

# Gas Supply (Safety and Network Management) Regulation 2013

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New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **Repeal**

This Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10(2) with effect from 1.9.2022.

### 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](#).

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# Gas Supply (Safety and Network Management) Regulation 2013



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Gas Supply (Safety and Network Management) Regulation 2013*.

### 2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the *Gas Supply (Safety and Network Management) Regulation 2008* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation—

**AS 4564—2011** means the Australian Standard entitled AS 4564—2011, *Specification for general purpose natural gas*.

**Australian Standard** means a standard published by Standards Australia as in force for the time being.

**hazardous event** means an event that causes, or has the potential to cause, physical injury to, or damage to the health of, a person or damage to property or the environment.

**natural gas** means a substance that—

- (a) is in a gaseous state at standard temperature and pressure, and
- (b) consists of hydrocarbons, or a mixture of hydrocarbons and non-hydrocarbons, the principal constituent of which is methane, and
- (c) has been processed or otherwise dealt with to make it suitable for consumption.

**network operator rules** means the rules established by the network operator in accordance with clause 12 of Schedule 1.

**nominated auditor**, in relation to a network operator's safety and operating plan, means a person who is, for the time being, a person nominated by the network operator under clause 14 in respect of the plan.

**Secretary** means the Secretary of the Department.

**safety and operating plan** means a safety and operating plan referred to in clause 11 (1).

**the Act** means the [Gas Supply Act 1996](#).

(2) Notes included in this Regulation do not form part of this Regulation.

#### 4 Definition of "basic metering equipment"

For the purposes of the definition of **basic metering equipment** in the Dictionary to the Act, the following equipment is prescribed—

- (a) valves to isolate gas supply,
- (b) pipework (including a combination of pipes, flanges, tees, elbows and other pipe-connecting equipment designed to convey gas),
- (c) fittings, smaller instruments used in connection with fittings, pressure sensing tubing and tube fittings, instrument valves and associated equipment,
- (d) filters (being devices designed to trap and remove foreign matter from gas streams),
- (e) pressure regulators (being devices designed to reduce and control pressure),
- (f) over-pressure protection devices (being devices designed to protect downstream equipment from exposure to excessive pressure if upstream equipment fails),
- (g) non-return valves (being devices designed to ensure that gas flow travels in one direction and to prevent reverse flow),
- (h) mechanical indexes (being devices designed to indicate consumption of raw metered gas),
- (i) meter bars and other equipment designed to support a gas meter, and associated equipment that forms part of the meter installation,
- (j) electrical connections and wiring designed to convey electrical signals for gas meters, flow correction devices, alarms and metering communications equipment,
- (k) flow correction devices or software designed to enable raw metering data to be

adjusted for the effects of temperature, pressure and gas quality (or any of these) and to be referenced to standard pressure and temperature conditions,

- (l) temperature and pressure correction devices or software designed to enable raw metering data to be adjusted for the effects of temperature and pressure,
- (m) devices and equipment designed to analyse and calculate the heating value of a gas stream (for example, chromatography equipment and calorimeters).

#### **4A Definition of “gas”**

For the purposes of the definition of **gas** in the Dictionary to the Act, each of the following is declared to be a gas for the purposes of the Act—

- (a) hydrogen gas that is not mixed with any other gas,
- (b) a mixture of hydrogen gas and another gas to which the Act applies.

#### **5 Regulation not to apply to certain gas installations and appliances**

This Regulation does not apply to or in respect of—

- (a) a gas 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 workplace within the meaning of section 8 of the [Work Health and Safety Act 2011](#).

### **Part 2 Network safety**

#### **6 Network operators to ensure safe gas supply**

- (1) A network operator must develop, maintain and operate a safe gas network.
- (2) A network operator must, when designing, constructing, operating or extending a gas network or any part of a gas network, take into account any standards (such as codes, Australian Standards, guidelines or other requirements) that have been notified in writing to the network operator by the Secretary for the purposes of this subclause.

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

#### **7 Emergency services**

- (1) A network operator must—
  - (a) provide the public with an emergency telephone number, accessible 24 hours a day every day, for reporting any escape of gas from the network operator’s gas network or from gas pipe work within premises directly connected to the network,

and

- (b) provide the public with a means of making such reports in person, during normal business hours, at the network operator's business premises, and
  - (c) provide an effective system for receiving and dealing with such reports, and
  - (d) cause every such report to be promptly acted on, and ensure that, as far as possible, everything is done that needs to be done to stop the escape of, and to disperse, any gas that is at risk of igniting or exploding, or that risks suffocating or otherwise harming any person, and
  - (e) ensure that adequate publicity is given of the ways in which the network operator can be contacted for the purpose of reporting any escape of gas, and
  - (f) make available to any person on request the details of the network operator's emergency services.
- (2) The details of a network operator's emergency services referred to in subclause (1) (f) must include a statement—
- (a) to the effect that the operator will make safe any escape of gas from its network, and from that part of a consumer service directly connected to its gas network up to and including the gas meter outlet, and
  - (b) of the circumstances in which a gas user may be liable for the cost of repairs associated with a gas escape.

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

## **8 Metering and consumer service work**

- (1) This clause applies only to—
- (a) work involving the installation or replacement of a gas meter or any part of the basic metering equipment, and
  - (b) the installation, alteration, extension or repair of, or any other work on, a consumer service.
- (2) A person must not carry out work to which this clause applies otherwise than in accordance with the requirements of the network operator rules for the gas network to which the work relates.
- (3) A person who carries out any work to which this clause applies that is not done on behalf of a network operator—
- (a) must be the holder of a licence under the *Home Building Act 1989* authorising its

holder to contract to do that work, or must be carrying out the work on behalf of an individual, partnership or corporation that is the holder of such a licence, and

(b) must be authorised by the network operator for the gas network to which the work relates to carry out such work in accordance with the requirements of the network operator rules.

(4) To ensure that a gas installation is safe to be supplied with gas from a gas network, a person carrying out work to which this clause applies must, immediately before completing the work, conduct a leak test of the gas installation that is downstream of the gas meter.

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

#### **9 Notice to network operator and consumer after leak test**

(1) After testing the gas installation as required by clause 8, the person conducting the test must give a notice, in accordance with this clause, to the network operator and the consumer concerned specifying—

- (a) if the test demonstrates the gas installation is safe to connect to the gas network—that the gas installation has been tested and the gas supply to the premises has been established or re-established or is ready to be established or re-established, or
- (b) if the test demonstrates that the gas installation is unsafe to connect to the gas network—that the gas installation is defective and unsafe to connect to the gas network.

(2) A notice under subclause (1)—

(a) must include, but is not limited to, the following—

- (i) the name of the consumer concerned,
- (ii) the full address of the location,
- (iii) the date and results of the test,
- (iv) the name of the person who conducted the test and the name of the person's employer (if any),
- (v) the licence number and details of the person or the person's employer,
- (vi) if the notice is given under subclause (1) (b)—details of the faults identified, and

(b) must be given to the network operator and consumer—



- (i) for a notice given under subclause (1) (a)—within 7 days after the test is conducted, and
  - (ii) for a notice given under subclause (1) (b)—as soon as practicable after the test is conducted.
- (3) The person who conducted the test must keep a copy of the notice given to the network operator and consumer for 5 years from the date on which it was issued.
- (4) On receipt of a notice, the network operator must—
  - (a) for a notice given under subclause (1) (a)—record details of the notice and keep the record for at least 10 years after the date of the test or until receipt of a further notice under that subclause in relation to the gas installation concerned, whichever is the sooner, and
  - (b) for a notice given under subclause (1) (b)—record details of the notice and keep the notice until receipt of a further notice indicating that—
    - (i) the installation has been retested and that the gas installation is safe to connect to the gas network, and
    - (ii) the gas supply has been established or re-established, or is ready to be established or re-established.

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

## **10 Refusal or discontinuance of supply**

- (1) A network operator may refuse or discontinue the supply of gas to a person if, in the opinion of the network operator—
  - (a) the supply or continued supply of gas is dangerous to life, health or property, or
  - (b) the person's gas installation, or any gas appliance connected to it, is not installed in accordance with the relevant Australian Standard.
- (2) A network operator may discontinue a supply of gas to a person—
  - (a) by disconnecting the person's gas installation from its gas network, or
  - (b) by disconnecting any gas appliances from the person's gas installation, or
  - (c) by otherwise rendering the person's gas installation or any such gas appliances inoperable.
- (3) A network operator that refuses or discontinues the supply of gas to a person under this clause must give written notice of the reasons for the refusal or discontinuance of

supply to—

- (a) the person and any relevant retailer, and
- (b) the Secretary.

## **Part 3 Safety and operating plans**

### **11 Network operators to lodge and implement safety and operating plans**

(1) A network operator must—

- (a) lodge with the Secretary a safety and operating plan for its gas network that complies with the requirements of this Regulation, and
- (b) implement that plan.

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

(2) The safety and operating plan must be lodged—

- (a) within 6 months after the date of the grant of the authorisation or licence to operate the gas network to which the plan relates, or
- (b) within such further period as may be approved by the Secretary in writing.

(3) The safety and operating plan—

- (a) must be in writing (but may include diagrams), and
- (b) must be approved in writing by an officer of the network operator who is competent and specifically authorised by the network operator to do so.

(4) A network operator must not construct, alter, extend, maintain, repair or operate a gas network except in accordance with—

- (a) a safety and operating plan, or
- (b) a draft safety and operating plan (being a plan that complies with the requirements of this Regulation relating to the form and content, and review and availability, of safety and operating plans but which has not yet been audited in accordance with clause 15) that has been lodged with the Secretary.

(5) Nothing in subclause (4) affects the requirement made by subclause (2).

(6) The Secretary has the same powers under this Part in relation to a draft safety and operating plan as the Secretary has in relation to a safety and operating plan.

## **12 Network operators to review safety and operating plans**

- (1) The network operator is to review and, if necessary, revise the safety and operating plan—
  - (a) as soon as practicable after any significant change (including significant incremental change) occurs in relation to the operation or maintenance of the gas network, and
  - (b) in any case, at least once every 2 years (starting from the date of lodgment of the safety and operating plan under clause 11).

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

- (2) For the purposes of subclause (1) (a), significant change includes (but is not limited to)—
  - (a) any upgrade or modification in the engineering design of the gas network, and
  - (b) any other change in the risks to be managed by the network operator in relation to the gas network or in relation to the measures to be taken to manage such risks.

## **13 Matters to be included in safety and operating plans**

- (1) The object of a safety and operating plan is to ensure the safe operation of the gas network to which it relates, having regard to a range of matters including gas quality, operating personnel, plant, equipment, the community and the environment.
- (2) A safety and operating plan must include (but is not limited to) the following matters in relation to each distribution district of the network operator—
  - (a) a description of the gas network operation and an outline of operating, maintenance and reporting procedures,
  - (b) an analysis of hazardous events that might be expected to occur and the measures to be taken to prevent any such occurrence,
  - (c) the procedures to be implemented in case of emergencies,
  - (d) the gas quality standards to be applied and the procedures to be implemented to ensure that the gas conveyed or supplied meets those standards,
  - (e) specification of the plan's objectives and of appropriate performance indicators developed by the network operator.
- (3) If the Secretary so approves in writing, any matter that under this Regulation is to be included in a safety and operating plan in relation to each distribution district of a

network operator may instead be included in relation to distribution districts of the network operator as a group.

- (4) A safety and operating plan must comply with Schedule 1.

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

#### **14 Nomination of persons to audit safety and operating plans**

- (1) A network operator must give the Secretary a nomination in writing of a person as an auditor of its safety and operating plan at least one month before the person is first required to give a certificate in relation to the plan under this Part.

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

- (2) A person may not be nominated as an auditor under this clause unless the person is—
- (a) independent of the network operator, and
  - (b) competent to exercise the functions of an auditor under this Regulation in respect of the network operator's safety and operating plan.
- (3) If the Secretary advises a network operator in writing that a nomination is not accepted or is no longer acceptable, the nomination ceases to have effect for the purposes of this Regulation.

#### **15 Initial audit of safety and operating plans**

- (1) A safety and operating plan must, when lodged, be accompanied by a report on the plan from a nominated auditor that includes a certificate by the auditor that—
- (a) the plan complies with this Regulation, and
  - (b) the plan is appropriate having regard to the size and complexity of the gas network (subject to any exemptions granted by the Secretary), and
  - (c) all measures intended to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are in place, and
  - (d) there are properly trained and equipped personnel available to implement the plan.
- (2) The Secretary may, before the expiration of the period within which a safety and operating plan must be lodged by a network operator under clause 11, extend that period by notice in writing if the network operator provides the Secretary with a report from a nominated auditor indicating—

- (a) an audit has been carried out, and
- (b) any failure to comply with subclause (1) (a), (b), (c) or (d), and
- (c) the measures that the network operator proposes to take to rectify any such non-compliance, and
- (d) the time within which the network operator has undertaken to rectify any such non-compliance.

## **16 Periodical audits of safety and operating plans**

- (1) A network operator must lodge with the Secretary in respect of its safety and operating plan a report on the plan from a nominated auditor that complies with subclause (2)—
  - (a) within the period of 28 days after each anniversary of the date of lodgment of the safety and operating plan under clause 11, or
  - (b) within such other periods, of a lesser frequency, as the Secretary approves in writing in relation to the particular network operator.

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

- (2) The report must include a certificate by the nominated auditor that—
  - (a) the safety and operating plan complies with Schedule 1, and
  - (b) the measures implemented to prevent hazardous events identified in the plan from occurring, and intended to protect operating personnel, plant, equipment, the community and the environment should they occur, are being maintained, and
  - (c) there are properly trained and equipped personnel available to maintain the plan, and
  - (d) the plan is adequate and appropriate having regard to any changes in the gas network since a certificate was last issued by a nominated auditor in accordance with this clause or clause 15, and
  - (e) any measures to rectify non-compliance with the plan detected in any previous audit have been undertaken and are effective.
- (3) The Secretary may, before the expiration of a period within which a certificate must be lodged by a network operator under subclause (1), extend that period by notice in writing if the network operator provides the Secretary with a report from a nominated auditor indicating—
  - (a) the reasons why the network operator requires the period to be extended, and

- (b) whether an audit has been carried out, and
- (c) any failure to comply with the safety and operating plan, and
- (d) the measures that the network operator proposes to take to rectify any such non-compliance, and
- (e) the time within which the network operator has undertaken to rectify any such non-compliance.

#### **17 Additional audits may be required**

- (1) The Secretary may, by notice in writing to a network operator, require the network operator to carry out, or to provide such assistance and co-operation as is reasonable for the purposes of carrying out, a further audit of its safety and operating plan.
- (2) Such a requirement may be made if—
  - (a) the Secretary is satisfied that the further audit is required in order to verify that the safety and operating plan is being properly implemented, or
  - (b) the Secretary is not satisfied as to any aspect of an audit carried out by an auditor nominated by a network operator.
- (3) The Secretary may require such a further audit to be carried out by an auditor nominated or appointed by the Secretary.
- (4) The audit may relate to any or all of the matters to which an initial audit under clause 15 or a periodical audit under clause 16 may relate.
- (5) A network operator must comply, as soon as practicable, with a requirement made by the Secretary under this clause.

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

#### **18 Availability of safety and operating plans**

- (1) A network operator must—
  - (a) cause the following to be kept at its principal office and to be made available to the Secretary—
    - (i) a complete and up-to-date copy of its safety and operating plan,
    - (ii) details of any incremental change (other than that requiring the plan to be revised under clause 12) that has occurred in relation to the operation or maintenance of the gas network and that is not yet reflected in the plan, and
  - (b) cause the following to be made available to persons likely to be involved in the

implementation of the plan—

- (i) complete and up-to-date copies of the provisions of the plan that relate to safety,
- (ii) details of any incremental change (as referred to in paragraph (a) (ii)) but only to the extent that such change relates to safety.

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

- (2) In subclause (1), a reference to a complete and up-to-date copy of a safety and operating plan (or the provisions of a safety and operating plan) is a reference to a complete copy of the most recent version of the plan (or the relevant provisions) including any revisions required to be made under clause 12 and any amendments required to be made under clause 19.

#### **19 Secretary may direct amendment of safety and operating plans**

- (1) If the Secretary is of the opinion that—

- (a) a network operator's safety and operating plan will not produce a safe outcome, or

- (b) its implementation has given rise to, or will give rise to, an unsafe situation,

the Secretary may, by order in writing, direct the network operator to amend the plan in such manner, and within such period of time, as is specified in the order.

- (2) A network operator must, as soon as practicable, comply with any direction under this clause and must furnish a copy of the amended safety and operating plan to the Secretary within 7 days after complying with the direction.

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

#### **20 Secretary may direct compliance with safety and operating plans**

- (1) If the Secretary is of the opinion that a network operator is not—

- (a) complying with the requirements of its safety and operating plan or any codes, standards or specifications set out or referred to in that plan, or

- (b) following any procedures set out or referred to in that plan,

the Secretary may, by order in writing, direct the network operator to take such action as is specified in the order to comply with those requirements, codes, standards or specifications, or to follow those procedures.

- (2) A network operator must, as soon as practicable, comply with any direction under this

clause.

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

## 21 Exemptions

- (1) The Secretary may, by notice in writing, exempt a network operator from any requirement as to the content of a safety and operating plan if the Secretary is of the opinion that the requirement is inappropriate having regard to the size or complexity of the network operator's gas network.
- (2) An exemption under this clause may be given unconditionally or subject to conditions.
- (3) The Secretary may, by further notice in writing, vary or revoke any such exemption.

## Part 4 Natural gas standards

### 22 Definitions

In this Part—

**compliant natural gas** means natural gas that complies with the standards set out in AS 4564—2011.

**non-compliant natural gas** means natural gas that is not compliant natural gas.

**reticulator** means an authorised reticulator.

**testing agency** means a reticulator or other person who tests natural gas for the purpose of compliance by the reticulator with clause 26.

### 23 Natural gas in pipelines to comply with standards

- (1) A reticulator must not convey non-compliant natural gas through a distribution pipeline.
- (2) A retailer must not supply non-compliant natural gas to an end user customer through a distribution pipeline.
- (3) A person must not inject non-compliant natural gas, or cause such gas to be injected, into a distribution pipeline.

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

### 24 Exception from natural gas standards in special cases

- (1) A reticulator does not commit an offence under clause 23 (1) by conveying non-compliant natural gas through a distribution pipeline if the gas is conveyed in



accordance with this clause.

- (2) Non-compliant natural gas is conveyed by a reticulator in accordance with this clause if—
  - (a) the reticulator reasonably believes that the conveyance of the gas is necessary to ensure the safety of the public or the security of the reticulator's distribution pipeline, or
  - (b) the reticulator reasonably believes that the gas that is, or is to be, delivered to the end user customer is compliant natural gas.
- (3) A reticulator conveying non-compliant natural gas in accordance with this clause must notify the Secretary of the point of injection of the non-compliant natural gas—
  - (a) by telephone, facsimile or email as soon as practicable after the time when the non-compliant natural gas began to be conveyed in the reticulator's distribution pipeline, and
  - (b) in writing within 14 days after that time.

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

- (4) A retailer does not commit an offence under clause 23 (2) if the non-compliant natural gas has been conveyed through the distribution pipeline by a reticulator in accordance with this clause.

## **25 Reticulator may obtain information and documents regarding natural gas standards**

- (1) If a reticulator has reason to believe that a person has information or a document that may assist the reticulator in determining whether natural gas being injected into, or conveyed through, the reticulator's distribution pipeline is compliant natural gas, the reticulator may by notice in writing served on the person require the person to give the reticulator the information or a copy of the document.
- (2) The notice must—
  - (a) identify the type of information or document that is being sought, and
  - (b) specify—
    - (i) a reasonable time by which the requirement must be complied with, and
    - (ii) the form in which the information or copy of the document is to be given to the reticulator, and
  - (c) state that the requirement is made under this clause.

- (3) A person must not, in purported compliance with a requirement under this clause, give a reticulator information that the person knows, or ought to know, is false or misleading.
- (4) A person must not, without reasonable excuse, fail to comply with any requirement under this clause.

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

## **26 Testing of natural gas**

- (1) A reticulator must not convey natural gas through a distribution pipeline unless the reticulator has tested the gas, or caused the gas to be tested, in accordance with the reticulator's safety and operating plan, to ascertain whether the gas is compliant natural gas.
- (2) A testing agency must keep a register at the agency's main office containing copies of all test results.
- (3) If a test has been performed to determine a derived value (such as a Wobbe Index value), the test results required to be kept in the register include the raw measurements used to determine that derived value.
- (4) The testing agency must ensure that the register of test results is open for public inspection during ordinary business hours, and that copies of or extracts from the register are made available—
  - (a) to the Secretary—on request and at no cost, and
  - (b) to any other person—on request and on payment of a reasonable fee fixed by the testing agency.
- (5) A testing agency must maintain all testing equipment used to test natural gas, or cause that testing equipment to be maintained, in accordance with the reticulator's safety and operating plan.

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

## **27 Testing agencies and retailers to report non-compliant natural gas**

- (1) A testing agency must notify the Secretary without delay if the testing agency becomes aware of any test result that shows that natural gas in a reticulator's distribution pipeline is non-compliant.
- (2) A retailer who knows that any non-compliant natural gas is being, or is to be, conveyed through a reticulator's distribution pipeline must notify the Secretary

without delay.

- (3) Notice under this clause may be given by telephone, facsimile or email.
- (4) A testing agency or retailer who gives notice of any matter under this clause orally by telephone must, within 7 days after doing so, give written notice of that matter to the Secretary.
- (5) A testing agency or retailer must not give to the Secretary a copy of, or notice of, any test result that the testing agency or retailer knows, or ought to know, is false or misleading.

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

## **28 Secretary may obtain information regarding non-compliant natural gas**

- (1) If the Secretary believes that non-compliant natural gas is being, or is to be, injected into or conveyed through a reticulator's distribution pipeline, the Secretary may by notice in writing served on any person require that person to give the Secretary such information regarding the injection or conveyance of the non-compliant natural gas as is specified in the notice.
- (2) The notice must—
  - (a) specify—
    - (i) a reasonable time by which the requirement must be complied with, and
    - (ii) the form in which the information is to be given to the Secretary, and
  - (b) state that the requirement is made under this clause.
- (3) A person must not, in purported compliance with a requirement made by the Secretary under this clause, give the Secretary information that the person knows, or ought to know, is false or misleading.
- (4) A person must not, without reasonable excuse, fail to comply with any requirement made by the Secretary under this clause.

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

## **29 Secretary may issue directions and take other measures regarding non-compliant natural gas**

- (1) If the Secretary believes that non-compliant natural gas is being, or is to be, injected into or conveyed through a reticulator's distribution pipeline, the Secretary may issue directions to a reticulator or retailer regarding the injection or conveyance of the non-

compliant natural gas.

- (2) Without limiting subclause (1), the directions issued by the Secretary in accordance with this clause may require a reticulator or retailer to notify end user customers who may be supplied with the non-compliant natural gas that such gas is being, or is to be, injected into or conveyed through the distribution pipeline concerned.
- (3) A person must not, without reasonable excuse, fail to comply with any direction issued by the Secretary under this clause.

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

### **30 Natural gas must have odour**

A reticulator must ensure that natural gas being conveyed, or to be conveyed, through the reticulator's distribution pipeline has a distinctive and unpleasant odour that is discernible at a level specified in the reticulator's safety and operating plan.

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

### **31 Exemptions**

- (1) The Secretary may, by notice in writing, exempt a reticulator from any or all of the requirements of this Part.
- (2) The Secretary may, by a further notice in writing, revoke any such exemption.
- (3) If the Secretary grants an exemption to a reticulator under this clause, the Secretary may issue directions to the reticulator regarding the conveyance of natural gas through the reticulator's distribution pipeline.
- (4) A person must not, without reasonable excuse, fail to comply with any direction issued by the Secretary under subclause (3).

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

## **Part 5 Infrastructure protection**

### **32 Definitions**

- (1) In this Part—

***development consent*** means—

- (a) a development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*, or

(b) an approval under Part 3A or Part 5.1 of that Act.

**gas pipelines information** means information provided by the designated information provider or a network operator in response to a request by a person under section 64C (1) of the Act.

**notifiable excavation work** means excavation work to which section 64C of the Act applies (as set out in clause 33).

**utility service** means a water, gas, electricity, sewerage, drainage or telecommunications service.

(2) Words and expressions used in this Part have the same meaning as they have in Part 4A of the Act.

### **33 Excavation work requiring contact with designated information provider**

(1) Work of the following kind that is carried out within the gas network of a network operator is excavation work to which section 64C of the Act applies—

- (a) excavation for which development consent is required or that is carried out under a development consent,
- (b) excavation that is, or is carried out in connection with, an activity within the meaning of Part 5 of the [Environmental Planning and Assessment Act 1979](#),
- (c) excavation of any land conducted by or on behalf of a public authority,
- (d) excavation of any land on which an underground utility service is located, or proposed to be located, by or on behalf of the owner or proposed owner of the service,
- (e) excavation of any land on which an underground utility service is located for the purpose of the repair or maintenance of works connected with the utility service.

(2) Despite subclause (1), work of the following kind is not excavation work to which section 64C of the Act applies—

- (a) excavation conducted with the use of machinery or powered tools to a depth of less than 150 mm,
- (b) excavation for the purposes of ploughing, to a depth of less than 250 mm, on land within a rural zone or a rural-residential zone under an environmental planning instrument,
- (c) excavation conducted without the use of machinery or powered tools to a depth of less than 300 mm,
- (d) excavation conducted under a lease, licence or mineral claim under the [Mining Act](#)

1992,

- (e) excavation conducted in an emergency, including (but not limited to) work to prevent or mitigate injury or death or to prevent or mitigate serious damage to property or the environment,
- (f) excavation conducted without the use of machinery or powered tools by, or on behalf of, the owner of a utility service for the purpose of ascertaining the location of the service or testing the integrity of the service,
- (g) excavation conducted by, or on behalf of, the owner of a utility service to stop loss of water, if urgently required in response to water main leaks and breaks.

### 34 Requirements for carrying out notifiable excavation work

- (1) **Notification of network operator** Subclauses (2) and (3) apply if gas pipelines information provided to a person contains a requirement that notice of proposed notifiable excavation work must be given before the proposed work is commenced to the network operator that owns underground gas pipelines in the vicinity of the proposed work.
- (2) A person must not commence, or authorise the commencement of, the carrying out of notifiable excavation work unless the person has first given notice of the proposed work to the network operator.
- (3) The person must also provide to the network operator any information about the proposed work that is requested by the network operator.
- (4) **Recent request for information** A person who carries out notifiable excavation work must have made a request for information under section 64C of the Act within 30 days before the work is commenced, unless a request has been made by another person in relation to that work within that period.
- (5) **Regard to be had to information** A person who carries out notifiable excavation work must, in carrying out that work, have regard to the following—
  - (a) any information provided by the designated information provider or a network operator in respect of the location and type of any underground gas pipeline in the vicinity of the work,
  - (b) any other information provided to the person by a network operator or the designated information provider in respect of underground gas pipelines.

#### **Note—**

A person who undertakes excavation work is subject to duties and responsibilities under the [Work Health and Safety Act 2011](#). The WorkCover Authority has prepared the *Work Near Underground Assets Guideline*, which contains practical advice for working near underground utility services and guidance as to how to meet the requirements of the [Work Health and Safety Act 2011](#) when carrying out excavation work.

### **35 Provision of information by network operator**

- (1) A network operator that receives notice of proposed notifiable excavation work in the vicinity of underground gas pipelines owned by the network operator must ensure that the person who gives the notice, or the person proposing to carry out the work, is informed of the existence of the Work Near Underground Assets Guideline published in 2007 by the WorkCover Authority.
- (2) The network operator must provide a copy of the Guideline to the person who gives notice of the work or who is proposing to carry out the work, if the person so requests.

### **36 Notification of damage to underground gas pipelines**

A person who is required to notify a network operator under section 64D (1) of the Act of damage to an underground gas pipeline must notify the network operator—

- (a) by telephoning the contact telephone number provided to the person by the designated information provider for that purpose, or
- (b) if no such contact telephone number is provided, by telephoning the emergency contact telephone number for the network operator that is listed in a telephone or internet directory.

### **37 Maximum amount of civil monetary liability**

The maximum amount of civil monetary liability of a designated information provider, any officer or employee of a designated information provider or any person acting on behalf of a designated information provider for an act or omission of a kind referred to in section 64F (2) of the Act done or made through negligence is \$10 million.

### **37AA Protection of underground gas pipelines—designated information provider**

For the Act, section 64A, definition of **designated information provider**, paragraph (b), Before You Dig Australia Limited (ABN 91 089 413 650) is prescribed.

## **Part 6 Miscellaneous**

### **37A Prohibition of unlicensed distribution of hydrogen gas and hydrogen gas mixtures**

For the purposes of section 34 of the Act, the following gases are prescribed—

- (a) hydrogen gas that is not mixed with any other gas,
- (b) a mixture of hydrogen gas and another gas to which the Act applies.

### **38 Reports to the Secretary**

- (1) A safety and operating plan must include a schedule of reports to be made to the Secretary in relation to the maintenance and safety aspects of the operation of the

gas network.

- (2) If the Secretary directs that the schedule should provide for—
- (a) reports in respect of particular maintenance or safety aspects of the operation of the gas network, or
  - (b) all or any of the reports referred to in subclause (3),
- the network operator must comply with that direction.
- (3) The Secretary may direct a network operator to prepare reports, and the network operator must comply with any such direction, in relation to all or any of the following matters—
- (a) gas network assets (for example, reports regarding the total length of the gas network or descriptions of the gas network),
  - (b) the safety and integrity of the gas network (for example, reports on the number of incidents of mechanical damage occurring in network operations or the number of emergency exercises conducted),
  - (c) the reliability of the gas network and consumer-related matters (for example, reports regarding incidents of poor pressure supply, deviations from gas quality specifications or unaccounted for gas),
  - (d) any matter relating to high-pressure gas operations, that is, gas operations involving pressure exceeding 1050 kilopascals (for example, reports regarding corrosion inspections or third-party activities impacting on high-pressure gas operations),
  - (e) any matters that, under this Regulation or the safety and operating plan, require immediate reporting (for example, reports regarding the reporting of emergencies, accidents, non-compliant gas or any other incident that the plan requires to be reported as soon as practicable after the incident occurs).

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

### **39 Delegations**

The Secretary may delegate to any person the exercise of all or any of the Secretary's functions (other than this power of delegation) under this Regulation.

### **40 Savings**

Any act, matter or thing that, immediately before the repeal of the *Gas Supply (Safety and Network Management) Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.



## **Schedule 1 Safety and operating plans**

(Clause 13 (4))

### **1 General provisions of safety and operating plan**

The general matters that must be included in a safety and operating plan are as follows—

- (a) a statement that sets out the objectives of the plan,
- (b) a description of the management structure of the network operator and a schedule identifying each person designated by the network operator as being responsible for the development, approval and implementation of the plan,
- (c) identification of the distribution districts to which the plan applies and of those procedures set out or referred to in the plan that apply only in relation to a particular distribution district,
- (d) a description of the gas network, and its operation and maintenance, within each distribution district,
- (e) a statement to the effect that all procedures set out or referred to in the plan are in place and have been tested and proved.

### **2 Description of gas network**

A description of a gas network, and its operation and maintenance, within each distribution district of the network operator must include all of the following—

- (a) the range of supply pressures applied within each distribution district,
- (b) references to maps showing the location of the gas works of each distribution district and the procedures for gaining access to those maps,
- (c) a description of the gas works within each distribution district,
- (d) a description of the engineering records that the network operator maintains, the location of those records, and the procedures for maintaining, filing and gaining access to those records.

### **3 Analysis of hazardous events**

- (1) An analysis of hazardous events must be prepared in relation to each distribution district of the network operator unless subclause (2) applies.
- (2) A common analysis of hazardous events may be prepared in relation to those distribution districts of the network operator that possess the same characteristics from which the risk of hazardous events may be identified.
- (3) If a new gas network is to be constructed or an existing gas network extended, an

analysis of hazardous events must be prepared in relation to the construction or extension before its construction is commenced.

- (4) An analysis of hazardous events must, consistent with the size and complexity of each distribution district or proposed distribution district, concerned—
  - (a) identify the range of supply pressures applied within each distribution district (or to be applied within each proposed distribution district, as the case may be), and
  - (b) systematically identify hazardous events that might be expected to occur, and
  - (c) identify the potential causes of those events, and
  - (d) identify the possible consequences of those events, and
  - (e) specify operational, maintenance and organisational measures intended to prevent those events from occurring or, should they occur, intended to protect operating personnel, plant, equipment, the community and the environment.
- (5) The operational and maintenance measures must include a maintenance schedule indicating, among other things, the type and frequency of inspections, coating surveys and checks on cathodic protection devices (if such coatings or devices are used).
- (6) In the case of new gas networks or extensions to existing networks, an analysis of hazardous events should also take into account hazardous events that may occur during construction.
- (7) A safety and operating plan must include a description of the methodology to be used to conduct an analysis of hazardous events.

#### **4 Emergencies**

- (1) A safety and operating plan must identify the emergency procedures to be implemented by the network operator to ensure an effective response to emergencies.
- (2) The types of emergencies in respect of which procedures must be implemented include (as a minimum)—
  - (a) fires, explosions, leaks and impacts (with particular reference to those caused by the activities of other parties), and
  - (b) natural disasters, and
  - (c) civil disturbances.
- (3) A safety and operating plan must identify the procedures implemented by the network operator that ensure—

- (a) all emergency procedures have been tested and proved, and
- (b) all emergency procedures are reviewed and tested on a regular basis.

## **5 Gas quality**

The gas quality standards to be applied must include standards relating to the following—

- (a) heating value,
- (b) relative density,
- (c) composition and purity.

## **6 Procedures for ensuring that gas is malodorous**

A safety and operating plan must—

- (a) identify the procedures to be implemented by the network operator to ensure that gas conveyed or supplied has a distinctive and unpleasant odour, and
- (b) specify the odoriferous substances to be used, and
- (c) specify the odour intensities.

## **7 Procedures for testing gas**

(1) A safety and operating plan must identify the procedures to be implemented by the network operator to ensure that gas conveyed or supplied—

- (a) meets the relevant gas quality and pressure standards, and
- (b) complies with the relevant gas specification.

(2) A safety and operating plan must specify—

- (a) the equipment to be provided and maintained by or on behalf of the network operator for the testing of gas (including the order of accuracy of results the equipment delivers), and
- (b) the place or places at which the equipment is to be kept, and
- (c) how often calibration tests are to be conducted on the equipment to ensure its accuracy, and
- (d) how often gas testing is to be carried out.

## **8 Procedures for connection of gas supply to a gas installation**

A safety and operating plan must identify the procedures to be implemented by the network operator to ensure that gas installations are safe for the connection or

reconnection of the supply of gas.

#### **9 Plan must incorporate any relevant management system standards**

A safety and operating plan must incorporate any management system standards that are relevant to the management of a gas network (for example, standards relating to document control, record management, and procedures for conducting audits and management reviews).

#### **10 Codes and standards**

If a network operator has departed from any standards that it was required to take into account under clause 6 (2) of this Regulation when designing, constructing, operating or extending its gas network, or any part of its gas network, the safety and operating plan must contain an explanation of—

- (a) the extent of the departure, and
- (b) the arrangements in place to ensure that an equivalent or safer outcome has been achieved despite that departure.

#### **11 Meters, regulators and other basic metering equipment**

- (1) A safety and operating plan must require any device or equipment used in the gas network (including any basic metering equipment)—
  - (a) to be suitable for the design working pressure of the part or parts of the network in which it is used, and
  - (b) if installed, to be installed so as not to interfere with metering accuracy.
- (2) A safety and operating plan must require pressure regulators operating with an outlet pressure of more than 35 kilopascals and any compensating devices to be sealed.

#### **12 Network operator rules**

- (1) A safety and operating plan must establish rules regarding the manner in which any work to which clause 8 of this Regulation applies is to be carried out.
- (2) The rules established in accordance with subclause (1) must be no less stringent than any code of practice or standard that is applied to any such work by any regulations under the Act.
- (3) A safety and operating plan must identify—
  - (a) procedures that provide for the authorising of persons to carry out work to which clause 8 of this Regulation applies, and
  - (b) steps that are to be taken to ensure those persons comply with the rules established in accordance with subclause (1) in carrying out the work.

### **13 Identification of ownership of pipes**

A safety and operating plan must identify procedures to be implemented by the network operator to ensure that the network operator can identify its pipes as such if necessary (for example, in the case of an emergency).