

SOUTH AUSTRALIA

GAS REGULATIONS 1997

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REGULATIONS UNDER THE GAS ACT 1997

Gas Regulations 1997

being

No. 162 of 1997: *Gaz.* 26 June 1997, p. 3198¹

as varied by

No. 246 of 1997: *Gaz.* 18 December 1997, p. 1713²

¹ Came into operation 1 July 1997: reg. 2.

² Came into operation 18 December 1997: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Gas Regulations 1997*.

Commencement

2. These regulations will come into operation on 1 July 1997.

Revocation

3. The *Gas Regulations 1988* (see *Gazette* 26 May 1988 p. 1347), as varied, are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

"**Act**" means the *Gas Act 1997*;

"**AG 101**" means *AG 101—Approval Requirements for Domestic Gas Cooking Appliances* published by The Australian Gas Association and the Australian Liquefied Petroleum Gas Association Ltd, as in force from time to time (including any code or standard called up by or under AG 101);

"**AG 501**" means *AG 501—Code for Industrial and Commercial Gas Fired Appliances* published by The Australian Gas Association and the Australian Liquefied Petroleum Gas Association Ltd, as in force from time to time (including any code or standard called up by or under AG 501);

"**AG 601**" means *AG 601—Gas Installation Code* published by The Australian Gas Association and the Australian Liquefied Petroleum Gas Association Ltd, as in force from time to time (including any code or standard called up by or under AG 601);

"**AG 603**" means *AG 603—Gas Distribution Code* published by The Australian Gas Association, as in force from time to time (including any code or standard called up by or under AG 603);

"**AS 1596**" means *AS 1596—LP Gas—storage and handling* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 1596);

"**AS 2885**" means *AS 2885—Pipelines—Gas and liquid petroleum* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 2885);

"**AS 3723**" means *AS 3723—Installation and maintenance of plastics pipe systems for gas* published by the Standards Association of Australia, as in force from time to time (including any code or standard called up by or under AS 3723);

"**distribution system operator**" means a gas entity authorised by a licence to carry on the operation of a distribution system;

"**retailer**" means a gas entity authorised by a licence to carry on the retailing of gas;

"Type B appliance" has the same meaning as in AG 601.

Interpretation of certain terms used in Act

5. (1) For the purposes of the definition of **distribution system** in section 4 of the Act—

(a) pipelines in respect of which the following licences have been granted under Part 2B of the *Petroleum Act 1940* are declared to form part of a distribution system:

- PL1
- PL3
- PL4
- PL6;

* * * * *

(2) For the purposes of the definition of the term in section 4 of the Act, **gas** does not include gas that has not been processed to make it suitable for general consumption.

(3) For the purposes of the definition of **non-contestable consumer** in section 4 of the Act—

(a) on and from 1 April 1998—

- (i) a consumer whose actual consumption of gas at a single site in the previous financial year equals or exceeds 100 terajoules is a contestable consumer in respect of that site;
- (ii) if a consumer at a single site has not been a consumer at that site for the whole of the previous financial year or some change has occurred that will significantly increase consumption of gas at that site—the consumer is a contestable consumer in respect of that site if his or her projected consumption of gas at that site (as determined, in the event of a dispute, by the Technical Regulator) equals or exceeds 100 terajoules;

(b) on and from 1 July 1999—

- (i) a consumer whose actual consumption of gas at a single site in the previous financial year equals or exceeds 10 terajoules is a contestable consumer in respect of that site;
- (ii) if a consumer at a single site has not been a consumer at that site for the whole of the previous financial year or some change has occurred that will significantly increase consumption of gas at that site—the consumer is a contestable consumer in respect of that site if his or her projected consumption of gas at that site (as determined, in the event of a dispute, by the Technical Regulator) equals or exceeds 10 terajoules;

(c) on and from 1 July 2000 a consumer is a contestable consumer in respect of a site if the site is or is to be used by the consumer principally for the purposes of business (whether or not for profit);

4.

(d) on or from 1 July 2001 all consumers are contestable consumers.¹

¹ Note - the last step in the contestability timetable set out in paragraph (d) of subregulation (3) is subject to review as provided by the inter-governmental agreement known as the *Natural Gas Pipelines Access Agreement*.

(4) For the purposes of the definition of the term in section 4 of the Act, **retailing** of gas does not include the sale of gas to a person who holds or is required to hold a licence under the *Electricity Act 1996* to carry on the operation of an electricity generating plant if the sale is made to the person for the operation of the plant.

Exemption

6. A pipeline referred to in regulation 5(1)(a) is exempt from the application of section 19(a) of the Act (requirement for a licence authorising the operation of a distribution system).

PART 2
LICENSING OF GAS ENTITIES

Exemption from requirement to hold licence

6A. (1) A person who carries on the operation of a distribution system is not required to be licensed under the Act if the system distributes and supplies gas only for that person's own consumption or for the consumption of others who, in pursuance of rights deriving (whether immediately or otherwise) from that person, occupy or use land or premises served by the system.

(2) However, a person exempted under subregulation (1) from the requirement to be licensed must comply with any requirement imposed by or under the Act or these regulations as if the person were a gas entity licensed under the Act in respect of the operation of the system.

Licence fees—transitional provision—licensed supplier of reticulated gas under repealed Act

7. Pursuant to clause 2(2) of the Schedule of the Act, the following provisions apply with respect to the payment of licence fees and the initial licence period:

- (a) a person to whom a licence is issued under clause 2(1) of the Schedule authorising the retailing of gas must pay—
 - (i) not later than the first day of the licence period, by way of annual licence fee, an amount equal to one quarter of the amount calculated or fixed under section 24(3)(a) of the Act; and
 - (ii) thereafter, instalments of the annual licence fee as for a licence issued on 1 October 1997;
- (b) a person to whom a licence is issued under clause 2(1) of the Schedule authorising the operation of a distribution system must pay—
 - (i) not later than the first day of the licence period, by way of annual licence fee, an amount equal to one quarter of the amount calculated or fixed under section 24(3)(b) of the Act; and
 - (ii) thereafter, instalments of the annual licence fee as for a licence issued on 1 October 1997.

Licence fees and returns

8. (1) For the purposes of section 24(2) of the Act, the licence fee, or the first instalment of the licence fee, (as the case may require) must—

- (a) in the case of a licence referred to in regulation 7 (after the initial payments under that regulation), be paid before 1 October in each year; or
- (b) in any other case, be paid before the anniversary in each year of the day on which the licence was issued.

(2) For the purposes of section 24(2) of the Act, an annual return must—

- (a) in the case of a licence referred to in regulation 7, be lodged before 31 August in each year; and

6.

(b) in any other case—

- (i) be lodged before the last day of the tenth complete month after the licence was issued; and
- (ii) thereafter, be lodged before the last day of the month in each year that is the same month as the month in which the first return was required to be lodged.

(3) For the purposes of section 24(7) of the Act, the penalty for default—

- (a) for failing to pay a licence fee, or an instalment of a licence fee, is 10% per annum of the outstanding amount calculated daily on a cumulative basis;
- (b) for failing to lodge an annual return is \$500.

Content of register of licences

8A. For the purposes of section 32(2) of the Act, the register of licences must include (in addition to the terms and conditions of each licence)—

- (a) details of each application for the issue, renewal or variation of a licence; and
- (b) on any such application being refused or withdrawn, a statement to that effect.

7.

PART 3
GAS ENTITIES' POWERS AND DUTIES

Carrying out certain work on public land

9. (1) For the purposes of section 47(5) of the Act, prior notice and agreement are not required under section 47(3) of the Act for—

- (a) work in an emergency; or
- (b) maintenance, repairs or minor extensions of existing gas infrastructure, including any necessary excavation or removal of obstructions.

(2) For the purposes of section 47(6) of the Act, agreement is not required under section 47(3) of the Act for—

- (a) installation or relocation of gas infrastructure as a part of road reconstruction; or
- (b) alterations or additions to existing gas infrastructure not involving any significant enlargement of the area of public land occupied by the infrastructure or any significant change in appearance.

**PART 4
SAFETY AND TECHNICAL ISSUES**

DIVISION 1—SAFETY AND TECHNICAL REQUIREMENTS

General requirements for gas infrastructure

10. For the purposes of section 55 of the Act, gas infrastructure must be designed, installed, operated and maintained to be safe for the gas service conditions and the physical environment in which it will operate and so as to comply with any applicable requirements of AG 603, AS 1596, AS 2885 and AS 3723 or achieve, to the satisfaction of the Technical Regulator, the same or better safety and technical outcomes.

DIVISION 2—QUALITY OF GAS SUPPLY

Interpretation

11. In this Division—

"**flame speed factor**" means the flame speed factor determined in accordance with the formula set out in Schedule 1;

"**sooting index**" means the sooting index determined in accordance with the formula set out in Schedule 1;

"**Wobbe Index**" has the same meaning as in AG 101.

Quality of gas supply

12. (1) A distribution system operator must ensure that the requirements of this regulation are complied with in relation to the gas distributed by the system.

(2) A retailer must ensure that the requirements of this regulation are complied with in relation to the gas supplied by the retailer to a consumer.

(3) Gas must comply with the following requirements:

- (a) it must be at a safe temperature and pressure and safe in all other respects for the purposes of the distribution system; and
- (b) it must contain sufficient odorant that it has a distinctive smell to a person with a normal sense of smell at one-fifth of the lower explosive limit in air; and
- (c) it must contain less than 12 mg/m³ of hydrogen sulphide; and
- (d) its combustion characteristics must be within—
 - (i) the limits of the Wobbe Index; and
 - (ii) the limits of the flame speed factor; and

9.

(iii) the sooting index,

as derived from the test gases for the type of gas referred to in the Test Gas Table set out in AG 101; and

(e) in the case of natural gas, its average value according to the Wobbe Index, on any day, must be at least 47.4 MJ/m³ but not more than 51.5 MJ/m³ unless otherwise agreed between the Technical Regulator and the distribution system operator.

(4) Before connection or reconnection of a gas supply to a place, steps must be taken to ensure that the gas supply is suitable for each gas installation situated in the place that will be connected to the gas supply.

(5) For the purposes of ensuring compliance with subregulation (4), reliance may be placed on a certificate of compliance issued for the purposes of section 56 of the Act in relation to the gas installation.

(6) Gas must be supplied so that—

(a) the operating pressure of the gas at the outlet of each meter set for recording a consumer's consumption of gas is 1kPa or more but less than 3kPa subject to any written requirement of the consumer or agreement between the Technical Regulator and the distribution system operator for gas to be supplied at more than 3kPa; and

(b) the pressure of the gas at each such meter set is within the meter set manufacturer's designated pressure operating range.

(7) The following requirements apply in relation to the heating value of gas supplied to consumers:

(a) the heating value must, when measured at each measuring point approved by the Technical Regulator for that purpose, be within a margin of plus or minus 1 per cent of the claimed heating value used by the gas entity as the basis for its charges to the consumer for the gas; and

(b) the claimed heating value must not show systematic bias within that margin.

DIVISION 3—GAS FITTING WORK**General gas fitting work**

13. (1) For the purposes of section 56 of the Act, a person who carries out work on a gas installation or proposed gas installation (other than work comprised of installing or commissioning a Type B appliance) must—

- (a) ensure that the work is carried out, and examinations and tests are carried out, in accordance with AG 601; and
- (b) if satisfied that the work has been carried out in accordance with AG 601, complete a certificate of compliance in a form approved by the Technical Regulator to that effect.

(2) The person must—

- (a) provide a copy of the completed certificate of compliance to the person on whose behalf the work was carried out; and
- (b) if the work is associated with the making of a connection or reconnection to a distribution system, provide a copy of the completed certificate of compliance to the distribution system operator; and
- (c) if the work is not associated with the making of such a connection or reconnection—
 - (i) provide a copy to the supplier of pressurised vessel gas for the installation, if known; or
 - (ii) if the supplier is not known, provide a further copy to the person on whose behalf the work was carried out; and
- (d) keep a copy of the completed certificate of compliance for at least 5 years after the completion of the work.

(3) The provisions of this regulation relating to certificates of compliance do not apply in relation to work on a gas installation or proposed gas installation in specified premises if the Technical Regulator has given an exemption under this regulation in respect of the premises and the conditions of the exemption are complied with.

(4) The Technical Regulator may, on application or on the Technical Regulator's own initiative, give an exemption as referred to in subregulation (3) subject to such conditions as the Technical Regulator thinks fit, including conditions as to the keeping of records relating to gas fitting work in the premises.

Installing or commissioning Type B appliances

14. (1) For the purposes of section 56 of the Act, a person who installs or commissions a Type B appliance must ensure that the work is carried out, and examinations and tests are carried out, in accordance with AG 501 and AG 601.

(2) A retailer must not commence supplying gas for use in a Type B appliance following installation of the appliance unless the appliance has been approved as complying with the requirements of AG 501.

(3) Subregulation (2) does not prevent a retailer from temporarily supplying gas for the purposes of the commissioning of a Type B appliance or the determination of whether the appliance complies with the requirements of AG 501.

(4) For the purposes of this regulation, AG 501 and AG 601 are to be read as if any requirement for approval of the Authority were a requirement—

- (a) if the appliance in question is, or is to be, connected to a distribution system, for approval of the distribution system operator whose system it is or an authorised officer;
- (b) in any other case, for approval of an authorised officer.

(5) An approval under this regulation must be in a form approved by the Technical Regulator.

(6) The person approving a Type B appliance under this regulation must complete a certificate of compliance in a form approved by the Technical Regulator in respect of the appliance.

(7) The person—

- (a) must provide a copy of the completed certificate of compliance to the person on whose behalf the work was carried out; and
- (b) being an authorised officer, must—
 - (i) if the work is associated with the making of a connection or reconnection to a distribution system, provide a copy of the completed certificate of compliance to the distribution system operator; or
 - (ii) if the work is not associated with the making of a connection or reconnection to a distribution system—
 - (A) provide a copy to the supplier of pressurised vessel gas for the installation, if known; or
 - (B) if the supplier is not known, provide a further copy to the person on whose behalf the work was carried out; and
- (c) must keep a copy of the completed certificate of compliance for at least 5 years after the completion of the work.

(8) A fee determined on a basis approved by the Technical Regulator may be required by the distribution system operator or the authorised officer for determining whether to approve a Type B appliance under this regulation.

(9) A fee required by a distribution system operator or an authorised officer who is not a Public Service employee may be retained by the operator or officer.

DIVISION 4—REPORTING OF ACCIDENTS

Reporting of accidents

15. For the purposes of section 58 of the Act, if an accident happens that involves gas caused by the operation or condition of gas infrastructure or a gas installation, a report must be made to the Technical Regulator of the details of the accident—

- (a) in the case of a death resulting from the accident—immediately by telephone;
- (b) in the case of a person requiring medical assistance resulting from the accident—within 1 working day of the accident;
- (c) in the case of property damage of more than \$5 000 resulting from the accident—within 10 working days of the accident;
- (d) in the case of any injury to person or property or a dangerous situation involving a gas infrastructure pipeline operating above 1050 kPa or involving the attendance of a fire brigade—within 1 month of the accident.

**PART 5
MISCELLANEOUS**

Measurement of consumption of gas

16. (1) A retailer supplying a consumer with gas must ensure that a meter is installed on the consumer's premises that measures the consumer's consumption of gas within a margin of accuracy of plus or minus 2 per cent of net volume of gas supplied.

(2) The retailer must ensure that the operation of the meters does not show systematic bias within the allowable margin of accuracy.

(3) The retailer must ensure that testing of meters is conducted in accordance with this regulation so as to ensure that the meters measure gas within the allowable margin of accuracy.

(4) The testing of meters before installation must be of a kind approved by the Technical Regulator.

(5) After installation on a consumer's premises, a meter must be tested—

(a) at intervals approved by the Technical Regulator; and

(b) at any other time, within 21 days of a request by the consumer.

(6) The retailer may—

(a) require the request to be made in writing; and

(b) before testing, require the consumer to pay—

(i) a charge for gas or another amount owing to the retailer by the consumer for supplying gas; and

(ii) a test fee of—

(A) if the meter is capable of measuring up to 10 cubic metres of gas per hour—\$50; or

(B) if the meter is capable of measuring more than 10 cubic metres of gas per hour but not more than 150 cubic metres of gas per hour—\$100; or

(C) if the meter is capable of measuring more than 150 cubic metres of gas per hour—\$500; or

(D) an amount determined on a basis approved by the Technical Regulator.

(7) The retailer must, as soon as practicable after a test on a meter has been conducted at the request of a consumer, give written notice to the consumer of the test results.

(8) If the test shows the meter is registering outside of the allowable margin of accuracy, the retailer must—

- (a) include in the notice the extent to which the registration falls outside the allowable margin; and
- (b) refund the test fee to the consumer; and
- (c) adjust the previous relevant gas accounts to reflect the actual gas supplied or a reasonable estimation of the gas supplied; and
- (d) repair or replace the meter at no cost to the consumer so that the consumer's consumption of gas can be measured within the allowable margin of accuracy.

(9) If the test shows the meter is registering within the allowable margin of accuracy, the retailer must cause the meter to be sealed so that no person can interfere with its operation without breaking the seal.

Restriction on disconnection of gas supply

17. A gas entity must not cause the gas supply to a place to be disconnected on the ground of non-payment of an amount other than an amount owing to the gas entity by the consumer in respect of the supply of gas to that place or a place at which the person was previously a consumer.

Form for warrants

18. A warrant under section 79 or 80 of the Act must be in the appropriate form set out in Schedule 2.

Work near gas infrastructure

19. For the purposes of section 83(3)(a) of the Act, a person who does work near gas infrastructure must comply with section 5.3 (Safe Working with Gas) of AG 603.

General penalty

20. A person who contravenes or fails to comply with a provision of these regulations for which a specific penalty is not provided is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Fees for reinspection, etc.

21. (1) A person to whom a direction has been given under section 57, 68 or 69 of the Act is liable to pay a fee of an amount equal to the reasonable costs of any reinspection or reattendance by an authorised officer for the purpose of ensuring compliance with the direction or approving reconnection of the gas supply.

(2) The Technical Regulator may recover a fee payable under subregulation (1) as a debt by action in a court of competent jurisdiction.

SCHEDULE 1
Flame Speed Factor and Sooting Index
 (Regulation 11)

PART A—FLAME SPEED FACTOR

*The flame speed factor (**S**) of a gas is given by—

$$S = \frac{\sum mF_m}{\sum nA_n + 5Z - 18.8Q + 1}$$

where—

- F = flame speed coefficient for each combustible component according to the table in Part C
- m = mole fraction of combustible component that has a flame speed coefficient F_m
- A = air requirement for each combustible gas component according to the table in Part C
- n = mole fraction of combustible component that has an Air requirement of A_n according to the table in Part C
- Z = the total mole fraction of inert gases (eg, CO_2 , N_2)
- Q = the mole fraction of oxygen present.

* Based on Gilbert, M.G. and Prigg, J.A., *Gas Council Research Communication GC35* (see *Transactions of the Institution of Gas Engineers 1956/57*).

PART B—SOOTING INDEX

*The sooting index (**I**) of a gas is given by—

$$I = \frac{1 + 0.01H_2 + 0.01CO}{\sqrt{d}} \cdot \sum aB_a \cdot (1 - 0.03O_2)$$

where—

- B = the sooting coefficient for each combustible component according to the table in Part C
- a = the volume per cent of component that has a sooting coefficient of B_a
- H_2 = the volume per cent of hydrogen in the gas
- CO = the volume per cent of carbon monoxide in the gas
- O_2 = the volume per cent of oxygen in the gas
- d = the relative density of the gas.

* Based on Schneck, H. and Delbourg, P., *Journal des Industries du Gaz*, December, 1962.

PART C—TABLE

Combustible Gas Component	Flame Speed Coefficient F	Air Requirement A	Sooting Coefficient B
carbon monoxide	61	2.39	—
hydrogen	339	2.39	—
methane	148	9.55	1.0
ethane	301	16.71	2.0
propane	398	23.87	3.6
butane	513	31.03	4.7
pentane	610	38.00	6.0
hexane	710	45.00	10
heptane	800	52.00	13
octane	880	59.00	17
ethylene	454	14.32	2.8
propylene	674	21.48	6.0
butylene	890	28.64	7.0

SCHEDULE 2
Forms for Warrants
(Regulation 18)

Form 1

Gas Act 1997
(Section 79)

WARRANT
(personal application)

1. I ,
magistrate, have received an application made personally for a warrant from
..... (insert name),
*authorised officer/gas officer under the *Gas Act 1997*.

2. On the application, I am satisfied that a warrant should be issued to enter
..... (insert description of place)
on the following grounds:
.....
.....
.....

ACCORDINGLY, I AUTHORISE

*the abovenamed authorised officer with any assistance and by any force reasonably necessary—

- (a) to enter the place described above; and
- (b) to do anything authorised by the *Gas Act 1997* in that place.

*the abovenamed gas officer, in the company of a member of the police force and with any assistance and by any force reasonably necessary—

- (a) to enter the place described above; and
- (b) to do anything authorised by the *Gas Act 1997* in that place.

This warrant may only be executed
..... (insert time or period)

This warrant ceases to have effect at
..... (insert time and date).

Signed:
at (insert time and date of signature).

*Strike out whichever is inapplicable

18.

Form 2

Gas Act 1997
(Section 80)

WARRANT
(application by telephone)

1. I ,
magistrate, have received an application by telephone for a warrant from
. (insert name),
*authorised officer/gas officer under the *Gas Act 1997*.

2. On the application, I am satisfied that a warrant should be issued urgently to enter
. (insert description of place)
on the following grounds:
.
.
.

ACCORDINGLY, I AUTHORISE

*the abovenamed authorised officer with any assistance and by any force reasonably necessary—

- (a) to enter the place described above; and
- (b) to do anything authorised by the *Gas Act 1997* in that place.

*the abovenamed gas officer, in the company of a member of the police force and with any assistance and by any force reasonably necessary—

- (a) to enter the place described above; and
- (b) to do anything authorised by the *Gas Act 1997* in that place.

This warrant may only be executed
. (insert time or period)

This warrant ceases to have effect at
. (insert time and date).

Signed:
at (insert time and date of signature).

*Strike out whichever is inapplicable

APPENDIX

LEGISLATIVE HISTORY

Regulation 5(1)(b):	revoked by 246, 1997, reg. 3(a)
Regulation 5(3):	substituted by 246, 1997, reg. 3(b)
Regulation 6:	varied by 246, 1997, reg. 4
Regulation 6A:	inserted by 246, 1997, reg. 5
Regulation 8A:	inserted by 246, 1997, reg. 6
Regulation 17:	varied by 246, 1997, reg. 7