



Gas Supply (Consumer Safety) Amendment (Gas Meters) Regulation 2011

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*.

ANTHONY ROBERTS, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to substantially re-enact the provisions of the *Gas Supply (Gas Meters) Regulation 2002* (which was repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*) in the *Gas Supply (Consumer Safety) Regulation 2004*. The provisions mainly deal with the requirement that gas be supplied through gas meters, the authorisation of persons conducting testing of gas meters and gas meter testing equipment, the testing of gas meters before supply or installation and while in service, other testing to be carried out on gas meters, and gas meter testing equipment.

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

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Clause 1 Gas Supply (Consumer Safety) Amendment (Gas Meters) Regulation 2011

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under the

Gas Supply Act 1996

1 Name of Regulation

This Regulation is the *Gas Supply (Consumer Safety) Amendment (Gas Meters) Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Gas Supply (Consumer Safety) Regulation 2004

[1] **Clause 3 Definitions**

Insert after clause 3 (3):

- (4) Notes in this Regulation do not form part of this Regulation.

[2] **Clause 4 Regulation not to apply to certain gas installations, autogas installations and appliances**

Insert “(other than Schedule 1)” after “Regulation”.

[3] **Clause 48**

Insert after clause 47:

48 Provisions relating to gas meters

Schedule 1 contains provisions relating to gas meters.

[4] **Schedule 1**

Insert after Part 8:

Schedule 1 Provisions relating to gas meters

(Clause 48)

Note. This Schedule substantially re-enacts the provisions of the *Gas Supply (Gas Meters) Regulation 2002* which was repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

Part 1 Preliminary

1 Interpretation

- (1) In this Schedule:

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

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- (c) a network operator from whose distribution system gas is conveyed through the gas meter.

Note. Certain terms used in this Schedule are defined in the *Gas Supply Act 1996* (such as **authorised supplier** and **network operator**) and in clause 3 of this Regulation (such as **approved**).

- (2) For the purposes of this Schedule, 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.

Part 2 Gas supply to be metered

2 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.

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- (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

3 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.

4 Authority holders to lodge description of testing procedures

A person who holds an authority under clause 3 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.

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

5 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:

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- (a) by a person authorised under clause 3 (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 an approved design.

6 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) in accordance with the owner's program, if it has been approved by the Director-General, or (if there is no such approved program) 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.

Division 3 Other testing of gas meters

7 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.

8 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.
- (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.

9 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 kilopascals, 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

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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

10 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 an approved method:
 - (a) by a person authorised under clause 3 (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.

Part 4 Miscellaneous

11 Offences

- (1) A person must not test a gas meter unless authorised to do so under this Schedule.
Maximum penalty: 100 penalty units in the case of a corporation and 25 penalty units in any other case.

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- (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 Schedule.
Maximum penalty: 20 penalty units.
- (3) A person must not, unless authorised to do so under this Schedule:
- (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 the approved form.

12 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 3 (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.