



New South Wales

# Gas Supply (Network Safety Management) Amendment Regulation 2004

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*.

FRANK ERNEST SARTOR, M.P.,

Minister for Energy and Utilities

## Explanatory note

The object of this Regulation is to amend the *Gas Supply (Network Safety Management) Regulation 2002* (**the principal Regulation**):

- (a) to provide that a person must not carry out gasfitting work with respect to a gas network otherwise than in accordance with the requirements of the relevant network operator's gasfitting rules (rather than, as is currently the case, in accordance with specified standards), and
- (b) to provide that a person carrying out gasfitting work with respect to a gas network that is not done on behalf of a network operator must be acting under an appropriate licence under the *Home Building Act 1989* and with the authority of the network operator, and
- (c) to insert a definition of **consumer service**, and
- (d) to extend the gasfitting work with respect to a gas network to which the principal Regulation applies to include the installation or maintenance of a consumer service and the installation or replacement of all or any part of basic metering equipment, and
- (e) to include requirements with respect to the testing that must be carried out immediately before completing gasfitting work to ensure that the gas installation is safe to connect to the gas network, and
- (f) to omit the natural gas standards contained in Schedule 2 to the principal Regulation and replace them with Australian Standard AS 4564—2003/AG 864—2003, *Specification for general purpose natural gas*, and

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- (g) to add Australian Standard AS 4041—1998, *Pressure piping* to the standards with which a network operator must comply in ensuring safe gas supply, and
- (h) to incorporate the provisions of the *Gas Supply (General) Regulation 1997* (which is repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*) relating to the carrying out of gasfitting work on gas installations and, as a consequence, to amend the title of the principal Regulation, and
- (i) to make further provision with respect to the content of network operators' safety and operating plans, and
- (j) to omit obsolete provisions and update certain references.

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

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### **1 Name of Regulation**

This Regulation is the *Gas Supply (Network Safety Management) Amendment Regulation 2004*.

### **2 Commencement**

This Regulation commences on 1 September 2004.

### **3 Amendment of Gas Supply (Network Safety Management) Regulation 2002**

The *Gas Supply (Network Safety Management) Regulation 2002* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 3)

#### [1] Clause 1 Name of Regulation

Omit “*Network*”.

#### [2] Clause 3 Definitions

Insert in appropriate order in clause 3 (1):

*AS 4041* means the Australian Standard entitled AS 4041—1998, *Pressure piping*, published by Standards Australia, as in force for the time being.

*AS 4564* means the Australian Standard entitled AS 4564—2003/AG 864—2003, *Specification for general purpose natural gas*, published by Standards Australia, as in force for the time being.

*consumer service* means that part of a gas installation that conveys, or controls the conveyance of, gas from a gas network up to and including the first isolation valve of the basic metering equipment.

#### [3] Clause 3 (1), definition of “Director-General”

Omit “Ministry of Energy and Utilities”.

Insert instead “Department of Energy, Utilities and Sustainability”.

#### [4] Clause 4 Network operators to ensure safe gas supply

Insert “, AS 4041” after “AS 3723” in clause 4 (2) (a).

#### [5] Clause 6

Omit the clause. Insert instead:

##### **6 Gasfitting work with respect to gas networks**

- (1) This clause applies to the following kinds of gasfitting work:
  - (a) the connection of a gas installation to a gas network,
  - (b) the disconnection of a gas installation from a gas network,

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- (c) any other gasfitting work in relation to the connection of a gas installation to, or the disconnection of a gas installation from, a gas network,
  - (d) the installation or maintenance of a consumer service,
  - (e) the installation or replacement of all or any part of basic metering equipment.

- (2) A person must not carry out gasfitting work to which this clause applies otherwise than in accordance with the requirements of the gasfitting rules of the network operator for the gas network to which the gasfitting work relates.

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

- (3) A person who carries out any gasfitting work to which this clause applies that is not done on behalf of a network operator:

- (a) must be the holder of a licence under the *Home Building Act 1989* authorising its holder to contract to do that work, or must be carrying out the work on behalf of an individual, partnership or corporation that is the holder of such a licence, and
- (b) must be authorised by the network operator for the gas network to which the gasfitting work relates to conduct such work in accordance with the requirements of the network operator's gasfitting rules.

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

- (4) Immediately before completing any gasfitting work to which this clause applies, the person carrying out the work must conduct a leak test to ensure that the gas installation is safe to connect to the gas network.

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

- (5) After testing the gas installation as required under subclause (4), the person must give a notice, that complies with subclause (6), to the network operator and the consumer concerned specifying:

- (a) if the test demonstrates the gas installation is safe to connect to the gas network—that the gas installation

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has been tested and the gas supply to the premises has been established or re-established or is ready to be established or re-established, or

- (b) if the test demonstrates that the gas installation is unsafe to connect to the gas network—that the gas installation is defective and unsafe to connect to the gas network.

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

- (6) A notice issued under subclause (5):
  - (a) must include, but is not limited to, the following:
    - (i) the name of the consumer concerned,
    - (ii) the full address of the location,
    - (iii) the date and results of the test,
    - (iv) the name of the person (and employer) who conducted the test,
    - (v) the person's, or the person's employer's, licence number and details,
    - (vi) if the notice is given under subclause (5) (b)—details of the faults identified, and
  - (b) must be given to the network operator and consumer:
    - (i) for a notice given under subclause (5) (a)—within 7 days after the test is carried out, and
    - (ii) for a notice given under subclause (5) (b)—as soon as practicable after the test is carried out.
- (7) The person who conducted the test required under subclause (4) must keep a copy of the notice given to the network operator and consumer for 5 years from the date on which it was issued.

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

- (8) Upon receipt of a notice under subclause (5), the network operator must:
  - (a) for a notice given under subclause (5) (a)—record details of the notice and keep the record for at least 10 years from the date of the test or until another notice is received under that subclause in relation to the gas installation concerned, whichever is the sooner, and

- (b) for a notice given under subclause (5) (b)—record details of the notice and keep the notice until receipt of a further notice indicating that the installation has been retested and that the pressure has been found to be sound and the gas supply has been established or re-established, or is ready to be established or re-established.

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

- (9) If at any time the network operator becomes aware that the workmanship of the gas installation does not comply with the appropriate codes and standards, or that any gas appliance on the premises concerned is in an unsafe condition, the network operator must give a written report, providing full details of the matter, to the Director-General of the Department of Commerce.

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

**[6] Clause 7 Refusal or discontinuance of supply**

Omit “AS/NZS 1596” from clause 7 (1) (b). Insert instead “AS 4041”.

**[7] Clause 19 Definitions**

Omit “in Schedule 2” from the definition of *compliant natural gas*.

Insert instead “under AS 4564”.

**[8] Part 5A**

Insert after Part 5:

**Part 5A Gasfitting work**

**29A Definition**

In this Part:

*person responsible*, in relation to the carrying out of gasfitting work to which this Part applies, means the person who carries out the gasfitting work, or who supervises the carrying out of the gasfitting work, under the authority of an appropriate supervisor certificate referred to in clause 29C (1).

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### 29B Application of Part

- (1) This Part:
  - (a) applies to gasfitting work carried out:
    - (i) on a gas installation to which gas is supplied from a gas network, or
    - (ii) for the purpose of connecting a gas appliance to, or disconnecting a gas appliance from, such a gas installation, and
  - (b) does not apply to gasfitting work carried out:
    - (i) on a gas installation to which gas is supplied otherwise than from a gas network, or
    - (ii) for the purpose of connecting a gas appliance to, or disconnecting a gas appliance from, such a gas installation.
- (2) This Part does not apply to gasfitting work involving the installation, alteration, extension, repair, connection or disconnection of such part of a gas installation as conveys or controls the conveyance of gas from a gas network, from the boundary of the premises in which the gas installation is situated to the gas meter outlet, where the work is carried out by or on behalf of the relevant network operator.

### 29C Gasfitting work to be carried out by, or under the supervision of, suitably qualified gasfitters

- (1) 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 does so:
  - (a) under the authority of an appropriate supervisor certificate, or
  - (b) under the authority of an appropriate registration certificate and under the general supervision of the holder of an appropriate supervisor certificate, or
  - (c) under the immediate supervision of the holder of an appropriate supervisor certificate.

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



- (2) In this clause:

*registration certificate*, in relation to a particular kind of gasfitting work, means a certificate of registration in force under the *Home Building Act 1989* authorising the holder to carry out that kind of work under general supervision.

*supervisor certificate*, in relation to a particular kind of gasfitting work, means a supervisor certificate in force under the *Home Building Act 1989* authorising the holder to carry out, and to supervise, that kind of work, and includes a licence endorsed under that Act to show that it is the equivalent of such a certificate.

#### **29D Gasfitting work to comply with certain standards**

- (1) A person must not carry out gasfitting work (not being gasfitting work referred to in clause 6 (1)) otherwise than in accordance with:
- (a) in the case of all gasfitting work, AS 5601, and
  - (b) in the case of gasfitting work involving installations or systems that convey liquefied petroleum gas, AS/NZS 1596.

Maximum penalty: 20 penalty units.

- (2) Without affecting the generality of subclause (1), a person must not connect a gas appliance to a gas installation or modify a gas appliance connected to a gas installation unless the appliance (or the appliance as modified):
- (a) is certified under a scheme conducted by The Australian Gas Association or the Australian Liquefied Petroleum Gas Association Limited for the certification of appliances, or
  - (b) if no such scheme exists or if the appliance (being of a rare or unusual type or design) is not covered by such a scheme, is approved by the relevant network operator or a person authorised by the Director-General to approve appliances of that type or design.

Maximum penalty: 20 penalty units.

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- (3) A network operator must include in its safety and operating plan procedures for approving appliances for the purposes of subclause (2) (b), being procedures no less stringent than the procedures set out in:
  - (a) AS 3814, or
  - (b) if that standard is not applicable to the appliances, such other code or standard as the Director-General determines to be appropriate in the circumstances.
- (4) A network operator or authorised person may charge a reasonable fee for giving an approval under subclause (2) (b).

### 29E Testing for defects

- (1) Immediately after completing gasfitting work on a gas installation, the person responsible for the carrying out of the gasfitting work:
  - (a) must test the installation for defects, and
  - (b) must inspect all gas appliances connected to the installation.

Maximum penalty: 20 penalty units.
- (2) This clause does not apply to gasfitting work involving:
  - (a) the disconnection of a gas installation from a gas network, or
  - (b) the disconnection of a gas appliance from a gas installation.

### 29F Certificates of compliance

- (1) Immediately after testing a gas installation following the completion of gasfitting work, the person responsible for the carrying out of the gasfitting work must issue a certificate of compliance with respect to that work:
  - (a) to the owner of the installation, or
  - (b) to a person having the control or management of the installation.

Maximum penalty: 20 penalty units.

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- (2) The person responsible for the carrying out of the gasfitting work must, within 7 days after completing the gasfitting work, send a copy of the certificate of compliance to the relevant network operator.

Maximum penalty: 20 penalty units.

- (3) A certificate of compliance:
- (a) must be in a form approved by the Director-General, and
  - (b) must indicate the nature of the gasfitting work that has been carried out, and
  - (c) must state that the gasfitting work has been carried out in accordance with any relevant gasfitting rules, AS 5601 or AS/NZS 1596, whichever is appropriate, and
  - (d) must indicate whether or not the gas installation is in safe working order.

- (4) A person who issues a certificate of compliance must retain a copy of the certificate for 5 years from the date on which it was issued.

Maximum penalty: 20 penalty units.

- (5) This clause does not apply to gasfitting work involving:
- (a) the disconnection of a gas installation from a gas network, or
  - (b) the disconnection of a gas appliance from a gas installation.

**[9] Clause 31 Amendment of Gas Supply (General) Regulation 1997**

Omit the clause.

**[10] Clause 32 Savings provisions**

Insert after clause 32 (2):

- (3) Any act, matter or thing that before the repeal of the *Gas Supply (General) Regulation 1997* (effected by section 10 (2) of the *Subordinate Legislation Act 1989*) had effect under that Regulation continues to have effect under this Regulation.

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### **[11] Schedule 1 Safety and operating plans**

Omit clause 12 (1). Insert instead:

- (1) A safety and operating plan must establish rules concerning the manner in which any work to which clause 6 of this Regulation applies is to be carried out.

### **[12] Schedule 1, clause 12**

Omit clause 12 (3). Insert instead:

- (3) A safety and operating plan must identify procedures that provide for the authorising of persons to:
  - (a) connect or disconnect a gas installation to or from a gas network, and
  - (b) install or replace metering equipment or gas meters, and
  - (c) install, maintain or replace a consumer service.

### **[13] Schedule 2 Natural gas standards**

Omit the Schedule.

BY AUTHORITY

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