



Australian Capital Territory

Gas Supply Regulations 1999

Subordinate Law No 10 of 1999

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SCHEDULE 1

**ADDITIONAL REQUIREMENTS FOR SAFETY AND
OPERATING PLANS**

SCHEDULE 2

REVIEWABLE DECISIONS



Australian Capital Territory

Gas Supply Regulations 1999

Subordinate Law No 10 of 1999¹

The Australian Capital Territory Executive makes the following regulations under the *Gas Supply Act 1998*.

Dated 1 July 1999.

BRENDAN SMYTH
Minister

BILL STEFANIAK
Minister

PART 1—PRELIMINARY

1 Name of regulations

These regulations are the *Gas Supply Regulations 1999*.

2 Commencement

These regulations commence on the day they are notified in the *Gazette*.

3 Definitions

In these regulations, the following definitions apply unless the contrary intention appears:

Act means the *Gas Supply Act 1998*.

approved plan means a safety and operating plan approved under subregulation 38 (1) (including that provision as applied by regulation 40) or 39 (5), and includes—

- (a) an approved plan incorporating a new part in accordance with subregulation 41 (2); and
- (b) an approved plan incorporating a variation in accordance with subregulation 42 (5); and
- (c) or an approved plan incorporating a revised part in accordance with subregulation 43 (5).

authorised person, for the testing of meters, means the regulator or a person authorised by the regulator under subregulation 48 (1) to test, seal and stamp meters.

authorised testing place means a place authorised by the regulator under subregulation 48 (3) as a place where meters may be tested.

certificate of compliance means a certificate that complies with subregulation 18 (2).

compliance plate means a plate that complies with subregulation 18 (2).

connection, for a gas appliance, includes the reconnection of the appliance.

consumer piping system means a consumer piping system (within the meaning of the Act) to which gas is supplied from a distribution pipeline system.

corporation means a body corporate.

determined fee means a fee determined under section 60 of the Act.

gasfitting work means—

- (a) the installation of, or work done on, a consumer piping system; or

- (b) the connection of a gas appliance to, or the disconnection of a gas appliance from, a consumer piping system; or
- (c) the inspection or testing of a consumer piping system or a gas appliance under Part 3.

inaccurate, for a meter—see regulation 4.

person responsible, for gasfitting work, means—

- (a) if the person doing the gasfitting work holds a gasfitter's licence or an advanced gasfitter's licence under section 25 of the *Plumbers, Drainers and Gasfitters Board Act 1982*—that person; or
- (b) if the person doing the gasfitting work holds a journeyman gasfitter's licence under that section and the work is done under the general supervision of a person who holds a gasfitter's licence or an advanced gasfitter's licence under that section—the person supervising the work.

proposed plan means a proposed safety and operating plan mentioned in subregulation 36 (1), and includes—

- (a) a proposed plan as substituted under paragraph 36 (2) (a); and
- (b) a proposed plan incorporating a substituted part that has been accepted by the regulator under subregulation 36 (3); and
- (c) a proposed plan incorporating a variation that has been accepted by the regulator under subregulation 36 (4).

regulator means the Gas Technical Regulator.

safety auditor means a person nominated by a gas pipeline operator under regulation 44 as the operator's safety auditor (other than a safety auditor in respect of whose nomination the regulator has given a notification to the operator under subregulation 44 (3)).

test, for a meter, includes retest.

4 When is a meter inaccurate?

- (1) For these regulations, a meter is inaccurate if it—
 - (a) over-registers the flow of gas by over 2% or, if the regulator determines in writing a smaller amount for this paragraph, that smaller amount; or

- (b) under-registers the flow of gas by over 3% or, if the regulator determines in writing a smaller amount for this paragraph, that smaller amount.

(2) A determination is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

5 Meter—when sealed and stamped

- (1) For these regulations, a meter is not sealed unless the seal applied to it is of a design approved in writing by the regulator and it is intact.
- (2) For these regulations, a meter is not stamped unless the seal applied to it is stamped with a stamp of a design approved in writing by the regulator.

PART 2—GENERAL MATTERS

6 Meaning of meter

For the definition of *meter* in subsection 3 (1) of the Act, each of the following kinds of meter is prescribed:

- (a) positive displacement meters (including diaphragm and rotary meters);
- (b) inferential meters (including turbine and orifice meters);
- (c) direct mass flow measurement meters (including Coriolis meters);
- (d) ultrasonic meters (including energy content meters).

7 Prescribed amounts

For paragraphs 22 (1) (c) and (d) of the Act, the prescribed amount is \$2,000.

8 Prescribed tests

For subparagraph 37 (1) (g) (iv) of the Act—

- (a) a test is prescribed if it is a test for any of the following:
 - (i) solid particulates and liquids;
 - (ii) heating value;
 - (iii) water dewpoint;
 - (iv) hydrocarbon dewpoint;
 - (v) carbon dioxide;

- (vi) oxygen;
 - (vii) total sulphur;
 - (viii) mercaptan sulphur;
 - (ix) hydrogen sulphide;
 - (x) odoriferous substances; and
- (b) the following kinds of tests are prescribed:
- (i) corrosion;
 - (ii) leak;
 - (iii) load profiling;
 - (iv) pressure;
 - (v) Wobbe index.

PART 3—GASFITTING WORK

9 Qualified gasfitters to do or supervise gasfitting work

A person must not do gasfitting work, or employ a person to do gasfitting work, unless the person doing the work—

- (a) holds a gasfitter's licence or an advanced gasfitter's licence under section 25 of the *Plumbers, Drainers and Gasfitters Board Act 1982*; or
- (b) holds a journeyman gasfitter's licence under that section and the work is done under the general supervision of a person who holds a gasfitter's licence or an advanced gasfitter's licence under that Act.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

10 Work to comply with certain standards

(1) A person must not do gasfitting work except in accordance with the following codes of practice (as far as they are applicable):

- (a) AG 501: Code for Industrial and Commercial Gas Fired Appliances;
- (b) AG 601: Gas Installation Code.

Penalty: 10 penalty units.

- (2) Subject to subregulation (3), a person must not—
- (a) connect a gas appliance to a consumer piping system; or
 - (b) operate a gas appliance connected to a consumer piping system if the appliance has been modified.

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to a gas appliance—
- (a) certified under a scheme conducted by the Australian Gas Association for the certification of gas appliances; or
 - (b) if no such scheme exists or if the appliance is not covered by such a scheme (for example, in the case of a rare or unusual kind or design of appliance)—approved in writing by the gas pipeline operator from whose distribution pipeline gas is supplied to the appliance or by a person authorised under subregulation (4).
- (4) For paragraph (3) (b), the regulator may, in writing, authorise a person to approve appliances in accordance with that paragraph.

11 Work on a consumer piping system—testing for defects

- (1) Immediately after the completion of gasfitting work in relation to a consumer piping system or a gas appliance, the person responsible for the work must—
- (a) if an outlet for an appliance from the system does not have an appliance connected—cap the outlet; and
 - (b) if a system was installed—test the system for defects and ascertain whether it is safe; and
 - (c) if the work was done on part of a system—test the part of the system on which the work was done for defects and ascertain whether it is safe; and
 - (d) inspect all appliances connected to the system to ascertain whether they are operating correctly and are otherwise safe.

Penalty: 10 penalty units.

- (2) The person responsible for gasfitting work on a consumer piping system must test and inspect the system and any gas appliances connected to the system to ascertain whether the system and appliance are safe if a compliance plate, relating to the installation of the system, is not fixed in accordance with paragraph 15 (2) (c).

Penalty for contravention of subregulation (2): 10 penalty units.

12 Connection of gas appliance—testing for defects

Immediately after connecting a gas appliance to a consumer piping system, the person responsible for the gasfitting work must inspect and test the appliance to ascertain whether it is operating correctly and is otherwise safe.

Penalty: 10 penalty units.

13 Disconnection of gas appliance—testing for leaks

(1) This regulation applies to a person responsible for gasfitting work if—

- (a) in the course of the work a gas appliance (the *original appliance*) is disconnected from a consumer piping system; and
- (b) the original appliance has not been reconnected; and
- (c) another gas appliance has not been connected in place of the original appliance.

(2) Before leaving the premises where, at the time of the disconnection, the original appliance was located, the person must—

- (a) cap the outlet from the system for the appliance; and
- (b) test the system to ascertain whether there are any leaks.

Penalty for contravention of subregulation (2): 10 penalty units.

14 Consumer piping system or gas appliance unsafe

(1) Subregulation (2) applies if—

- (a) a person tests or inspects a consumer piping system, part of a system or a gas appliance—
 - (i) following gasfitting work in relation to the system, part of the system or appliance; or
 - (ii) at the request of the owner or occupier of the premises where the system or appliance is located; and
- (b) the system, part of the system or appliance is unsafe.

(2) Before leaving the premises where the system or appliance is located, the person must—

- (a) isolate the gas supply to the system, part of the system or the appliance (as the case requires) to make the system or appliance safe; and
- (b) securely attach an approved tag in a conspicuous place to—

- (i) if the system or part of the system cannot be made safe—an appropriate meter control valve or isolation valve in the system; or
- (ii) if an appliance cannot be made safe—the appliance; and
- (c) immediately—
 - (i) prepare a certificate of compliance indicating the system or appliance (as the case requires) is unsafe; and
 - (ii) deliver the certificate to the owner or occupier of the premises where the system or appliance is located; and
- (d) immediately notify the regulator or an inspector (for example, by faxing a copy of the certificate of compliance or telephoning an inspector) that the system or appliance is unsafe; and
- (e) immediately send a copy of the certificate to—
 - (i) the regulator; and
 - (ii) the owner or operator of the distribution pipeline from whose pipeline gas is conveyed to the piping system.

Penalty: 10 penalty units.

(3) An approved tag attached in relation to a system or appliance must not be removed unless any defect in the system or the appliance has been corrected and—

- (a) if the system or part of the system was unsafe—the test and inspection mentioned in regulation 11 (Work on a consumer piping system—testing for defects) has been performed and the system is safe; or
- (b) if an appliance was unsafe—the inspection and test mentioned in regulation 12 (Connection of gas appliance—testing for defects) has been performed and the appliance is operating correctly and is otherwise safe.

Penalty: 10 penalty units.

(4) An inspector may remove a compliance plate if satisfied that the plate relates to a consumer piping system or gas appliance that is unsafe.

(5) A person must not, without lawful authority or reasonable excuse, alter, damage, deface or move an approved tag attached to a meter control valve, an isolation valve in a system or a gas appliance.

Penalty: 10 penalty units.

(6) In this regulation—

approved tag means a tag or label approved in writing by the regulator for attaching to a system or appliance that is unsafe.

15 Consumer piping system or gas appliance safe

(1) This regulation applies if—

- (a) a person tests or inspects a consumer piping system, part of a system or gas appliance—
 - (i) following gasfitting work in relation to the system, part of the system or appliance; or
 - (ii) at the request of the owner or occupier of the premises where the system or appliance is located; and
- (b) the system, part of the system or appliance is safe.

(2) The person must immediately—

- (a) prepare a certificate of compliance indicating the system, part of the system or appliance (as the case requires) is safe; and
- (b) either—
 - (i) deliver the certificate to the owner or occupier of the premises where the system is, or the appliance is or was, located; or
 - (ii) leave the certificate, addressed to the owner or occupier, at those premises; and
- (c) fix a compliance plate in a conspicuous place to a permanent structure near the meter through which gas is conveyed to the consumer piping system or appliance; and
- (d) record the applicable information on the compliance plate.

Penalty: 10 penalty units.

(3) The person must within 7 days send a copy of the certificate to—

- (a) the regulator; and
- (b) the owner or operator of the distribution pipeline from whose pipeline gas is conveyed to the system.

Penalty for contravention of subregulation (3): 10 penalty units.

16 Consumer piping system or gas appliance not to be used unless certified safe

(1) A person must not, without reasonable excuse, cause or permit gas to enter or be conveyed through a consumer piping system installed on or after 1 July 1999 unless—

- (a) a certificate of compliance indicating the system is safe has been prepared for the system; or
- (b) a compliance plate is fixed, in relation to the installation of the system, in accordance with paragraph 15 (2) (c).

Penalty: 10 penalty units.

(2) A person must not, without reasonable excuse, cause or permit a gas appliance installed on or after 1 July 1999 to be operated unless—

- (a) a certificate of compliance indicating the appliance is safe has been prepared for the appliance; or
- (b) a compliance plate is fixed, in relation to the connection of the appliance, in accordance with paragraph 15 (2) (c).

Penalty: 10 penalty units.

(3) Subregulations (1) and (2) do not apply to the testing of the system or the appliance by the person responsible for gasfitting work in relation to the system or appliance.

17 Certificates of compliance to be kept

(1) A person who issues a certificate must keep a copy of the certificate for at least 2 years from the day it was issued.

Penalty: 10 penalty units.

(2) The owner or operator of the distribution pipeline must keep a record of the information contained in a certificate for 10 years from the day the copy of the certificate was received.

Penalty for contravention of subregulation (2):

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

18 Certificates of compliance and compliance plates

(1) The regulator must approve in writing the form of a certificate of compliance and the form of a compliance plate.

(2) A certificate of compliance or a compliance plate must—

- (a) be in the approved form; and
- (b) be completed by the person responsible for the gasfitting work to which the certificate or plate relates as follows:
 - (i) for a certificate—in accordance with the instructions on the certificate;
 - (ii) for a plate—by inserting the applicable information.

19 Damage etc to, and recording of information on, compliance plates

(1) A person must not, without lawful authority or reasonable excuse, alter, damage, deface, move or remove a compliance plate.

Penalty: 10 penalty units.

(2) A person must not record on a compliance plate information that is false or misleading in a material particular.

Penalty for contravention of subregulation (2): 10 penalty units.

20 Regulator may direct testing of consumer piping system

(1) The regulator may, by written notice, issue a direction to the owner or occupier of premises where a consumer piping system is installed to arrange for the system to be tested to ascertain whether it is safe, if the regulator believes the system is or may not be safe having regard to any of the following matters:

- (a) the period since the system was tested as a whole;
- (b) the age of the system or a part of the system;
- (c) the number of times work has been done on parts of the system;
- (d) a natural disaster, the alteration of the premises or some other act may have adversely affected the system.

(2) The owner or occupier of the premises must arrange for the system to be tested in accordance with the notice within the period stated in the notice or an extra period that may be approved in writing by the regulator.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

PART 4—TESTING OF METERS AND METER TESTING EQUIPMENT

Division 1—Testing procedures for meters

21 Minimum testing procedures

- (1) The procedures to be used by a person for the testing of meters must ensure a meter can accurately and reliably measure the amount of gas supplied through the meter to a person.
- (2) In particular, the procedures must include suitable tests and standards for—
 - (a) accuracy, leakage and registration; and
 - (b) if the meter is a diaphragm meter—pressure drop and outlet pressure oscillation.
- (3) The procedures must state—
 - (a) the equipment to be supplied and maintained by the person for the testing of meters; and
 - (b) the place where the equipment will be kept.

22 Regulator to approve testing procedures

- (1) A person may give to the regulator—
 - (a) a statement of the procedures to be used for the testing by the person of meters; or
 - (b) a written request that the procedures be changed in the way stated in the request.
- (2) The regulator may approve, or refuse to approve, the procedures or a change to the procedures.
- (3) An approval must be in writing.
- (4) An approval must not be given if the procedures, or change to procedures, would contravene regulation 21.

23 Only authorised persons to test etc meters

- (1) A person must not test, seal or stamp a meter unless the person is an authorised person.

Penalty:

- (a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

(2) A person must not test a meter unless—

(a) the person is an authorised person; and

(b) the testing is done in accordance with the approved procedures.

Penalty:

(a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

(3) An authorised person must not seal and stamp a meter unless it complies with the standards in the approved procedures.

Penalty:

(a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

(4) An authorised person must seal and stamp a meter if the authorised person tests a meter and it complies with the standards in the approved procedures.

Penalty:

(a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

(5) In this regulation—

approved procedures means the procedures (including a change to the procedures) approved by the regulator for testing meters.

Division 2—Supply, installation and testing of meters

24 Supply or installation of meters

A person must not supply or install a meter to measure, for revenue purposes, a quantity of gas supplied to a person, unless the meter has been tested, sealed and stamped by an authorised person.

Penalty:

(a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

25 Meters to be tested on application

(1) Each of the following persons:

- (a) a consumer, a distributor or a supplier who is directly supplied with gas through a meter;
- (b) an authorised supplier who supplies gas through a meter;
- (c) a gas pipeline operator from whose distribution pipeline system gas is supplied through a meter;

may ask the owner of the meter to arrange for the meter to be tested.

(2) The request must be in writing and be accompanied by the determined fee.

(3) The owner must, as soon as practicable after receiving the request, apply to the regulator to have the meter tested.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(4) The owner of a meter may apply to the regulator to have the meter tested.

(5) An application under subregulation (3) or (4) must be in writing and be accompanied by the determined fee.

(6) The regulator must make arrangements as soon as practicable after the receipt of an application to have the meter tested.

26 Regulator may test meters

The regulator may, with the agreement of the owner or occupier of premises, examine or test a meter installed on the premises to register the supply of gas to the premises.

27 When owner must have meters retested

The owner of a meter used for registering the supply of gas to a person must have it retested in each of the following circumstances:

- (a) if the regulator issues a direction to the owner to have the meter retested;
- (b) when a meter is returned to the owner's premises—if the seal has been damaged or is wholly or partially illegible;
- (c) if the owner knows or reasonably suspects the meter is inaccurate.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

28 Off-site testing

- (1) This regulation applies if—
- (a) a meter is to be tested; and
 - (b) the regulator is satisfied that the meter cannot be conveniently or safely tested on-site.
- (2) The regulator must require the owner of the meter to disconnect the meter and deliver it to an authorised testing place for testing.
- (3) Before complying with a requirement by the regulator in relation to a request to the owner by a person mentioned in subregulation 25 (1), the owner must—
- (a) notify the person who made the request—
 - (i) that the regulator requires the meter to be delivered to an authorised testing place for testing; and
 - (ii) the costs likely to be incurred by the owner in complying with that requirement; and
 - (iii) that the person will be liable to compensate the owner for the reasonable costs if the meter is not found to be inaccurate; and
 - (b) ask the person who made the request whether the person wishes to confirm the request for the meter to be tested.
- (4) If the person confirms the request for the meter to be tested, the owner must, as soon as practicable—
- (a) comply with the requirement of the regulator; and
 - (b) after the meter has been tested, return and reconnect the meter or supply and connect another meter.

Penalty:

- (a) for an individual—10 penalty units;
 - (b) for a corporation—50 penalty units.
- (5) Subject to any agreement between the owner of the meter and the person, the person is liable to compensate the owner for the costs of complying with the requirement if the meter is not found to be inaccurate.

29 Persons who may witness testing of meters

(1) The owner of a meter and any person who, under subregulation 25 (1), may ask for the meter to be tested may witness the testing of the meter.

(2) However, the testing of the meter at an authorised testing place or at the owner's premises may be witnessed only if the occupier of the place or premises consents.

(3) Reasonable notice of when and where it is proposed to test a meter must be given to the persons mentioned in subregulation (1) by the person who will do the test.

Penalty for contravention of subregulation (3): 10 penalty units.

30 Certificates of the outcome of tests by or arranged by regulator

(1) If the regulator has arranged for a meter to be tested on the application of the meter's owner, the regulator must arrange for a certificate showing the outcome of the test to be sent to any person who asked the meter's owner to arrange for the meter to be tested and to the meter's owner.

(2) If the regulator has tested a meter with the agreement of the owner or occupier of the premises where the meter is installed, the regulator must arrange for a certificate showing the outcome of the test to be sent to the owner or occupier of the premises and to the meter's owner.

(3) Any other person mentioned in subregulation 25 (1) may obtain a copy of a certificate from the regulator on payment of the determined fee.

31 Inaccurate meters

(1) If a meter is found by testing to be inaccurate, the owner of the meter must—

- (a) notify in writing any person who, under subregulation 25 (1), may ask the regulator to arrange for the meter to be tested; and
- (b) record the following particulars about the meter:
 - (i) the date that it was found to be inaccurate;
 - (ii) any particulars determined in writing by the regulator;
 - (iii) any particulars required to be recorded by a code of practice; and

- (c) as soon as practicable, replace, repair or adjust the meter.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

- (2) The owner must keep a record of the particulars of an inaccurate meter for at least 2 years from the day the meter was tested.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

- (3) If a person asked the owner of a meter to arrange for a meter to be tested and the meter was found by the testing to be inaccurate by over-registering the flow of gas, the owner must refund to the person the determined fee paid by the person.

32 Replacement program for meters

- (1) The owner of a meter used for registering the supply of gas to a person must replace a meter—

- (a) in accordance with a program approved by the regulator; or
- (b) at the intervals that the regulator may reasonably direct.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

- (2) The owner of a meter may give the regulator a program for the replacement of meters owned by that person.

- (3) The approval of a program or a direction must be in writing.

- (4) The owner of a meter must give a person mentioned in subregulation 25 (1) reasonable notice of the replacement of the meter.

- (5) A person must not disconnect, install or reconnect a meter unless the person—

- (a) holds a journeyman gasfitter's licence, a gasfitter's licence or an advanced gasfitter's licence under section 25 of the *Plumbers, Drainers and Gasfitters Board Act 1982*; or
- (b) has successfully completed a course approved in writing by the regulator for the exchange of meters or the disconnection, connection and relighting of gas appliances.

Penalty for contravention of subregulation (5): 10 penalty units.

Division 3—Meter testing equipment

33 Meter testing equipment to be tested and calibrated

An authorised person must not use meter testing equipment to test a meter unless the equipment has been tested and calibrated within 1 year of its use by a person authorised by the regulator to test and calibrate meter testing equipment.

Penalty: 10 penalty units.

PART 5—SAFETY AND OPERATING PLANS

Division 1—Requirements of safety and operating plans

34 Matters to be included in safety and operating plans

- (1) The object of a safety and operating plan is to—
 - (a) ensure the safe operation of the gas pipeline system to which it relates; and
 - (b) state gas quality standards and gas pressure standards for gas conveyed through the system.
- (2) A safety and operating plan must include (but is not limited to) the following:
 - (a) a description of the gas pipeline system and its operation and maintenance;
 - (b) an analysis of hazardous events that might be expected to happen;
 - (c) the procedures to be implemented if an emergency happens;
 - (d) the gas quality standards and gas pressure standards to be applied and the procedures to be implemented to ensure the gas conveyed or supplied complies with the standards;
 - (e) a statement of the plan's objectives and of appropriate performance indicators developed by the gas pipeline operator.
- (3) A safety and operating plan must also include procedures for the approval of gas appliances by the gas pipeline operator, for subregulation 10 (3), that are at least as stringent as the procedures in—
 - (a) the codes of practice AG 501: Code for Industrial and Commercial Gas Appliances and AG 601: Gas Installation Code (as far as they are applicable); or

- (b) if the codes do not apply—such other code of practice or Australian Standard as the regulator determines in writing to be appropriate in the circumstances.
- (4) In addition, a safety and operating plan must comply with Schedule 1.

35 Exemption from requirements of safety and operating plan

The regulator may, in writing, exempt a gas pipeline operator from complying with a requirement of regulation 34 in relation to a safety and operating plan if the regulator is satisfied the requirement is inappropriate having regard to—

- (a) the applicable codes of practice and Australian Standards; or
- (b) the size or complexity of the gas pipeline operator's gas pipeline system.

Division 2—First safety and operating plan

36 Gas pipeline operator to lodge and implement proposed safety and operating plan

- (1) A gas pipeline operator must give to the regulator a proposed safety and operating plan by the applicable day stated in subregulation (8).

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

- (2) At any time before the regulator approves a gas pipeline operator's proposed plan under subregulation 38 (1) or gives a direction concerning the proposed plan under regulation 39, the operator may give the regulator—

- (a) a substituted proposed plan; or
- (b) a substituted part of a proposed plan; or
- (c) a variation to the proposed plan.

- (3) The regulator may accept a substituted part of a proposed plan only if it is a discrete part of the proposed plan and—

- (a) the part bears a certificate by the safety auditor in accordance with regulation 37 but relating to the part of the plan only; or
- (b) the regulator is satisfied that the substituted part would not affect the validity of the safety auditor's certificate on the proposed plan.

(4) The regulator may accept a variation to a proposed plan only if the regulator is satisfied that the variation will correct a minor error and it will not affect the validity of the safety auditor's certificate on the proposed plan.

(5) The gas pipeline operator must implement the latest proposed plan given by the operator to the regulator until the regulator approves a safety and operating plan for the operator.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(6) The regulator may give the gas pipeline operator a written direction concerning the implementation of the plan if the regulator is satisfied—

- (a) the plan fails to meet, in a material respect, a requirement of regulation 34; or
- (b) the implementation of the plan may give rise to, or has given rise to, an unsafe situation.

(7) The gas pipeline operator must implement the plan in accordance with a written direction of the regulator.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(8) For subregulation (1), the applicable day is—

- (a) for a person who is a gas pipeline operator on 1 July 1999—31 December 1999 or a later day that may be approved in writing by the regulator; or
- (b) for any other gas pipeline operator—the day nominated in writing by the regulator or a later day that may be approved in writing by the regulator.

37 Proposed plan to be audited by safety auditor

(1) A gas pipeline operator's proposed plan must bear a certificate by the operator's safety auditor certifying that—

- (a) the plan complies with this Part; and
- (b) the plan is appropriate having regard to the size and complexity of the system and the applicable codes of practice and Australian Standards; and

- (c) all measures necessary to prevent hazardous events identified in the plan from happening, and sufficient to protect operating staff, plant, equipment, the community and the environment if they happen, are in place; and
 - (d) properly trained and equipped people are available to implement the emergency procedures included in the plan.
- (2) The certificate must include a summary of the procedures, standards, tests, inspections and maintenance measures in the plan.

38 Approval of proposed plan

- (1) The regulator may approve, or refuse to approve, a proposed plan lodged by a gas pipeline operator.
- (2) An approval must be in writing.
- (3) The regulator may refuse to approve the proposed plan if the regulator is satisfied—
- (a) the plan fails to meet, in a material respect, a requirement of regulation 34; or
 - (b) the implementation of the plan may give rise to, or has given rise to, an unsafe situation.
- (4) A gas pipeline operator must implement the operator's approved plan.

Penalty for contravention of subregulation (4):

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

39 Regulator may direct amendment of proposed plan

- (1) If the regulator refuses, under subregulation 38 (1) or subregulation (5) of this regulation, to approve a proposed plan submitted by a gas pipeline operator, the regulator must, by written notice, direct the operator to amend, in accordance with the notice, the plan or a specified part of the plan.
- (2) In particular, the direction may require the proposed plan to be amended to provide for reports on particular maintenance or safety aspects of the operation of the gas pipeline operator's system.
- (3) The gas pipeline operator must give the regulator, within the period stated in the notice or an extra period that may be approved in writing by

the regulator, a proposed plan or part that complies with the direction in the notice and with subregulation (4).

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(4) For subregulation (3), the proposed plan or part must be certified by the gas pipeline operator's safety auditor under regulation 37 and, in the case of part of a plan, references in that regulation to a proposed plan are to be taken to be references to part of a plan.

(5) When a proposed plan or part is given under subregulation (3), the regulator must—

- (a) if the plan or part complies with subregulation (3)—approve in writing the proposed plan; or
- (b) in any other case—
 - (i) refuse to approve the proposed plan; and
 - (ii) give a further notice under this regulation to the operator.

40 Application of this Division to new plans or revised plans

(1) The provisions of regulation 37 or 38 apply, so far as they are reasonably capable of doing so, to—

- (a) a new safety and operating plan, and a new part of a safety and operating plan, given to the regulator under subregulation 41 (1); and
- (b) a revised safety and operating plan, and a revised part of a safety and operating plan, given to the regulator under subregulation 43 (2).

(2) For this regulation, a reference in regulation 37 or 38 to a proposed plan is taken to be a reference to a plan or part of a plan mentioned in subregulation (1).

Division 3—Approved safety and operating plans

41 Gas pipeline operator may lodge new safety and operating plan or part of a plan

(1) A gas pipeline operator that has an approved plan may give the regulator—

- (a) a new safety and operating plan; or

- (b) a new part of a safety and operating plan for incorporation into the operator's approved plan.

(2) A gas pipeline operator must incorporate into the operator's approved plan a new part of a safety and operating plan if it has been approved by the regulator under subregulation 38 (1) (as applied by regulation 40).

Penalty for contravention of subregulation (2):

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

42 Regulator may approve draft variation of approved plan

(1) A gas pipeline operator may give to the regulator a draft variation to the operator's approved plan.

(2) The regulator may approve the draft variation only if the regulator is satisfied that the variation does not affect the validity of the safety auditor's certificate, and that—

- (a) the variation corrects a minor error in the plan; or
- (b) the preparation of a new safety and operating plan or of a new part to accommodate the variation is inappropriate having regard to—
 - (i) the applicable codes of practice and Australian Standards; and
 - (ii) the size or complexity of the operator's gas pipeline system.

(3) The regulator may approve, or refuse to approve, the variation.

(4) An approval must be in writing.

(5) The gas pipeline operator must incorporate into the operator's approved plan a variation approved by the regulator.

Penalty for contravention of subregulation (5):

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

43 Regulator may direct revision of an approved plan

(1) The regulator may, in writing, direct a gas pipeline operator to revise the operator's approved plan or a part of the plan within the period stated in the notice if the regulator is satisfied—

- (a) the plan fails to meet, in a material respect, a requirement of regulation 34; or
- (b) the implementation of the plan may give rise to, or has given rise to, an unsafe situation.

(2) A gas pipeline operator must give the regulator a revised safety and operating plan or, if the direction relates to a part of the plan, a revised part of the approved plan, in accordance with the direction within the period stated in the notice or an extra period that may be approved in writing by the regulator.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(3) The regulator may also give the gas pipeline operator a written direction concerning the implementation of the operator's approved plan if the regulator is satisfied the implementation of the approved plan may give rise to, or has given rise to, an unsafe situation.

(4) The gas pipeline operator must implement the plan in accordance with a written direction of the regulator.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(5) A gas pipeline operator must incorporate into the operator's approved plan a revised part of a safety and operating plan if it has been approved by the regulator under subregulation 38 (1) (as applied by regulation 40).

Penalty for contravention of subregulation (5):

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

Division 4—General matters concerning safety and operating plans

44 Nomination of safety auditor

(1) Before a gas pipeline operator gives the regulator a proposed plan under subregulation 36 (1)—

- (a) the gas pipeline operator, by written notice to the regulator, must have nominated a person to be the operator's safety auditor; and

- (b) the regulator advised the operator the nomination is acceptable.

Penalty:

- (a) for an individual—10 penalty units;
 - (b) for a corporation—50 penalty units.
- (2) A gas pipeline operator may, by written notice to the regulator, change the operator's nominated safety auditor.
- (3) If the regulator notifies the gas pipeline operator in writing that a nomination (including a further nomination) is not accepted or is no longer acceptable—
- (a) the nomination ceases to operate; and
 - (b) the gas pipeline operator must, by written notice, give the regulator a further nomination within 28 days.

Penalty:

- (a) for an individual—5 penalty units;
 - (b) for a corporation—25 penalty units.
- (4) The gas pipeline operator must include with the nomination of a person as the operator's safety auditor the relevant qualifications and experience of the auditor.

Penalty:

- (a) for an individual—5 penalty units;
 - (b) for a corporation—25 penalty units.
- (5) A person nominated as the safety auditor must be—
- (a) independent of the gas pipeline operator; and
 - (b) competent to exercise the functions of an auditor for a safety and operating plan or a part of a plan mentioned in this Part.

45 Periodical audits of safety and operating plans

- (1) A gas pipeline operator must, within 28 days of the end of an auditing period, give the regulator, in respect of the operator's safety and operating plan—
- (a) a certificate from the safety auditor certifying that, subject to any exemption given by the regulator—
 - (i) all measures necessary to prevent hazardous events identified in the plan from happening, and sufficient to

protect operating staff, plant, equipment, the community and the environment if they happen, are in place; and

(ii) properly trained and equipped people are available to implement the emergency procedures included in the plan; and

(b) a report by the auditor reviewing the plan for adequacy and appropriateness having regard to any changes in the gas pipeline system since the previous certificate by the safety auditor was issued for the gas pipeline operator's safety and operating plan.

(2) A gas pipeline operator must not, without reasonable excuse, contravene subregulation (1).

Penalty:

(a) for an individual—10 penalty units;

(b) for a corporation—50 penalty units.

(3) In this regulation—

auditing period, in relation to a gas pipeline operator, means—

(a) 1 year commencing on the day a certificate by the safety auditor for the operator's safety and operating plan is given by the operator to the regulator; or

(b) a later day that may be approved in writing by the regulator.

safety and operating plan, in relation to a gas pipeline operator, means—

(a) the operator's approved plan; or

(b) if there is no approved plan—the operator's latest proposed plan.

46 Availability of safety and operating plans

(1) A gas pipeline operator must—

(a) keep a copy of the operator's safety and operating plan at a nominated place in the Territory; and

(b) ensure that, as far as is reasonably practicable, a copy of the provisions of the plan relating to safety is brought to the notice of the persons likely to be involved in the implementation of the plan.

Penalty:

- (a) for an individual—10 penalty units;
- (b) for a corporation—50 penalty units.

(2) A gas pipeline operator must, on giving the proposed plan under subregulation 36 (1) to the regulator, notify the regulator in writing of the nominated place.

Penalty:

- (a) for an individual—5 penalty units;
- (b) for a corporation—25 penalty units.

(3) A gas pipeline operator may, by written notice to the regulator, change the nominated place.

(4) If the regulator notifies a gas pipeline operator in writing that a nomination (including a further nomination) is not accepted or is no longer acceptable—

- (a) the nomination ceases to operate; and
- (b) the gas pipeline operator must, by written notice, give the regulator a further nomination within 28 days.

Penalty:

- (a) for an individual—5 penalty units;
- (b) for a corporation—25 penalty units.

(5) In this regulation—

safety and operating plan, in relation to a gas pipeline operator, means—

- (a) the operator's approved plan; or
- (b) if there is no approved plan—the operator's latest proposed plan.

47 Regulator may direct compliance with plans

(1) This regulation applies if the regulator is satisfied that a gas pipeline operator—

- (a) is not complying with the requirements of the operator's safety and operating plan and the codes of practice, Australian Standards or specifications included in or mentioned in the plan; or
- (b) is not following the procedures included in or mentioned in the plan.

- (2) The regulator may, by written notice, direct the gas pipeline operator to take the action stated in the notice—
- (a) to comply with the requirements of the operator's safety and operating plan and the codes of practice, Australian Standards or specifications included in or mentioned in the plan; or
 - (b) to follow the procedures included in or mentioned in the plan.
- (3) A gas pipeline operator must comply with a direction given by the regulator within the period stated in the notice or an extra period that may be approved in writing by the regulator.

Penalty:

- (a) for an individual—10 penalty units;
 - (b) for a corporation—50 penalty units.
- (4) In this regulation—
- safety and operating plan*, in relation to a gas pipeline operator, means—
- (a) the operator's approved plan; or
 - (b) if there is no approved plan—the operator's latest proposed plan.

PART 6—MISCELLANEOUS

48 Authorisations to test meters and meter testing equipment

- (1) If the regulator has approved the procedures to be used by a person for the testing of meters, the regulator may authorise that person to test, seal and stamp meters.
- (2) The regulator may authorise a person to test and calibrate meter testing equipment.
- (3) The regulator may authorise a place where meters may be tested.
- (4) An authorisation must be in writing.
- (5) The revocation of an authorisation does not operate until notice of the revocation is served on—
- (a) if the revocation concerns an authorised testing place—the occupier of the authorised testing place; or
 - (b) in any other case—the person authorised by the regulator.

49 Review of regulator's decisions

(1) Application may be made to the Administrative Appeals Tribunal for the review of a decision of the regulator under a provision mentioned in Schedule 2.

(2) Notice of a decision under a provision mentioned in Schedule 2 must be in accordance with the requirements of the code of practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

SCHEDULE 1

(See r 34 (4))

**ADDITIONAL REQUIREMENTS FOR SAFETY AND
OPERATING PLANS**

1 Description of gas pipeline system

A description of a gas pipeline system and its operation and maintenance must include—

- (a) references to maps showing the location of the system's consumer connecting services and the procedures for gaining access to those maps; and
- (b) a description of the engineering records that the gas pipeline operator maintains on the system.

2 Analysis of hazardous events

(1) An analysis of hazardous events must, consistently with the size and complexity of the gas pipeline system and the applicable codes of practice and Australian Standards—

- (a) systematically identify hazardous events that might be expected to happen; and
- (b) identify the potential causes of those events; and
- (c) state the possible consequences of those events; and
- (d) state operational, maintenance and organisational safeguards intended to prevent those events from happening or, if they happen, intended to protect operating staff, plant, equipment, the community and the environment.

(2) The operational and maintenance safeguards must include a maintenance schedule indicating, among other things, the type and frequency of inspections, coating surveys and checks on cathodic protection devices.

(3) An analysis of hazardous events should also take into account hazardous events happening during—

- (a) the construction of a gas pipeline system; and
- (b) the construction of extensions to an existing gas pipeline system; and
- (c) the installation of consumer connecting services.

SCHEDULE 1—continued

3 Emergencies

(1) The types of emergencies for which procedures are to be implemented include—

- (a) fires, explosions, leaks and impacts (with particular reference to those caused by the activities of other persons); and
- (b) natural disasters; and
- (c) civil disturbances.

(2) A safety and operating plan must demonstrate that the gas pipeline operator has tested and proved the emergency procedures.

4 Gas quality and pressure standards

The gas quality standards and gas pressure standards to be applied must include—

- (a) standards relating to the following:
 - (i) heating value;
 - (ii) relative density;
 - (iii) pressure of supply;
 - (iv) composition and purity; and
- (b) any other gas quality standards stated in writing by the regulator for the gas pipeline system.

5 Procedures for ensuring that gas is malodorous

A safety and operating plan must—

- (a) include the procedures to be implemented by the gas pipeline operator to ensure the gas conveyed or supplied is malodorous; and
- (b) state the odoriferous substances to be used; and
- (c) state the odour intensities.

6 Procedures for testing gas

(1) A safety and operating plan must include the procedures to be implemented by the gas pipeline operator to ensure the gas conveyed or supplied complies with the relevant gas quality and pressure standards and has the relevant odour intensity.

SCHEDULE 1—continued

(2) A safety and operating plan must state the equipment to be supplied and maintained by or on behalf of the gas pipeline operator for the testing of gas and the places where the equipment is to be kept.

7 Reports to the regulator

A safety and operating plan must include a schedule of reports to be made to the regulator for the maintenance and safety aspects of the operation of the gas pipeline system.

8 Codes and standards

A safety and operating plan must state the codes and standards that the gas pipeline operator intends to follow in the design, installation, operation and maintenance of the gas pipeline system.

9 Meters and regulators

(1) A safety and operating plan must ensure the meters and pressure regulators used in the gas pipeline system will be suitable for the supply pressure and the operating pressures of customers' systems and that they are 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 over 35 kilopascals and any compensating devices to be sealed.

10 Gasfitting rules

(1) A safety and operating plan may establish rules concerning the method in which the work involved in the connection of a consumer piping system to, or the disconnection of a consumer piping system from, the gas pipeline operator's gas pipeline system is to be done.

(2) The rules so established must be no less stringent than the code of practice or Australian Standard that is applied to any such work by these regulations.

11 Other provisions

A safety and operating plan must include such other provisions as are necessary to ensure the safe operation of the gas pipeline system and the quality of the gas conveyed through it.

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SCHEDULE 2—continued

SCHEDULE 2

(See r 49 (1))

REVIEWABLE DECISIONS

- 1** A decision under subregulation 10 (4) not to authorise a person to approve gas appliances.
- 2** A decision under subregulation 20 (1) to issue a direction.
- 3** A decision under subregulation 20 (2) not to approve an extra period.
- 4** A decision under subregulation 22 (2) to refuse to approve procedures or a change to procedures.
- 5** A decision under paragraph 27 (a) to issue a direction.
- 6** A decision under subregulation 28 (2) to issue a requirement to the owner of a meter.
- 7** A decision under paragraph 32 (1) (a) not to approve a program.
- 8** A decision under paragraph 32 (1) (b) to issue a direction.
- 9** A decision under paragraph 32 (5) (b) not to approve a course.
- 10** A decision under regulation 35 not to exempt a gas pipeline operator from a requirement of regulation 34.
- 11** A decision under subregulation 36 (3) not to accept a substituted part of a proposed plan.
- 12** A decision under subregulation 36 (4) not to accept a variation to a proposed plan.
- 13** A decision under subregulation 36 (6) to issue a direction.
- 14** A decision under paragraph 36 (8) (a) or (b) not to approve a later day.
- 15** A decision under subregulation 38 (1) to refuse to approve a proposed plan.
- 16** A decision under subregulation 38 (1), in its application (under regulation 40) to regulation 41 or 43, to refuse to approve a plan or a part of a plan.
- 17** A decision under subregulation 39 (1) to issue a direction.
- 18** A decision under subregulation 39 (3) not to approve an extra period.
- 19** A decision under subregulation 39 (5) not to approve an amended proposed plan or an amend part of a proposed plan.
- 20** A decision under subregulation 42 (3) not to approve a variation.
- 21** A decision under subregulation 43 (1) to issue a direction.

SCHEDULE 2—continued

- 22 A decision under subregulation 43 (2) not to approve an extra period.
- 23 A decision under subregulation 43 (3) to issue a direction.
- 24 A decision under subregulation 44 (3) to notify a gas pipeline operator's that a nomination (including a further nomination) of a safety auditor is not accepted or is no longer acceptable.
- 25 A decision under subregulation 45 (3) not to approve a later day.
- 26 A decision under subregulation 46 (4) to notifies a gas pipeline operator's that a nomination (including a further nomination) of a place where the operator's safety and operating plan is to be kept is not accepted or is no longer acceptable.
- 27 A decision under subregulation 47 (2) to issue a direction.
- 28 A decision under subregulation 47 (3) not to approve an extra period.
- 29 A decision under subregulation 48 (1) not to authorise a person to test, seal and stamp meters.
- 30 A decision under subregulation 48 (2) not to authorise a person to test and calibrate meter testing equipment.
- 31 A decision under subregulation 48 (3) not to authorise a place as a place where meters may be tested.

ENDNOTES

Notification

- 1 Notified in the ACT Gazette on 5 July 1999.

Penalty units

See s 33AA of the *Interpretation Act 1967* and s 9 of the *Subordinate Laws Act 1989*.