

New South Wales

# Gas Supply Amendment Bill 2009

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to implement the recommendations contained in the *Review Report: Reforming arrangements for regulating gasfitting, gas installations and appliances*, published by the Better Regulation Office in June 2009, by:

- (a) amending the *Gas Supply Act 1996* to allow for the responsibility for standards and requirements relating to gasfitting work and autogas work to be transferred to the Minister for Fair Trading, and
- (b) clarifying that a gas installation begins at the gas meter and ensuring that the definition of **gas installation** is consistent in the *Gas Supply Act 1996* and the regulations made under that Act, and
- (c) clarifying that gasfitting work does not include the connection of a gas container, gas regulator or gas appliance to, or the disconnection of a gas container, gas regulator or gas appliance from, a gas installation where it is designed to be readily detachable from the installation whether by the use of a tool, mechanical force or otherwise.

It is intended that the recommendations in the report also be implemented by way of amendments to the regulations made under the *Gas Supply Act 1996*. It is anticipated that the amendments to the regulations will also re-organise and consolidate the regulatory framework.

The Bill also makes other minor and consequential amendments.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

## **Schedule 1      Amendment of Gas Supply Act 1996 No 38**

**Schedule 1 [3] and [4]** amend the regulation-making powers in sections 83 and 83A of the *Gas Supply Act 1996* as described in paragraph (a) of the Overview. Section 83 is currently administered by the Minister for Energy and section 83A is currently administered by the Minister for Fair Trading. Section 83 currently enables regulations to be made with respect to the carrying out of gasfitting work. The amendment to section 83 limits the power in that section to gasfitting work involving the installation or replacement of a gas meter or any part of the basic metering equipment. The amendment to section 83A enables the making of regulations relating to gas installations and the carrying out of any kind of gasfitting work (apart from gasfitting work involving the installation or replacement of a gas meter or any part of the basic metering equipment). The amendment also transfers the regulation-making power relating to autogas installations and the carrying out of autogas work from section 83 to section 83A.

**Schedule 1 [2]** inserts a note relating to the appointment of investigators under the *Fair Trading Act 1987* for the purposes of any legislation administered by the Minister for Fair Trading (section 83A of the *Gas Supply Act 1996* and the regulations made under that section are currently administered by the Minister for Fair Trading). **Schedule 1 [1]** allows investigators under the *Fair Trading Act 1987* to enter any premises for the purpose of ascertaining whether an offence against any regulations made under section 83A of the Act has been committed. Investigators also have certain powers under the *Fair Trading Act 1987*.

**Schedule 1 [7]** amends the Dictionary:

- (a) to ensure consistency between the definitions of *basic metering equipment*, *gas appliance*, *gas container*, *gas installation*, *gas network* and *gasfitting work* across all legislation relating to gas supply, and
- (b) to provide that a gas installation begins at the gas meter (or at the control valve or other connection point in the case of a gas installation that is not supplied from a gas network), and

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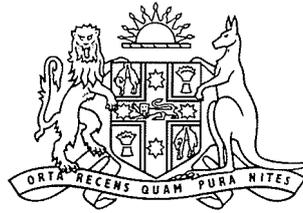
- (c) to clarify that gasfitting work does not include the connection of a gas container, gas regulator or gas appliance to, or the disconnection of a gas container, gas regulator or gas appliance from, a gas installation where it is designed to be readily detachable from the installation whether by the use of a tool, mechanical force or otherwise (so that, for example, a person need not hold the necessary qualifications for gasfitting work in order to detach and re-attach a pigtail device during the connection of a gas cylinder).

**Schedule 1 [5]** makes it clear that regulations may be made under section 83A for or with respect to fees, charges and payments relating to the other matters specified in that section.

**Schedule 1 [6]** enables regulations of a savings and transitional nature to be made as a consequence of the enactment of the proposed Act.



First print



New South Wales

# Gas Supply Amendment Bill 2009

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New South Wales

## Gas Supply Amendment Bill 2009

No. , 2009

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### A Bill for

An Act to amend the *Gas Supply Act 1996* to make further provision, and to clarify the regulatory framework, in relation to gasfitting work, autogas work, gas installations, autogas installations and gas appliances.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Gas Supply Amendment Act 2009</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5

<b>Schedule 1</b>	<b>Amendment of Gas Supply Act 1996</b>	1
	<b>No 38</b>	2
<b>[1] Section 55 Powers of entry</b>		3
Insert after section 55 (2):		4
(2A) A person appointed under section 18 of the <i>Fair Trading Act 1987</i> as an investigator for the purposes of any provision of this Act that is administered by the Minister for Fair Trading (or any regulations made under such a provision):		5
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(a) may enter any premises for the purpose of ascertaining whether an offence against the provision (or the regulations made under the provision) has been committed, and		9
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(b) is taken to be an inspector for the purposes of this Act (except section 77).		13
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<b>[2] Section 77 Inspectors</b>		15
Insert at the end of the section:		16
<b>Note.</b> For the purposes of any provisions of this Act administered by the Minister for Fair Trading (and any regulations made under any such provisions), investigators may be appointed under section 18 of the <i>Fair Trading Act 1987</i> .		17
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<b>[3] Section 83 Regulations</b>		21
Omit section 83 (2) (g) and (g1). Insert instead:		22
(g) the carrying out of work involving the installation or replacement of a gas meter or any part of the basic metering equipment,		23
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<b>[4] Section 83A Regulations as to gas appliances, gas and autogas installations, gasfitting and autogas work and gas meters</b>		26
		27
Omit section 83A (e). Insert instead:		28
(e) gas installations and the carrying out of gasfitting work,		29
(e1) autogas installations and the carrying out of autogas work,		30
<b>[5] Section 83A (g)</b>		31
Insert after section 83A (f):		32
(g) fees, charges and payments relating to the matters in paragraphs (a)–(f).		33
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<b>[6] Schedule 2 Savings, transitional and other provisions</b>	1
Insert at the end of clause 1 (1):	2
<i>Gas Supply Amendment Act 2009</i>	3
<b>[7] Dictionary</b>	4
Omit the definitions of <i>gas appliance</i> , <i>gas installation</i> and <i>gasfitting work</i> .	5
Insert in alphabetical order:	6
<i>basic metering equipment</i> means a gas meter and any equipment prescribed by the regulations for the purposes of this definition when used in conjunction with gas meters.	7 8 9
<i>consumer service</i> means any pipe or system of pipes used to convey or control gas, and any associated fittings and equipment, that are connected to a gas network upstream of the gas supply point, but does not include any part of a gas network.	10 11 12 13
<i>gas appliance</i> means any gas burning or gas using appliance that is manufactured, adapted or designed for connection to a gas installation, whether by means of a gas outlet socket or otherwise, and includes any liquefied petroleum gas dispenser, catalytic burner or vaporiser, but does not include an internal combustion engine that is installed in, or forms part of, a vehicle, vessel or machine.	14 15 16 17 18 19 20
<i>gas container</i> includes a gas cylinder, a gas cartridge, a pressure vessel and a gas tank.	21 22
<i>gas installation</i> means:	23
(a) any pipe or system of pipes used to convey or control gas, and any associated fittings and equipment, that are downstream of the gas supply point, but does not include anything beyond the gas installation end point, and	24 25 26 27
(b) any flue that is downstream of the gas supply point, but does not include an autogas installation.	28 29
<i>gas installation end point</i> means:	30
(a) in the case of a gas installation to which gas is supplied from a gas network—the gas outlet socket, or	31 32
(b) in any other case—the control valve or other connection point of a gas appliance or of another gas container.	33 34
<i>gas network</i> means a distribution pipeline or a distribution system.	35 36

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<b><i>gas supply point</i></b> means:	1
(a) in the case of a gas installation to which gas is supplied from a gas network—the outlet of the gas meter at which the gas is supplied, or	2 3 4
(b) in any other case—the control valve or other connection point of a gas container.	5 6
<b><i>gasfitting work</i></b> means any work involved in:	7
(a) the installation, alteration, extension or repair of a gas installation, or	8 9
(b) the installation, alteration, extension or repair of a consumer service, or	10 11
(c) the installation, alteration, extension, removal or repair of a flue, or	12 13
(d) the connection of a gas installation to, or the disconnection of a gas installation from, a gas network (including any work on a consumer service that is required to complete the connection or disconnection), or	14 15 16 17
(e) the connection of a gas appliance to, or the disconnection of a gas appliance from, a gas installation (otherwise than where the point of connection is a gas outlet socket), or	18 19 20
(f) the connection of a gas container, gas regulator or gas appliance to, or the disconnection of a gas container, gas regulator or gas appliance from, a gas installation (otherwise than where it is designed to be readily detachable from the installation whether by the use of a tool, mechanical force or otherwise).	21 22 23 24 25 26