



New South Wales

Gas Supply (Gas Meters) Regulation 2002

under the

Gas Supply Act 1996

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

JOHN AQUILINA, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to remake the *Gas Supply (Gas Meters) Regulation 1997* with some alteration. That Regulation will be repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation deals with the following matters:

- (a) the requirement that gas be supplied through gas meters (Part 2),
- (b) the authorisation of persons conducting testing of gas meters and gas meter testing equipment (Division 1 of Part 3),
- (c) the testing of gas meters before supply or installation and their testing while in service (Division 2 of Part 3),
- (d) other testing to be carried out on gas meters (Division 3 of Part 3),
- (e) gas meter testing equipment (Division 4 of Part 3),
- (f) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This Regulation is made under the *Gas Supply Act 1996* and, in particular, under sections 83A (Regulations as to gas appliances and gas meters) and 83 (the general regulation-making power).

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Gas Supply (Gas Meters) Regulation 2002

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Clause 1 Gas Supply (Gas Meters) Regulation 2002

Part 1 Preliminary

Gas Supply (Gas Meters) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gas Supply (Gas Meters) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Gas Supply (Gas Meters) Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Department means the Department of Fair Trading.

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

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.

the Act means the *Gas Supply Act 1996*.

Note. Certain terms used in this Regulation, such as **authorised supplier** and **network operator** are defined in the *Gas Supply Act 1996*.

(2) For the purposes of this Regulation, a gas meter is inaccurate:

- (a) if a limit of error for gas meters has been prescribed under the *National Measurement Act 1960* of the Commonwealth and the gas meter over-registers or under-registers the flow of gas by more than the limit prescribed under that Act, or
- (b) if no such limit has been prescribed and:

- (i) the gas meter 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
- (ii) the gas meter 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 meter, by more than that smaller percentage.

4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Gas Supply (Gas Meters) Regulation 2002

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 gas network 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 and gas meter testing equipment

Division 1 Authorisation of persons to conduct testing of gas meters and gas meter testing equipment

6 Director-General may authorise persons to conduct testing

- (1) The Director-General may, by instrument in writing, authorise any person to do either of the following:
 - (a) to test and to seal and stamp gas meters,
 - (b) to test and calibrate equipment used for testing gas meters.
- (2) An authority may be granted subject to such conditions as the Director-General considers appropriate.
- (3) The holder of an authority must comply with the conditions (if any) imposed on the authority by the Director-General.

Maximum penalty: 100 penalty units in the case of a corporation and 25 penalty units in any other case.
- (4) The Director-General may revoke any such authority, at any time and for any reason, by instrument in writing served on the holder of the authority.

7 Authority holders to lodge description of testing procedures

A person who holds an authority under clause 6 must lodge with the Director-General a description of the procedures to be used by the person for testing gas meters or gas meter testing equipment in accordance with the requirements of this Part.

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

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Clause 8	Gas Supply (Gas Meters) Regulation 2002
Part 3	Testing of gas meters and gas meter testing equipment
Division 2	Testing of gas meters before supply or installation and in-service testing

Division 2 Testing of gas meters before supply or installation and in-service testing

8 Testing of meters 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 a person authorised under clause 6 (1) (a), or
 - (b) by an organisation approved under subclause (2).

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 another State or a 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.

9 In-service testing of meters

- (1) The owner of a gas meter used for registering the supply of gas must cause the gas meter to be in-service tested and resealed:
 - (a) at the intervals that 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.

Maximum penalty: 20 penalty units.

- (2) An owner may lodge with the Director-General a program for the in-service testing and resealing of meters owned by the owner. A program may provide for random sample in-service testing 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 in-service tested and resealed in accordance with the program.

Maximum penalty: 20 penalty units.

Division 3 Other testing of gas meters

10 Meters to be tested if owner suspects inaccuracy

- (1) If the owner of a gas meter suspects that the gas meter is inaccurate, or the gas meter's seal is broken or illegible, 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 gas 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 gas meter kept under this clause must be retained by the owner for a period of not less than 2 years.

11 Testing of meters at the request of an interested party

- (1) An interested party may ask the owner of a gas meter to arrange to have the gas meter tested.
- (2) The owner may request that the interested party pay in advance the reasonable cost of testing the meter. The owner is not required to test the meter if the interested party refuses to pay the amount in advance.
- (3) If the meter is found to be inaccurate the owner:
- (a) must refund any amount paid in advance and the interested party is not liable to pay the cost of testing if the meter is found to be inaccurate, and
 - (b) must, as soon as practicable, cause the gas meter to be replaced, repaired or adjusted, whichever is appropriate.

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Clause 11 Gas Supply (Gas Meters) Regulation 2002

Part 3 Testing of gas meters and gas meter testing equipment

Division 3 Other testing of gas meters

- (4) The Director-General may, by order published in the Gazette, set a maximum fee that may be charged by the owner of a gas meter for testing the meter.

12 Examining and testing of gas meters by Director-General

- (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) The gas meter may be examined or tested while on the premises or may be removed from the premises for examination or testing.
- (3) If the gas meter is installed on premises supplied with gas at a gauge pressure of more than 35 kilopascal, the Director-General must give the owner of the gas meter, and any interested party, reasonable notice of the intention to conduct the examination or test.
- (4) The owner of a gas meter who receives a notice under subclause (3) must ensure that a suitably qualified person is available to provide assistance during the examination or test and to ensure that the gas installation to which the meter is connected is safely recommissioned after completion of the examination or test.
- (5) If, in the Director-General's opinion, a gas meter cannot conveniently or safely be tested on the premises, the Director-General may require the owner of the gas meter to disconnect the gas meter and deliver it to a specified testing place.
- (6) The owner of the gas meter:
 - (a) must as soon as practicable comply with the requirement, and
 - (b) may witness, or be represented by another person at, the test, and
 - (c) must, as soon as practicable after it has been tested, return and reconnect the gas meter, or supply and connect another gas meter, to the premises from which it has been removed.
- (7) If a gas meter examined or tested under this clause is inaccurate, the owner must, as soon as practicable, cause the gas meter to be replaced, repaired or adjusted, whichever is appropriate.

Division 4 Gas meter testing equipment

13 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, in accordance with a method approved by the Director-General:
 - (a) by a person authorised under clause 6 (1) (b), or
 - (b) by or under the supervision of an organisation approved under subclause (2).
- (2) The Director-General may, by order published in the Gazette, declare an organisation in another State or a Territory to be an approved organisation for the purposes of this clause.

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Clause 14 Gas Supply (Gas Meters) Regulation 2002

Part 4 Miscellaneous

Part 4 Miscellaneous

14 Offence

- (1) A person must not test a gas meter unless authorised to do so under this Regulation.

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

- (2) A person must not remove, deface or break a gas meter's seal or the stamp on a gas meter's seal without notifying the owner of the gas meter and the Director-General, unless authorised to do so under this Regulation.

Maximum penalty: 20 penalty units.

- (3) A person must not, unless authorised to do so under this Regulation:

- (a) cause or knowingly allow a gas meter to be inaccurate, or
- (b) prevent a gas meter from registering an amount of gas supplied, or
- (c) otherwise affect the metrological performance of a gas meter, without notifying both the owner of the gas meter and the Director-General.

Maximum penalty: 20 penalty units.

- (4) Any notification required by this clause must be made within 7 days after the occurrence of the notifiable event, in a form approved by the Director-General.

15 Fees

- (1) The fee payable to the Director-General by:

- (a) the owner of a gas meter for the examination or testing of the gas meter by the Director-General, or
- (b) the owner of gas meter testing equipment for the examination or testing of that equipment by the Director-General, or
- (c) an applicant for authority to conduct in-service testing of gas meters for the examination of documents relating to the application, or

- (d) an applicant for authority to test gas meter testing equipment for the examination of documents relating to the application, or
 - (e) an owner of gas meters for approval of an in-service testing program, or
 - (f) a person approved under clause 6 (1) (b) for approval of a method of testing of gas meters or gas meter testing equipment,
- is \$131 for the first hour plus \$33 for each quarter hour or part of a quarter hour after the first hour.

16 Saving

Any act, matter or thing that, immediately before the repeal of the *Gas Supply (Gas Meters) Regulation 1997*, was done for the purposes of, or had effect under, that Regulation is taken to have been done for the purposes of, or continues to have effect under, this Regulation.