - (b) may revoke any such authority, at any time and for any reason, by instrument in writing served on the holder of the authority.
- (2) The holder of an authority granted under this clause is referred to in this Division as an *authorised person*.

7 Authorised persons to lodge description of testing procedures

- (1) An authorised person must lodge with the Director-General a description of the procedures to be used by the person for testing gas meters in accordance with the requirements of this Division.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).
- (2) In the case of an authorised person that is a network operator, the description of procedures may be included in the network operator's safety and operating plan.

8 Minimum testing procedures

- (1) The procedures to be used by an authorised person for testing a gas meter in accordance with the requirements of this Division must be such as to ensure that the gas meter is capable of accurately and reliably measuring the amount of gas delivered to a user.

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Past 3 Testing of gas meters
Division 1

- (2) In particular, the procedures must include appropriate tests and standards for:
 - (a) accuracy, and
 - (b) leakage, and
 - (c) registration, and
 - (d) pressure drop and outlet pressure oscillation (diaphragm meters only), and
 - (e) the calibration of meter testing equipment.
- (3) The procedures must specify the equipment to be provided and maintained by the authorised person for the testing of gas meters and the place or places at which the equipment is to be kept.
- (4) A gas meter must not be sealed and stamped by an authorised person unless it meets the standards specified in the relevant procedures.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

9 Meters to be tested before supply or installation

- (1) A person must not supply or install a gas meter for the purpose of measuring, for revenue purposes, a quantity of gas supplied, unless the gas meter has been tested, sealed and stamped:
 - (a) by an authorised person, or
 - (b) by an approved organisation.

Maximum penalty: 100 penalty units (in the case of a corporation) and 25 penalty units (in any other case).

- (2) The Director-General may, by order published in the Gazette, declare an organisation in some other State or Territory to be an approved organisation for the purposes of this clause.
- (3) For the purposes of this clause:
 - (a) a gas meter is not sealed unless the seal is intact, and
 - (b) a gas meter is not stamped unless the seal applied to it is stamped with a stamp of a design approved by the Director-General.

10 Retesting of meters

- (1) The owner of a gas meter used for registering the supply of gas must cause the gas meter to be retested and resealed:
 - (a) at such intervals as the Director-General may from time to time require in respect of a particular meter or class of meters, and
 - (b) at any time, if the Director-General notifies the owner that the gas meter may be defective or inaccurate, and
 - (c) on its return to the premises of the owner, if the seal has been removed or become illegible.

Maximum penalty: 20 penalty units.

- (2) An owner may lodge with the Director-General a program for the retesting and resealing of meters owned by the owner. A program may provide for random sample retesting of meters.
- (3) If the Director-General approves an owner's program, subclause (1) (a) ceases to apply to the gas meters owned by that owner and, instead, the owner must cause those meters to be retested and resealed in accordance with the program.

Maximum penalty: 20 penalty units.

11 Fees for testing meters

- (1) The fee payable for testing a gas meter in accordance with the requirements of this Division is to be an amount not greater than:
 - (a) \$18, in the case of a gas meter having a stated capacity of 12 cubic metres or less per hour, or
 - (b) \$30, in the case of a gas meter having a stated capacity of more than 12 but not more than 30 cubic metres per hour, or
 - (c) \$35, in the case of a gas meter having a stated capacity of more than 30 but not more than 85 cubic metres per hour, or
 - (d) \$180, in the case of a gas meter having a stated capacity of more than 85 but not more than 300 cubic metres per hour, or
 - (e) \$500, in the case of a gas meter having a stated capacity of more than 300 cubic metres per hour.

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Part 3 Testing of gas meters
Division 1

- (2) If the Director-General supervises the installation of a previously tested meter cartridge into a gas meter and the resealing of the gas meter, the network operator for which the installation is carried out must pay to the Director-General a fee of \$30.
- (3) Despite subclauses (1) and (2), the Director-General may approve a higher fee in a particular case if of the opinion that the higher fee is justified.

Division 2 Other testing of gas meters

12 Meters to be tested on application

- (1) An interested party may at any time request the owner of a gas meter to apply to the Director-General to have the gas meter tested.
- (2) Such a request must be in writing and accompanied by the prescribed fee.
- (3) The owner of a gas meter:
 - (a) may at any time, and
 - (b) must as soon as practicable after being requested to do so by an interested party,apply to the Director-General to have the gas meter tested.
- (4) Such an application must be in writing and accompanied by the prescribed fee.
- (5) As soon as practicable after the receipt of such an application, the Director-General is to make arrangements to have the gas meter tested.

13 Certificates as to results of tests

- (1) The Director-General must cause to be sent to the person who requested the test and (if that person is not the owner of the gas meter) to the owner of the gas meter a certificate showing the result of the test.
- (2) Any other interested party may obtain from the Director-General a copy of the certificate on payment of such fee (not exceeding \$18) as the Director-General may require.

14 Inaccurate gas meters

If the result of the test is that the gas meter is inaccurate, the owner of the gas meter:

- (a) must replace, repair or adjust the gas meter, whichever is appropriate, and
- (b) if the inaccuracy arises from the gas meter over-registering the flow of gas and if the test was requested by another person, must return to that person an amount equivalent to any prescribed fee paid for the test.

15 Prescribed fees

- (1) The prescribed fee for testing a gas meter in accordance with an application under this Division is:
 - (a) \$42, in the case of a gas meter having a stated capacity of 12 cubic metres or less per hour, and
 - (b) \$60, in the case of a gas meter having a stated capacity of more than 12 but not more than 30 cubic metres per hour, and
 - (c) \$80, in the case of a gas meter having a stated capacity of more than 30 but not more than 85 cubic metres per hour, and
 - (d) \$300, in the case of a gas meter having a stated capacity of more than 85 cubic metres per hour, but not more than 300 cubic metres per hour, and
 - (e) \$800, in the case of a gas meter having a stated capacity of more than 300 cubic metres per hour.
- (2) Despite subclause (1), the Director-General may approve a higher fee in a particular case if of the opinion that the higher fee is justified.

16 Off-site testing

- (1) If of the opinion that a gas meter cannot conveniently or safely be tested on site, the Director-General may require the owner of the gas meter to disconnect the gas meter and deliver it to an authorised testing place.

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Part 3 Testing of gas meters
Division 2

- (2) The owner of the gas meter must immediately comply with the requirement and, as soon as practicable after it has been tested, return and re-connect the gas meter, or supply and connect another meter.
- (3) A person who has requested that a gas meter be tested and any other interested party may witness the test if the gas meter is removed for testing.
- (4) Reasonable notice of intention to test a gas meter under this clause must be given to the owner of the gas meter and the owner may witness, or be represented at, the test.

17 Interested party to compensate owner of gas meter for certain costs

- (1) This clause applies to a gas meter having a stated capacity of more than 6 cubic metres per hour that is to be tested at the request of an interested party other than its owner.
- (2) Before complying with a requirement under clause 16 (1), the owner of the gas meter:
 - (a) must notify the interested party:
 - (i) that the Director-General requires the gas meter to be delivered to an authorised testing place, and
 - (ii) of the costs that are likely to be incurred by the owner as a result of complying with that requirement, and
 - (iii) that the interested party will be liable to compensate the owner for the costs so incurred in the event that the meter is not found to be inaccurate, and
 - (b) must ask the interested party whether it wishes to confirm the request for the gas meter to be tested.
- (3) The owner of the gas meter is not required to comply with the requirement unless the interested party confirms the request for the gas meter to be tested.
- (4) The interested party is liable to compensate the owner for the costs incurred as a result of complying with the requirement in the event that the meter is not found to be inaccurate.
- (5) Subclause (4) is subject to the provisions of any agreement between the owner of the gas meter and the interested party.

18 Meters to be tested if owner suspects inaccuracy

- (1) If the owner of a gas meter suspects that the gas meter is inaccurate, the owner must arrange to have the gas meter tested.
- (2). If the gas meter is inaccurate, the owner:
 - (a) must notify any relevant interested party in writing that the gas meter is inaccurate, and
 - (b) must record particulars of the inaccurate meter and of the date on which the gas meter was found to be inaccurate, and
 - (c) must, as soon as practicable, cause the gas meter to be replaced, repaired or adjusted, whichever is appropriate.
- (3) Any record of an inaccurate meter kept under this clause must be retained by the owner for a period of not less than 2 years.

19 Testing gas meters outside office hours

If, at the request of any person, a gas meter is tested by the Director-General:

- (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 Director-General in connection with or incidental to the carrying out of the test.

20 Testing by Director-General of gas meters

- (1) The Director-General may, with the agreement of the occupier of the premises, examine or test any gas meter installed on premises for the purpose of registering the supply of gas to those premises.
- (2) If a gas meter to be tested is installed on premises supplied with gas at a gauge pressure of more than 35 kilopascals, the Director-General must give the owner of the gas meter and any relevant interested party adequate notice of intention to conduct the test.

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Division 2

- (3) An owner of a gas meter who 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 safely recommissioned after completion of the test.

Division 3 Gas meter testing equipment

21 Authorised persons

- (1) The Director-General:
 - (a) may, by instrument in writing, authorise any person to test and calibrate gas meter testing equipment, and
 - (b) may revoke any such authority, at any time and for any reason, by instrument in writing served on the holder of the authority.
- (2) The holder of an authority granted under this clause is referred to in this Division as an *authorised person*.

22 Gas meter testing equipment to be tested and calibrated

- (1) Gas meter testing equipment is not suitable for use in testing a gas meter unless it has been tested and calibrated:
 - (a) by an authorised person, or
 - (b) by or under the supervision of an approved organisation.
- (2) The Director-General may, by order published in the Gazette, declare an organisation in some other State, Territory or country to be an approved organisation for the purposes of this clause.

23 Fees for testing or calibrating gas meter testing equipment

- (1) The fees to be paid for any tests or calibrations of gas meter testing equipment are as follows:
 - (a) for any test or calibration carried out by an authorised person employed within the Department, such fee as is determined by the Director-General,

- (b) for any test or calibration carried out by any other authorised person, such fee (not exceeding the maximum fee fixed in accordance with subclause (2)) as is agreed on with the person by whom the test or calibration is carried out.
- (2) The Director-General may, by order published in the Gazette, fix the maximum fees payable with respect to the testing and calibration of gas meter testing equipment.