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South Australia

Gas Variation Regulations 2016

under the *Gas Act 1997*

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1 Transitional provisions

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Gas Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 January 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Gas Regulations 2012*

4—Insertion of Part 9 Division A1

Before Part 9 Division 1 insert:

Division A1—Preliminary

36E—Preliminary

In this Part—

contractor, in relation to an employed worker, means a licensed gas fitting contractor or licensed building work contractor (as the case requires) by whom the employed worker is employed or engaged to carry out the work or examinations and tests related to the issue of an electronic certificate of compliance;

contractor's duly authorised agent means a person acting as the contractor's duly authorised agent who has or had a supervisory role in relation to the employed worker;

electronic certificate of compliance means a certificate of compliance issued under this Part (other than a Type B certificate of compliance under regulation 43) in electronic form in accordance with any requirements of the Technical Regulator under regulation 45;

employed worker, in relation to an electronic certificate of compliance issued in relation to a gas installation, means a registered gas fitting worker employed or engaged to carry out work or examinations and tests related to the issue of the certificate (whether or not together with other work or examinations and tests on the installation) by a contractor.

5—Variation of regulation 37—General requirements for gas infrastructure or installation

Regulation 37(2) and (3)—delete subregulations (2) and (3)

6—Insertion of regulation 37A

After regulation 37 insert:

37A—Electronic certificates of compliance

(1) For the purposes of section 55(2) of the Act, an electronic certificate of compliance may only be relied upon if it—

(a) certifies that the gas installation to which the electronic certificate of compliance relates complies with any applicable requirements set out in—

(i) in the case of a liquefied petroleum gas installation—AS/NZS 5601 and AS/NZS 1596;

(ii) in any other case—AS/NZS 5601; and

(b) is issued by a registered gas fitting worker.

(2) The following requirements apply to an electronic certificate of compliance issued under this regulation:

(a) in the case of an electronic certificate of compliance issued by a registered gas fitting worker who is an employed worker—

(i) the registered gas fitting worker must complete the electronic certificate of compliance to the extent required by the Technical Regulator under regulation 45 after completion of the work and issue the certificate to—

(A) the contractor; or

(B) the contractor's duly authorised agent; and

(ii) the contractor or the contractor's duly authorised agent, if satisfied that the work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1), must—

(A) complete the electronic certificate of compliance; and

(B) within 30 days after completion of the work, provide the electronic certificate of compliance to the Technical Regulator and the owner or operator of the installation;

(b) in any other case—the registered gas fitting worker must, within 30 days after completion of the work, issue the electronic certificate of compliance and provide it to—

(i) the Technical Regulator; and

(ii) the owner or operator of the installation.

7—Variation of regulation 38—Obligations of distribution system operator and other persons in relation to quality of gas

(1) Regulation 38(2)—delete "complete a certificate" and substitute:

issue an electronic certificate

(2) Regulation 38(3)(a) and (b)—after "completed" wherever occurring insert:

electronic

(3) Regulation 38(4)—delete "a certificate" and substitute:

an electronic certificate

(4) Regulation 38—after subregulation (6) insert:

(7) If a gas installation is reconnected following disconnection as a result of a change of customer or on the basis of a failure to pay for the gas supplied to premises at which the installation is located, the person who performs the reconnection is exempt from any requirement under this Part to issue an electronic certificate of compliance in respect of the reconnection.

(8) If, in respect of premises, a person installs or replaces a meter for recording consumption of gas (and performs no other work to which Division 1, Division 2 or Division 3 applies), the person is exempt from any requirement under this Part to issue an electronic certificate of compliance in respect of the installation or replacement of the meter.

8—Variation of regulation 41—General gas fitting work

(1) Regulation 41(1)(b)—delete "complete a certificate" and substitute:

issue an electronic certificate

(2) Regulation 41(2)(a)—delete "a copy of the completed" and substitute:

the completed electronic

(3) Regulation 41(2)(b)—delete "a copy of the completed" and substitute:

the completed electronic

(4) Regulation 41(2)(c)(i)—delete "a copy" and substitute:

the completed electronic certificate of compliance

(5) Regulation 41(2)(c)(ii)—delete "a further copy" and substitute:

the completed electronic certificate of compliance

9—Variation of regulation 43—Installing or commissioning Type B appliances

(1) Regulation 43(6) to (9) (inclusive)—before "certificate" wherever occurring insert in each case:

Type B

(2) Regulation 43—after subregulation (11):

(12) In this regulation—

Type B certificate of compliance means a certificate of compliance issued for the purposes of Part 9 Division 3 of the Act that certifies that the requirements for approval of a Type B appliance under this regulation have been complied with.

10—Substitution of regulation 45

Regulation 45—delete the regulation and substitute:

45—Requirements relating to electronic certificates of compliance

(1) The following requirements apply to an electronic certificate of compliance under this Part:

(a) if the electronic certificate of compliance must be provided to a person, the certificate must be so provided within 30 days after completion of the work, examinations and tests, connection, reconnection or approval (as the case may be) to which the certificate relates;

(b) the person providing the electronic certificate of compliance must store the completed certificate for at least 5 years after the completion of the work, examinations and tests, connection, reconnection or approval (as the case may be) to which the certificate relates.

(2) The Technical Regulator may prepare and publish requirements relating to electronic certificates of compliance under this Part.

(3) Requirements prepared and published under subregulation (2) may include—

(a) requirements as to the use of the official format for electronic certificates of compliance determined by the Technical Regulator; and

(b) requirements as to the issuing, providing and certifying of electronic certificates of compliance, including as to the electronic provision of certificates; and

(c) other requirements determined by the Technical Regulator.

(4) The Technical Regulator may exempt a person, or persons of a specified class, from a requirement under subregulation (2) on conditions determined by the Technical Regulator.

Schedule 1—Transitional provisions

1—Transitional provisions

(1) Until the prescribed day, despite the variations to Part 9 of the *Gas Regulations 2012* by these regulations, a hard copy certificate of compliance may be issued in accordance with that Part (as in force immediately after the commencement of these regulations) using an official form in accordance with regulation 45(1)(a) and (2) of the *Gas Regulations 2012* as in force immediately before the commencement of these regulations.

(2) If a hard copy certificate of compliance is issued in accordance with subclause (1), Part 9 of the *Gas Regulations 2012* (as varied by these regulations) applies to the certificate of compliance with the following variations:

(a) a reference in Part 9 to an electronic certificate of compliance will be taken to be a reference to the hard copy certificate of compliance;

(b) the hard copy certificate of compliance is not to be provided to the Technical Regulator under regulation 37A(2)(a)(ii)(B) and (2)(b)(i).

(3) In this clause—

prescribed day means 30 June 2018.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 8 December 2016

No 280 of 2016

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