

Gas Supply (Consumer Safety) Regulation 2004

[2004-761]



New South Wales

Status Information

Currency of version

Repealed version for 16 December 2011 to 31 August 2012 (accessed 3 July 2024 at 17:54)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Gas Supply (Gas Appliances) Regulation 2004
- **Repeal**
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2012

Gas Supply (Consumer Safety) Regulation 2004



New South Wales

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Gas Supply (Consumer Safety) Regulation 2004



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gas Supply (Consumer Safety) Regulation 2004*.

2 Commencement

- (1) This Regulation commences on 1 December 2004, except as provided by subclause (2).
- (2) Clauses 5 (1) and 20 commence on 1 March 2005.

3 Definitions

- (1) In this Regulation:

approved means approved for the time being by the Director-General.

Australian Standard or **Australian and New Zealand Standard** means such a standard published by Standards Australia as in force for the time being.

autogas (CN Gas) installation means an autogas installation that is designed for use with compressed natural gas.

autogas (LP Gas) installation means an autogas installation that is designed for use with liquefied petroleum gas.

certification authority means an authority to certify a gas appliance or type of gas appliance granted under clause 7.

certification number means the number issued by the holder of a certification authority to identify a gas appliance or type of appliance that has been certified by the holder or a person authorised to certify it on behalf of the holder.

certified gas appliance means a gas appliance or type of gas appliance in respect of which a certification by the holder of a certification authority is in force.

compliance label, in relation to a gas appliance or type of gas appliance, means a

label attached to the gas appliance or type of gas appliance containing the particulars specified in clause 5 (2).

contractor's licence, in relation to a particular kind of gasfitting work, means a licence in force under the [Home Building Act 1989](#) authorising the holder to contract to carry out that kind of work.

defect notice means a defect notice referred to in clause 30.

Director-General means:

- (a) the Commissioner for Fair Trading, Department of Services, Technology and Administration, or
- (b) if there is no such position in the Department—the Director-General of the Department.

employee means an employee within the meaning of the [Occupational Health and Safety Act 2000](#).

investigator means a person appointed under section 18 of the [Fair Trading Act 1987](#) as an investigator for the purposes of this Regulation.

patent defect means a defect that presents an immediate or potential danger to persons and that is apparent on testing or inspection, and **patently defective** has a corresponding meaning.

person responsible means:

- (a) in relation to the carrying out of gasfitting work, the person who carries out the gasfitting work (or who supervises the carrying out of gasfitting work) under the authority of an appropriate supervisor certificate, or
- (b) in relation to the carrying out of autogas work, the person who carries out the autogas work (or who supervises the carrying out of autogas work) under the authority of an appropriate trade certificate.

Register means the Gas Appliances Certification Register kept by the Director-General in accordance with clause 18.

registered mark for the holder of a certification authority means the mark registered in relation to the holder under clause 18 (2) (c).

repairer means a repairer within the meaning of the [Motor Vehicle Repairs Act 1980](#).

repairer's licence means a licence granted under the [Motor Vehicle Repairs Act 1980](#).

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.

the Act means the *Gas Supply Act 1996*.

trade certificate means:

- (a) in relation to autogas work carried out on an autogas (LP Gas) installation, a tradesperson's certificate (other than a provisional tradesperson's certificate) granted under the *Motor Vehicle Repairs Act 1980* in respect of a class of repair work that includes work of a liquefied petroleum gas mechanic within the meaning of that Act, or
- (b) in relation to autogas work carried out on an autogas (CN Gas) installation, a tradesperson's certificate (other than a provisional tradesperson's certificate) granted under the *Motor Vehicle Repairs Act 1980* in respect of a class of repair work that includes work of a natural gas mechanic within the meaning of that Act.

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

- (2) In this Regulation, a reference to a type of gas appliance is a reference to each gas appliance of the same design constructed to identical specifications.
- (3) For the purposes of this Regulation, a gas appliance or type of gas appliance is certified by a person or organisation that is a certification authority if it is certified by a person authorised by the person or organisation to certify on the person's or organisation's behalf.
- (4) Notes in this Regulation do not form part of this Regulation.

4 Regulation not to apply to certain gas installations, autogas installations and appliances

This Regulation (other than Schedule 1) does not apply to or in respect of:

- (a) a gas installation or autogas installation with a carrying capacity greater than 200 kilopascals, or
- (b) a gas appliance with an inlet pressure greater than 200 kilopascals,

that is located partially or wholly within a place of work in respect of which the *Occupational Health and Safety Act 2000* is applicable.

Part 2 Gas appliances

Division 1 Certification and labelling of gas appliances

5 Restrictions on sale and supply of gas appliances

- (1) A person must not sell or supply a gas appliance or type of gas appliance unless:
 - (a) the gas appliance or type of gas appliance is a certified gas appliance, and
 - (b) a compliance label in relation to the appliance that is in the approved form and inscribed with the particulars referred to in subclause (2) is attached to the appliance in the approved manner by the Director-General.

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

- (2) A compliance label relating to a gas appliance or type of gas appliance must be inscribed with the following particulars:
 - (a) the registered mark of the holder of the certification authority that certified the appliance or type of appliance,
 - (b) the certification number for the appliance or type of appliance,
 - (c) the type of gas that is to be used by the appliance.

5A Restrictions on connection of gas appliances to certain gas installations

- (1) This clause applies only in respect of a gas installation to which gas is supplied from a gas network.
- (2) 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 appliance as modified) is a certified gas appliance.

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

6 Certification of gas appliances

A person must not certify a gas appliance or type of gas appliance unless the person:

- (a) is the holder of a certification authority, or
- (b) is a person authorised by the holder of a certification authority to certify gas appliances on the holder's behalf.

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

7 Authority to certify gas appliances or types of gas appliances

- (1) An application for a certification authority may be made by any person or person on

behalf of an organisation.

- (2) The application is to be made in writing in the approved form.
- (3) The application must be accompanied by:
 - (a) the fee determined by the Director-General, and
 - (b) a description of the mark to be used to identify the holder of the certification authority.
- (4) The Director-General may, by order in writing, authorise the person or organisation to certify individual gas appliances or types of gas appliances (a **certification authority**).
- (5) The Director-General may determine an application for a certification authority by granting or refusing the application.

8 Conditions of certification authority

- (1) A certification authority is subject to the following conditions:
 - (a) the holder of the authority (or any person authorised by the holder to certify a gas appliance or type of gas appliance on the holder's behalf) must not certify a gas appliance or type of gas appliance knowing that it is unsafe to use,
 - (b) the holder of the authority (or a person authorised by the holder to certify a gas appliance or type of gas appliance on the holder's behalf) must attach, or cause to be attached, to each gas appliance or type of gas appliance that he or she certifies a compliance label in relation to the appliance.
- (2) A certification authority is subject to such other conditions as the Director-General considers appropriate and as are specified in the authority or imposed by order in writing given to the holder of the authority.
- (3) The Director-General may by order in writing given to the holder of a certification authority:
 - (a) impose further conditions on the grant of the authority, or
 - (b) vary or revoke any of the conditions (other than a condition referred to in subclause (1)) to which the approval is subject.
- (4) The Director-General must not impose a further condition, or vary a condition, unless the Director-General:
 - (a) has given the holder of the certification authority written notice of the intention to impose or vary the condition, and

(b) has given the holder the opportunity to make oral or written submissions within a period of at least 21 days after the notice is given that is specified in the notice concerning the imposition or variation of the condition, and

(c) has taken into account any submissions made by the holder.

(5) The holder of a certification authority must comply with the conditions (if any) imposed on the authority by this clause and the Director-General.

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

9 Duration of certification authority

A certification authority takes effect on the day on which it is granted or on a later day specified in the authority and remains in force (unless it is sooner suspended or cancelled) for the period specified in the authority.

10 Cancellation of certification authority

The Director-General may cancel a certification authority, at any time and for any reason, by notice in writing served on the holder of the authority.

11 Show cause notice

(1) The Director-General may suspend a certification authority and serve a show cause notice on the holder of the authority if the Director-General is of the opinion that there are grounds for cancelling the authority.

(2) A show cause notice is a notice requiring the holder of the certification authority to show cause why the authority should not be cancelled on the grounds specified in the notice.

(3) Without limiting the grounds that may be specified, grounds include that the holder of the authority has failed to comply with a condition of the authority.

(4) A show cause notice is to be in writing and is to specify a period of not less than 21 days after service of the notice as the period:

(a) during which the authority is suspended, and

(b) within which the holder must show cause as required by the notice.

(5) The holder on whom a show cause notice is served may, within the period allowed by the notice, make written submissions to the Director-General in respect of the matters to which the notice relates.

12 Offences relating to compliance labels

A person must not:

- (a) attach a compliance label to a gas appliance or type of gas appliance that is not a certified gas appliance, or
- (b) attach a compliance label to a gas appliance or type of gas appliance that is not a compliance label in relation to that gas appliance or type of gas appliance, or
- (c) remove a compliance label that has been attached to a gas appliance or type of gas appliance in accordance with this Regulation unless the person is authorised by the Director-General to do so, or
- (d) falsify the particulars inscribed on a compliance label or attach a compliance label that is inscribed with false particulars to a gas appliance or type of gas appliance, or
- (e) attach a compliance label to a gas appliance or type of gas appliance that is not in the approved form.

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

Division 2 Unsafe gas appliances

13 Powers of investigators

- (1) An investigator may:
 - (a) by attaching a label to a gas appliance or type of gas appliance that the investigator considers is unsafe to use, prohibit the sale or supply of the appliance, or
 - (b) by notice in writing served on a person, prohibit the sale or supply of any gas appliance or type of gas appliance specified in the notice.
- (2) An investigator may give a notice under subclause (1) (b) only if the investigator has reasonable grounds to believe:
 - (a) that the gas appliance or type of gas appliance is unsafe to use, and
 - (b) the death of, or injury to, any person or damage to any property may arise out of use of the appliance or type of appliance unless the notice is given.
- (3) A notice served on a person under this clause may be varied or revoked by the investigator by serving a notice in writing on the person concerned.

14 Nature of orders under this Division

- (1) By an order under this Division, the Director-General may do any one or more of the

following:

- (a) prohibit the sale or supply of a gas appliance or type of gas appliance specified in the order,
 - (b) give directions, in respect of a gas appliance or type of gas appliance specified in the order:
 - (i) for the recall of the appliance or type of appliance, or
 - (ii) for action to be taken to render the appliance or type of appliance safe to use.
- (2) An order under this Division may be varied or revoked by the Director-General in the same way as the order was made.

15 When an order may be made under this Division

The Director-General may make an order under this Division only if the Director-General has reasonable grounds to believe:

- (a) that a gas appliance or type of gas appliance is unsafe to use, and
- (b) the death of, or injury to, any person or damage to any property may arise out of use of the appliance or type of appliance unless the order is made.

16 Manner of making orders

- (1) An order under this Division:
 - (a) may be made in writing addressed to the person intended to be bound by it, or
 - (b) may be addressed to several persons, or to all persons, and published in the Gazette, or in such other publication or publications as the Director-General considers appropriate, or both.
- (2) In either case, the order, when it takes effect, is binding on the person or persons to whom it is addressed.
- (3) An order that is served on a person takes effect on the day it is served or a later day specified in the order.
- (4) An order that is published in the Gazette or another publication takes effect on the day it is first published or on a later day specified in the order.

17 Failure to comply with order

A person is guilty of an offence if the person, without reasonable excuse:

- (a) sells or supplies a gas appliance or type of gas appliance in contravention of any prohibition imposed under this Division, or

- (b) contravenes or neglects or refuses to comply with a direction given under this Division.

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

Division 3 Miscellaneous

18 Gas Appliances Certification Register

- (1) The Director-General must keep a register of persons or organisations granted a certification authority.
- (2) The Director-General is to enter on the Register the following particulars in relation to a person or organisation granted a certification authority:
 - (a) the name of the person or organisation,
 - (b) the full address of the person or organisation, being (in the case of an individual) his or her principal place of residence or (in the case of a corporation or organisation) its registered office or principal office or place of business in New South Wales,
 - (c) the identifying mark for the person or organisation supplied under clause 5 (2) (a) (“the **registered mark**”),
 - (d) such other details supplied in the application for the certification authority as the Director-General considers should be entered on the Register.

19 Change of particulars

If the name and address of the holder of a certification authority changes, the holder must notify the Director-General within 14 business days after the change occurs.

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

Part 3 Gasfitting work

20 Gasfitting work to be carried out by qualified persons

A person must not carry out gasfitting work, or employ any other person to carry out 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 tradesperson 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) or 25 penalty units (in any other case).

21 Gasfitting work to comply with certain standards

A person must not carry out gasfitting work unless the work is carried out in accordance with whichever of the following Standards applies to that type of gasfitting work:

- (a) the Australian Standard entitled AS 5601—2004, *Gas installations*,
- (b) the Australian Standard entitled AS 4041—2006, *Pressure Piping*,
- (c) the Australian and New Zealand Standard entitled AS/NZS 1596:2008, *The storage and handling of LP Gas*.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

Part 4 Autogas work

22 Autogas work to be carried out by qualified persons

A person must not carry out autogas work, or employ any other person to carry out autogas work, unless the person by whom the work is carried out does so:

- (a) under the authority of an appropriate trade certificate, or
- (b) under the authority of an appropriate provisional trade certificate and under the general supervision of the holder of an appropriate trade certificate, or
- (c) under the immediate supervision of the holder of an appropriate trade certificate.

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

23 Autogas work to comply with certain standards

(1) A person must not carry out autogas work on an autogas installation otherwise than in accordance with:

- (a) AS/NZS 1425, in the case of work on an autogas (LP Gas) installation, or
- (b) AS/NZS 2739, in the case of work on an autogas (CN Gas) installation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

(2) In this clause:

AS/NZS 1425 means the Australian and New Zealand Standard entitled AS/NZS 1425:2007, *LP Gas fuel systems for vehicle engines*.

AS/NZS 2739 means the Australian and New Zealand Standard entitled AS/NZS 2739:2009, *Natural gas (NG) fuel systems for vehicle engines*.

Part 5 Gas installations (supplied from a gas network)

24 Application of Part

- (1) This Part applies only in relation to gasfitting work carried out:
 - (a) on a gas installation to which gas is supplied from a gas network, or
 - (b) for the purpose of connecting a gas appliance to such a gas installation.
- (2) This Part does not apply to the connection of a gas installation to, or the disconnection of a gas installation from, a gas supply point.

25 Testing for defects and certificates of compliance

- (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.
- (2) 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.
- (3) 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.
- (4) A certificate of compliance:
 - (a) must be in the approved form, 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 a relevant Standard referred to in clause 21, and

(d) must indicate whether or not the gas installation is in safe working order.

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

(6) In this clause:

network operator rules means the rules established by the network operator in accordance with the *Gas Supply (Safety and Network Management) Regulation 2008*.

Maximum penalty (subclauses (1), (2), (3) and (5)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

Part 6 Gas installations (not supplied from a gas network)

Division 1 Application of Part

26 Part does not apply to certain gasfitting work

This Part does not apply in relation to:

- (a) a gas installation to which gas is supplied from a gas network, or
- (b) 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 such a gas installation.

Division 2 Testing, inspection and compliance

27 Testing for patent defects

Immediately after the completion of gasfitting work on a gas installation, the person responsible for the carrying out of the work:

- (a) in the case of work comprising the installation of a new gas installation:
 - (i) must inspect all gas containers, gas regulators and gas appliances connected to the installation, and
 - (ii) must test the whole installation for patent defects, or
- (b) in the case of work comprising the alteration, extension or repair of an existing gas installation:
 - (i) must inspect such part of the installation as has been altered, extended or repaired, and

- (ii) must inspect all gas containers, gas regulators and gas appliances connected to such part of the installation as has been altered, extended or repaired, and
- (iii) must test the whole installation for patent defects.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

28 Certificates of inspection

- (1) Immediately after testing a gas installation following the completion of gasfitting work, the person responsible for the carrying out of the work must furnish a certificate of inspection for the installation:
 - (a) to the owner of the installation, or
 - (b) to a person having the control or management of the installation.
- (2) In the case of a gas installation that is installed in any premises (or in any machine that forms part of any premises), the person may also send a copy of the certificate to any other person who appears to be the usual supplier of gas for use in connection with the installation if the certificate indicates that the installation is patently defective.
- (3) A certificate of inspection:
 - (a) must be serially numbered and in the approved form, and
 - (b) if it indicates that the installation to which it relates is patently defective, must specify what work needs to be done to rectify the patent defect.
- (4) A person must not issue a certificate of inspection with respect to a gas installation that is patently defective unless the nature of the patent defect is indicated on the certificate.
- (5) A person who issues a certificate of inspection under this clause must keep a copy of the certificate for 5 years from the date on which it is issued.
- (6) A certificate of inspection issued in respect of a gas installation ceases to have effect if a further certificate of inspection is issued in respect of the same installation.

Maximum penalty (subclauses (1), (4) and (5)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

29 Compliance plates

- (1) The person responsible for the carrying out of gasfitting work on a gas installation:
 - (a) must detach any compliance plate from the installation before the work is carried out, and
 - (b) must attach a compliance plate to the installation after the work is carried out, unless the certificate of inspection issued as a result of the work being carried out indicates that the installation is patently defective.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) A compliance plate attached to an installation in accordance with this clause must comply with the requirements set out in clause 44.

30 Defect notices

- (1) The person responsible for the carrying out of gasfitting work on a gas installation:
 - (a) if satisfied that the gas installation, or any gas container, gas regulator or gas appliance connected to the installation, is patently defective, must attach a defect notice to the installation, container, regulator or appliance, and
 - (b) if the patent defect cannot be isolated from the installation, must remove any compliance plate from the installation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) A defect notice:
 - (a) must have the word "DEFECT" clearly printed on it in upper case letters in type at least 20 millimetres high, and
 - (b) must be made of durable and weather-resistant material, and
 - (c) must be securely attached to the gas installation, gas container, gas regulator or gas appliance in a conspicuous position, and
 - (d) must be in the approved form.

Division 3 Miscellaneous

31 Sale of gas installations

A person must not sell any gas installation unless a compliance plate is attached to the installation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

32 Sale of gas regulators

A person must not sell any gas regulator unless the regulator:

- (a) is suitable and safe for use with the gas with which it is designed to be used, and
- (b) is approved or is of an approved type.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

33 Use of gas installations

- (1) A person must not use a gas installation unless a compliance plate is attached to the installation.
- (2) A person must not use any of the following to which a defect notice is attached:
 - (a) a gas installation,
 - (b) a gas container, gas regulator or gas appliance.
- (3) This clause does not apply to:
 - (a) anything that is done in the course of the carrying out of gasfitting work, or
 - (b) anything that is done in the course of the testing of a gas installation by a person by whom gasfitting work is being carried out or by the holder of an appropriate supervisor certificate, or
 - (c) the use of a gas installation that is installed in a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

Maximum penalty (subclauses (1) and (2)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than

in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

34 Supply of gas for use in gas installations

- (1) A person must not supply gas to a gas container that is connected to a gas installation unless a compliance plate is attached to the installation.
- (2) A person must not supply gas to a gas container that is connected to a gas installation if a defect notice is attached to the installation.
- (3) This clause does not apply to:
 - (a) anything that is done in the course of the carrying out of gasfitting work, or
 - (b) anything that is done in the course of the testing of a gas installation by a person by whom gasfitting work is being carried out or by the holder of an appropriate supervisor certificate, or
 - (c) the supply of gas to a gas container that is connected to a gas installation that is installed in a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

Maximum penalty (subclauses (1) and (2)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

35 Connection of gas containers to gas installations

- (1) A person must not connect a gas container to a gas installation unless a compliance plate is attached to the installation.
- (2) A person must not connect a gas container to a gas installation if a defect notice is attached to the installation or container.
- (3) A person must not connect a gas container, gas regulator or gas appliance to a gas installation unless the container, regulator or appliance:
 - (a) is suitable and safe for use with the gas with which it is designed to be used, and
 - (b) is approved or is of an approved type.
- (4) This clause does not apply to:
 - (a) anything that is done in the course of the carrying out of gasfitting work, or
 - (b) anything that is done in the course of the testing of a gas installation by a person by whom gasfitting work is being carried out or by the holder of an appropriate

supervisor certificate, or

- (c) the connection of a gas container to a gas installation that is installed in a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

Maximum penalty (subclauses (1), (2) and (3)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

Part 7 Autogas installations

Division 1 Testing, inspection and compliance

36 Testing for patent defects

Immediately after the completion of autogas work on an autogas installation, the person responsible for the carrying out of the work:

- (a) must inspect all gas cylinders and gas regulators connected to the installation, and
- (b) must test the whole installation for patent defects.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

37 Certificates of inspection

- (1) Immediately after testing an autogas installation following the completion of autogas work, the person responsible for the carrying out of the work must issue a certificate of inspection for the installation:
 - (a) to the owner of the installation, or
 - (b) to a person having the control or management of the installation.
- (2) A certificate of inspection:
 - (a) must be serially numbered and in the approved form, and
 - (b) if it indicates that the installation to which it relates is patently defective, must specify what work needs to be done to rectify the patent defect.
- (3) A person must not issue a certificate of inspection with respect to an autogas installation that is patently defective unless the nature of the patent defect is indicated on the certificate.

- (4) A person who issues a certificate of inspection under this clause must keep a copy of the certificate for 5 years from the date on which it is issued.
- (5) A certificate of inspection issued in respect of an autogas installation ceases to have effect if a further certificate of inspection is issued in respect of the same installation.

Maximum penalty (subclauses (1), (3) and (4)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

38 Compliance plates

- (1) The person responsible for the carrying out of autogas work on an autogas installation must attach a compliance plate to the installation after it has been tested unless the certificate of inspection issued as a result of the test indicates that the installation is patently defective.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) A compliance plate attached to an installation in accordance with this clause must comply with the requirements set out in clause 44.

39 Identification labels

- (1) The person responsible for fitting an autogas installation to any vehicle, vessel or machine must ensure that an identification label is attached to the outside of the vehicle, vessel or machine in a conspicuous position.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) In the case of a vehicle registered under the *Road Transport (Vehicle Registration) Act 1997*, the identification label must be attached to both the front and back number plates of the vehicle.
- (3) An identification label:
 - (a) must be in the shape of a square, having sides at least 25 millimetres long, and
 - (b) must be constructed of approved material, and
 - (c) must be coloured red, and

- (d) must bear the letters “LPG” (in the case of an autogas (LP Gas) installation) or “CNG” (in the case of an autogas (CN Gas) installation) in white symbols at least 10 millimetres high along one of the diagonals of the square, and
- (e) must be mounted diamond-wise, so that the symbols appear upright and horizontal.

Division 2 Miscellaneous

40 Sale of gas cylinders

A person must not sell any gas cylinder for use in connection with an autogas installation unless the cylinder:

- (a) is suitable and safe for use with the gas with which it is designed to be used, and
- (b) is of an approved type.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

41 Use of autogas installations

(1) A person must not use a vehicle, vessel or machine to which an autogas installation is fitted unless:

- (a) a compliance plate is attached to the installation, and
- (b) an identification label is attached to the vehicle, vessel or machine.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

(2) This clause does not apply to:

- (a) anything that is done in the course of the carrying out of autogas work, or
- (b) anything that is done in the course of the testing of an autogas installation by a person by whom autogas work is being carried out or by the holder of an appropriate trade certificate, or
- (c) the use of a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

42 Supply of gas for use in autogas installations

- (1) A person must not supply gas to a gas cylinder that is connected to an autogas installation unless a compliance plate is attached to the installation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) This clause does not apply to:

- (a) anything that is done in the course of the carrying out of autogas work, or
- (b) anything that is done in the course of the testing of an autogas installation by a person by whom autogas work is being carried out or by the holder of an appropriate trade certificate, or
- (c) the supply of gas to a gas cylinder that is connected to an autogas installation that forms part of a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

43 Connection of gas cylinders to autogas installations

- (1) A person must not connect a gas cylinder to an autogas installation unless a compliance plate is attached to the installation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

- (2) This clause does not apply to:

- (a) anything that is done in the course of the carrying out of autogas work, or
- (b) anything that is done in the course of the testing of an autogas installation by a person by whom autogas work is being carried out or by the holder of an appropriate trade certificate, or
- (c) the connection of a gas cylinder to an autogas installation that forms part of a vehicle, vessel or machine registered or licensed under the laws of any State, Territory or country outside New South Wales.

Part 8 Miscellaneous

44 Requirements for compliance plates

- (1) A compliance plate:

- (a) must be in the approved form, and
 - (b) must be constructed of approved material at least 0.5 millimetres thick, and
 - (c) must have a display area of at least 70 millimetres by 45 millimetres, and
 - (d) must be attached to the installation in a conspicuous position adjacent to the control valve or other point by which the installation is designed to be connected to a gas cylinder or gas container.
- (2) A compliance plate must be permanently and legibly inscribed, in figures at least 6 millimetres high, with the following information:
- (a) the serial number of the certificate of inspection for the installation,
 - (b) the date on which the testing of the installation was carried out,
 - (c) in the case of a compliance plate to be attached to a gas installation:
 - (i) the serial number of the supervisor certificate held by the person by whom the installation was tested, and
 - (ii) the serial number of the contractor's licence held by that person or by the contractor by whom that person is employed, and
 - (iii) an indication of the number and types of gas appliances connected to the installation,
 - (d) in the case of a compliance plate to be attached to an autogas installation:
 - (i) the serial number of the trade certificate or supervisor certificate held by the person by whom the installation was tested, and
 - (ii) the serial number of the repairer's licence held by the repairer, if any, by whom that person is employed, and
 - (iii) the engine number and vehicle identification number, if any, of the vehicle, vessel or machine to which the installation is fitted.
- (3) For the purposes of subclause (2) (c) (iii), the type of gas appliance specified in Column 1 of the Table to this clause is to be indicated by the numeral specified opposite that appliance in Column 2 of that Table.

Table

Column 1	Column 2
Type of appliance	Numeral
Cooker	1

Refrigerator	2
Sink heater	3
Hot water heater	4
Hot plate	5
Oven	6
Gas light	7
Room heater	8
Other appliance	9

- (4) In the case of a vehicle manufactured before 1 January 1989, the reference in subclause (2) (d) (iii) to the vehicle's vehicle identification number is a reference to the vehicle's chassis number.

45 Unauthorised attachment of compliance plates

A person must not attach to a gas installation or an autogas installation any compliance plate, or any device that resembles a compliance plate, otherwise than as authorised by this Regulation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

46 Removal of compliance plates by investigators

An investigator may remove a compliance plate from a gas installation or autogas installation if the investigator is satisfied that the installation (or any gas container, gas regulator, gas cylinder or gas appliance connected to it) is not in safe working order.

47 Unauthorised removal of defect notices

A person must not remove a defect notice from a gas installation, gas container, gas regulator or gas appliance until the relevant patent defect has been rectified or is found not to exist.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of a person who contravenes the provision otherwise than in his or her capacity as an employee) or 25 penalty units (in the case of a person who contravenes the provision in his or her capacity as an employee).

48 Provisions relating to gas meters

Schedule 1 contains provisions relating to gas meters.

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
- (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.

- (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:

(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 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.

- (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.