

Gas Supply (General) Regulation 1997

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New South Wales

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Gas Supply (General) Regulation 1997



New South Wales

Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

This Regulation commences on 31 August 1997.

3 Definitions

In this Regulation:

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

Gas Installation Code means the code published by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association under the title AG 601: *Gas Installation Code*, as in force from time to time.

gas marketer has the same meaning as it has in Division 5 of Part 2A of the Act.

Industrial and Commercial Gas Appliances Code means the code published by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association under the title AG 501: *Code for Industrial and Commercial Gas Appliances*, as in force from time to time.

LP Gas Storage and Handling Code means the code published by Standards Australia under the title AS 1596-1989: *LP Gas Storage and Handling*, as in force from time to time.

Marketing Code of Conduct has the same meaning as it has in Division 5 of Part 2A of the Act.

person responsible, in relation to the carrying out of gasfitting work, 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 6 (1).

review panel means a review panel established under section 29 of the Act.

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.

the Act means the *Gas Supply Act 1996*.

4 Notes

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

Part 2 Gasfitting work

5 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 distribution system, 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 distribution system, 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 distribution system, 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.

6 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.

7 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) of the [Gas Supply \(Network Safety Management\) Regulation 2002](#)) otherwise than in accordance with:
- (a) in the case of all gasfitting work, the *Gas Installation Code*, and
- (b) in the case of gasfitting work involving installations or systems that convey liquefied petroleum gas, the *LP Gas Storage and Handling Code*.

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 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.

Maximum penalty: 20 penalty units.

- (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) the *Industrial and Commercial Gas Appliances Code*, or
- (b) if that code 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).

8 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 distribution system, or
- (b) the disconnection of a gas appliance from a gas installation.

9 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.

- (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, the *Gas Installation Code* or the *LP Gas Storage and Handling Code*, 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 distribution system, or

(b) the disconnection of a gas appliance from a gas installation.

Part 3

10-13 (Repealed)

Part 4 Review of Tribunal decisions

14 Applications for review: sections 26 and 28

(1) An application to the Minister for a review of a decision or a gas pricing order of the Independent Pricing and Regulatory Tribunal:

(a) must be in writing, and

(b) must state the basis of the application, and

(c) must be accompanied by a fee determined by the Minister.

(2) The Minister must give notice of the application, and of the proposed review:

(a) in a daily newspaper circulating throughout New South Wales, or

(b) in such other manner as the Minister considers appropriate.

15 Qualifications of members of review panels: section 29

(1) A person is not to be appointed to be a member or a deputy of a member of a review panel unless, in the opinion of the Minister, the person has appropriate qualifications or experience having regard to the matter to be investigated by the panel.

(2) A person is not to be appointed to a review panel if the person:

(a) is an employee or an associate of the holder of the authorisation with which the review panel's investigation will be concerned, or

(b) has a direct or indirect pecuniary interest in a matter with which the review

panel's investigation will be concerned, other than such an interest that the person has merely as a result of being a gas user.

16 Appointment of deputies of members of review panels

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member of a review panel.
- (2) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be a member.
- (3) The deputy of the member who is chairperson of the review panel has the functions of the chairperson while acting in the place of the chairperson.
- (4) No act, determination or proceeding of a review panel is invalid merely because at the time of the act, determination or proceeding there is a vacancy in the office of a member of the panel.

17 Allowances for members of review panels

A member or deputy of a member of a review panel is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member or deputy.

18 General procedure of review panels

The procedure for:

- (a) the calling of and the conduct of business at meetings of a review panel, and
- (b) the conduct of investigations by a review panel,

is, subject to the Act and this Regulation, to be as determined by the panel.

19 Quorum

The quorum for a meeting of a review panel is 2 members.

20 Presiding member

- (1) The chairperson of a review panel (or, in the absence of the chairperson, another member elected to chair the meeting by the members present) is to preside at a meeting of the panel.
- (2) The person presiding at a meeting of a review panel has a deliberative vote and, in the event of an equality of votes, a second or casting vote.

21 Voting

A decision supported by a majority of the votes cast at a meeting of a review panel at which a quorum is present is the decision of the panel.

22 Determination and payment of costs

- (1) The costs of and incidental to proceedings before a review panel are, subject to the Act and this Regulation, to be as determined by the panel.
- (2) The costs may include any allowances payable to the members of the panel.
- (3) The liability for the payment of the costs is to be as determined by the Minister on the recommendation of the panel.
- (4) The costs may be recovered by or on behalf of the Minister in a court of competent jurisdiction as a debt due to the Crown.

Part 5 Miscellaneous

22A Investigations by Tribunal

- (1) This clause applies to any investigation conducted by the Tribunal under section 32 of the Act in relation to an interim gas pricing order referred to in clause 19 of Schedule 2 to the Act.
- (2) For the purposes of any such investigation, the Tribunal may, but is not required to, hold a hearing under section 21 of the *Independent Pricing and Regulatory Tribunal Act 1992*.

22B-24 (Repealed)

25 Delegations

The Director-General may delegate to any person the exercise of all or any of the Director-General's functions under this Regulation or any other regulation under the Act.

26 (Repealed)

Part 6

27-36 (Repealed)

Schedule 1 (Repealed)