

**DISCUSSION PAPER
ON PROPOSED AMENDMENTS TO
GAS REGULATIONS 1993**

Background

This paper identifies a number of proposed amendments to the Gas Regulations 1993.

The key amendments proposed are:

- minimum gas pressure: specification of minimum supply pressure (regulation 4)
- gas measurement: accuracy of gas measurement (regulation 10)
- gas appliances and fittings: introduction of a Mandatory Supplier Declaration regime (regulations 13-16)
- CNG station safety: compliance with NZS 5425 to ensure safety of the installation (regulations 18 – 19)
- testing and certification: specific requirements relating to certification of different types of gasfitting work, including a new offence provision (regulation 24)
- offence provisions: new offences under regulation 37 for ensuring equipment is safe before hiring out (regulation 17(2)), and notification to Secretary of dangerous installations (regulation 27).
- minor technical amendments: (regulations 2, 4, 11, 18, 23, 28, 37 and schedule 1)

You are invited to make a submission on the proposed amendments to the Gas Regulations 1993.

If you would like to make a submission the procedure to follow is set out in Appendix B. Please note that the closing date for submissions is **19 January 2001**.

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INTRODUCTION

Purpose

- 1 The purpose of this paper is to assist in consultations with interested parties on proposed amendments to the Gas Regulations 1993 (the Regulations or Gas Regulations), which address:
 - a Public safety and health in the supply and use of gas.
 - b The equity of measurement of gas sold to consumers.

Legislative Framework

- 2 The Regulations are made under the Gas Act 1992. The Gas Act and the Regulations are administered by the Ministry of Economic Development.

Previous consultations

- 3 Most of the proposals in this paper are drawn from a discussion paper prepared in 1996 by a team of officials from the Operations and Risk Management Branch of the former Ministry of Commerce in consultation with the Gas Industry. Those proposals were agreed to in principle by the Gas Industry, however, they are being consulted again now for final confirmation before being submitted to Government for consideration. Parties that were involved in the preparation of the proposals in the 1996 paper are listed in Appendix A.
- 4 Proposals relating to the mandatory supplier declaration regime for gas appliances were consulted earlier in 2000.
- 5 Copies of the 1996 and 2000 consultation papers can be supplied on request.
- 6 A number of the issues covered by the 1996 paper are not included here because they are being addressed separately by the EnergySafe programme or because they require more detailed consideration. These include such issues as: expanding the scope of regulation 3 to include landfill gas; gas odourisation requirements under regulation 5; gas measurement and meter requirements under regulations 9 and 10; hazardous area classification for reticulated gas; large industrial plant regulation 24; test report for declared articles under regulation 28; and the introduction of LPG safety warrants.

Format

- 7 Proposals related to the current Regulations are, as far as possible, set in the same order as they appear in the Regulations.
- 8 Proposed amendments are shown in bold print.

INTERPRETATION - *Regulation 2*

Calorific Value

- 9 The definition of calorific value refers to “standard condition” rather than “standard conditions”. **It is therefore proposed to correct this mistake.**

CNG

- 10 CNG is defined in the Regulations as “*compressed natural gas or compressed natural gas mixed with other gases, consisting predominantly of methane*”. A problem

with this definition is that it is unduly restrictive because gases other than natural gas (e.g. biogas) may be used in the same manner as compressed natural gas. Also, the meaning of the word “predominantly” is unclear. A further problem with the definition is that it does not differentiate CNG from gases that are compressed for other purposes e.g. gas in transmission pipelines.

11 More recent definitions used in standards¹ have been considered, but these do not address the above problems. For the purposes of the regulations, which focus on CNG refuelling stations, a definition linked to normal refuelling station applications is considered more appropriate.

12 It is therefore proposed that **CNG be redefined as “any compressed gas consisting of more than 50% methane by volume that is supplied to motor vehicle cylinders or transportable cylinders”.**

Definition of “safe”

13 The Regulations use the term “safe” in several places. **It is proposed that “safe” be defined to mean “that there is no unreasonable risk of injury or death to any person, or of unintended damage to any property”.**

14 This definition would provide greater clarity, including introducing the concept of reasonable risk which would include taking into account the cost of risk mitigation, and would allow for some circumstances in which damage is intended (e.g. gas powered weed-killers).

Minimum Pressure – Supplement to regulation 4

15 Gas installations, and particularly appliances, must be designed, adjusted and tested for a defined pressure range. Minimum pressure in particular is a safety issue and requires compatibility between appliance design and gas supply. **It is proposed that regulation 4 should be supplemented with a new regulation, requiring the gas supplier (except in circumstances beyond the supplier's control, or in the case of gas supplied from a cylinder when the cylinder becomes exhausted) to supply gas from the outlet of the gas distribution system or in the case of gas supplied from gas storage containers, from the outlet of the associated regulator assembly, at a gauge pressure of not less than:**

- i 1.0 kPa, for natural gas.**
- ii 2.25 kPa, for LPG**
- iii 0.5 kPa, for tempered liquefied petroleum gas.**

Component Parts of Gas Measurement System - Regulation 10

16 By the Gas Act definition, a "gas measurement system" includes any equipment that forms part of the system. This reflects the fact that the system is made up of a variety of component parts.

17 Regulation 10 applies to gas measurement systems which are disconnected or serviced on site but does not take into account the common industry practice of

¹ Definition from **AS/NZS 2430.3.2:1997**: CNG - a compressed gaseous fuel composed predominantly of methane (CH₄) commonly sourced from natural gas and used as a vehicular fuel.

Definition from **AS/NZS 2739:1999**: CNG – a compressed gaseous fuel composed of commercial natural gas of pipeline quality, i.e. predominantly methane.

separately installing, or removing and reinstalling, or servicing in situ individual components of the gas measurement system.

18 It is therefore proposed to extend the application of regulation 10 to any part of a gas measurement system whose accuracy may be affected by installation, or removal and reinstallation, or service in situ of that or any other part of the metering system.

19 When components of gas measurement systems are first put into or returned to service, it is usual to test only the individual components being placed into or returned to service or the part serviced in situ (where removal or servicing may affect measurement accuracy) rather than the whole system because the accuracy of other components is not normally affected.

20 Regulation 10(2) requires gas measurement systems to be retested before being put into service but does not cater for the retesting of component parts only.

21 Therefore it is proposed to amend regulation 10(2) to allow for component parts of gas measurement systems to be retested before being put into service.

Verification of Accuracy of Gas Measurement Systems - Regulation 10(2)

22 Regulation 10(2) requires that before gas measurement systems are put into service, a competent organisation shall confirm by test that the system meets the accuracy requirements of regulation 9(2) for non-CNG systems or 9(3)(e) for CNG systems. While the competent organisation can ensure the accuracy of the meter at the time of calibration, it can not ensure the on-going accuracy.

23 Therefore, it is proposed to limit the application of regulation 10(2) as follows:

In the case of non-CNG systems, confirmation of accuracy would only be required in relation to those provisions currently in regulation 9(2)(a)(i) and regulation 9(2)(b)(i), as applicable.

In the case of CNG systems, confirmation would only be required in relation to those provisions currently in regulation 9(3)(e)(i).

Requests for Tests to be carried out on Gas Measurement Systems – Regulation 11

24 Regulation 11(2) provides for a consumer or gas retailer to request the Secretary to test the accuracy of the gas measurement system measuring the gas supplied to the premises of that consumer. However it is not always practicable for the Secretary (or delegate) to test the meter and there is no reason why this function could not be contracted out to a suitable person.

25 It is proposed to amend regulation 11(2) so that the Secretary may cause the meter to be tested.

GAS INSTALLATIONS, GAS APPLIANCES, AND FITTINGS

Safety of Gas Appliances and Fittings – Regulation 13

Relationship Between Regulations 13 and 14 and NZ Standard for Gas Appliances

26 Regulation 13(1) essentially requires gas appliances and fittings to be capable of operating in a hazard free manner. Regulation 13(2) lists safety elements, which if

complied with constitute compliance with regulation 13(1). Regulation 14 requires gas appliances to be marked with specified information of safety importance.

27 The current wording of regulation 13(1), which requires an appliance to be “capable of operating” safely, has been found not to be sufficiently clear. Alternative wording is suggested to clarify the circumstances which the appliance must be able address. It is proposed that the regulation require that **“Every gas appliance and every fitting shall be designed and constructed such that it is safe when installed, used and maintained in accordance with instructions provided by the supplier, and normal practices.”**

28 The provisions of regulation 13(2) essentially spell out issues that need to be addressed to achieve safety (e.g. freedom from gas leakage) and should therefore be mandatory. A recently completed NZ Standard for gas appliances, NZS 5262:1997, is essentially an updated version of regulations 13(2) and 14. It is proposed to **revoke regulations 13(2) and 14 make compliance with NZS 5262 mandatory for gas appliances.**

Supplier Declaration that Appliances and Fittings Conform – Regulation 15

29 Regulation 15 currently requires an appliance or fitting supplier to confirm on request that any type of appliance conforms with regulations 13 and 14. It is proposed that this requirement be replaced by a requirement that **such a declaration be made and placed in a publicly available register, before any appliance type may be supplied.** This system has been designed to provide greater transparency to the conformance regime whilst minimising compliance costs, and to provide greater compatibility with the declaration system for electrical appliances. The requirement would also be extended to regulation 18 which applies to CNG fittings.

30 The declaration would be required to be made by any person who manufacturers or imports or modifies an appliance or fitting covered by the regime (referred to here as “the supplier”).

31 Information required in the Declaration would be prescribed by the Secretary. It is intended that it would include:

- Identification and application of appliance(s) or fitting(s) covered by the Declaration (fuel type, indoors or outdoors etc.);
- Identification of the supplier;
- Identification of the basis for making the declaration;

Guidelines would be provided for the completion of the Supplier Declaration.

32 Supply of the appliance or fitting would not be permitted until 3 working days after the submission of the declaration to the Secretary or a person nominated by the Secretary, or until after the declaration has been posted on the publicly available register, whichever is sooner. A website identified by the Secretary would be recognised as containing the contents of the register.

33 The supplier, or any person who re-supplies, a new appliance or fitting covered by the regime would be required to establish compliance, in English, within 10 working days of demand being made by the Secretary. (A re-supplier is taken to mean any person in the supply chain, other than the first supplier.)

34 It would be an offence to install an appliance or fitting covered by the regime that is not supported by a current Supplier Declaration, or for a supplier or re-supplier to not establish compliance within 10 working days of a demand being made.

Additional Provisions for Regulation 15

35 To assist in ensuring compliance with regulation 18 (consistent with the approach taken in regulation 15 in respect of regulations 13 and 14), **it is proposed to extend the supplier declaration in regulation 15 to encompass the conformance of CNG fittings with applicable provisions of regulation 18.**

Repairs and Modifications to Appliances and Fittings - Regulation 16

36 As noted above, it is proposed to replace provisions of regulation 13(2) with a requirement to comply with the Standard NZS 5262. **It is proposed that references in regulation 16 to parts of regulation 13(2) be consequently replaced by references to the relevant parts of NZS 5262.**

37 It is proposed to rectify an oversight in regulation 16 by requiring affected persons to **ensure that fittings comply with regulation 13(3) before returning them to service.**

CNG STATION SAFETY

CNG Station Safety Requirements Not to Extend to Gas Appliances

38 Regulations 18, 19 and 22 make requirements in respect of the safety of fittings of CNG stations and also the safety of gas appliances used in connection with CNG stations.

39 **It is proposed to remove the application of these regulations to gas appliances that are not related to the safe functioning of the CNG station.** This would remove the obligations for periodic retesting of incidental appliances such as office heaters.

Proposals Involving NZ Standards and NZ Gas Code of Practice

Background

40 The Regulations cite Parts 1 and 2 of the NZS Standard, NZS 5425, Code of Practice for CNG Compressor and Refuelling Stations as a means of compliance with general safety provisions. These Parts provide design, construction and installation specifications for CNG facilities and also contain provisions for maintenance and operational safety.

41 It was intended that regulation 18(1) should apply the provisions of Parts 1 and 2 of NZS 5425 only to new CNG stations and modified CNG installations, but legal advice is that regulation 18(1) in fact applies to all CNG fittings. This has the effect of requiring all existing stations to comply with the current Standard. Many stations do not comply, but the safety risks are not considered sufficient to enforce retrospective modifications.

42 Since the Regulations came into force, another safety-related part, Part 4 (CNG Trickle Fill Stations on Commercial and Industrial Premises), has been added.

43 The proposals for amendment set out below address the above points.

Particular Requirements for CNG Stations – Regulation 18

44 It is proposed to amend regulation 18, so as to require:

- a **Owners or operators of CNG refuelling stations and owners or operators of any fitting or equipment used or intended for use with a CNG refuelling station to ensure that the fitting or equipment is designed, constructed and installed in such a manner that, as far as practicable, immunity from danger is achieved. Compliance with Parts 1, 2 and 4 of NZS 5425:1994 would be deemed to be compliance with this requirement.** Specifically, compliance with Part 1 would be deemed compliance with fast fill CNG stations, Part 4 with slow (trickle) fill stations, and Part 2 with CNG Compressors.
- b **That all fittings, safety notices, equipment and operations, used or intended for use in connection with CNG stations, are installed or carried out in accordance with the requirements of Parts 1, 2 and 4 of NZS 5425:1994 and with NZ GCP 2:1993 in respect of:**
 - i newly constructed CNG installations.
 - ii Extensions, additions, and replacement of fittings and safety notices to existing CNG installations.
 - iii Alterations to CNG installations that result in the repositioning of pipework or changes to the operation of the installation.

Parts 1 and 2 would apply for all work from 1 April 1993, and part 4 would come into force 12 months after gazetting of the regulation.

Air ingress - regulation 18(2)

45 Regulation 18(2) requires that CNG compressors shall not allow the ingress of air.

46 **It is proposed to cite standard NZS 5425 Part 2:1994 as a means of compliance with that regulation.**

Electrostatic ignition - regulation 18(3)

47 74 Since the coming into force of the Regulations, NZS 5425 has been revised to provide specifications that will meet the safety requirements of regulations 18(3). These specifications are in clauses 7.4.3 & 7.4.4 of NZS 5425: Part 1: 1994 and clauses 7.5.3 & 7.5.4 of NZS 5425: Part 4: 1994, which provide upper and lower electrical resistance (semi-conducting) and testing specifications for refuelling assemblies. **It is therefore proposed that these specifications be cited as a means of compliance with regulation 18(3).**

Warnings – supplement to regulation 18(3)

48 A causative factor in a number of serious accidents involving electrostatic ignition of CNG was the entry of persons into the area of escaping gas to isolate the gas. The requirements of regulation 18(3) are designed to minimise the chance of electrostatic ignition. However, to prevent such accidents, persons should not enter areas of escaping gas. **It is therefore proposed to require that any person who may be at risk receives adequate warning of what to do.**

49 Amendments to Parts 1 and 4 of NZS 5425 specify notices to warn persons not to enter the area of escaping gas and to isolate the gas at a remote point. **It is**

proposed that the relevant parts of these specifications be cited as a means of compliance with the obligation to give warning.

Refuelling probes - regulation 18(4)

50 Since the coming into force of the Regulations, NZS 5425 has been amended (in clause 7.4.7 of NZS 5425: Part 1: 1994 and clause 7.5.7 of NZS 5425: Part 4: 1994) to provide specifications which will meet the safety requirements of regulation 18(4) for refuelling probes designed to prevent the sudden release of gas. **It is proposed that the relevant parts of these specifications be cited as a means of compliance with regulation 18(4).**

Maintenance and Operation of CNG Stations – Regulation 19

51 Regulation 19 requires fittings of CNG stations to be maintained and operated safely and cites GCP 2 as a means of compliance, but does not state to whom the requirement applies.

52 In order to make it clear who must comply, **it is proposed that the requirements of regulation 19 apply to owners of CNG stations and to persons who operate the fittings.**

53 **It is also proposed to introduce penalties for failure to meet this requirement.**

TESTING AND CERTIFICATION

Specific Non-Registered Persons to be Able to Certify Work of Others - Regulation 24(2)

54 Section 57 of the Plumbers, Gasfitters and Drainlayers Act (PG&D Act) was recently amended to allow specific non-registered persons authorised by the Plumbers, Gasfitters and Drainlayers Board (PG&D Board), under section 57(1)(d), to certify the gasfitting work of others.

55 In order to give effect to this amendment, **it is proposed to amend provisions in the Regulations for the certification of gasfitting carried out under section 57(1) of the PG&D Act so that the gasfitting may be certified by a person authorised under section 57(1)(d) to certify the type of gasfitting involved.**

Specification of Certification

56 The Regulations do not specify what is to be certified. Thus, depending on the nature of the gasfitting, it is left to either the Secretary or to the PG&D Board to specify this on the certificate. The Secretary and the Board have made different specifications.

57 Given the importance of certification and the need to ensure consistency, **it is proposed to require that on the certificate, the certifier shall:**

- a accurately describe the gasfitting work to which the certification applies,**
- b certify that the installation or parts of the installation to which the certification applies are safe and that they comply with the requirements of the Gas Act and Regulations,**
- c certify that the work to which the certification applies does not make other parts of the installation unsafe or non-compliant.**

58 **It is also proposed to introduce penalties for failure to meet these requirements.**

Gasfitting by Unqualified Persons - Regulation 24(4)

59 Regulation 24(4), states that where gasfitting work is carried out by a person under the supervision of a craftsman gasfitter (section 57(5) of the PG&D Act) and is not certified in accordance with the NZ Gas Code of Practice, NZ GCP 1: 1993, Inspection, Testing and Certification of Gasfitting Work Done Under Supervision, it must be certified in accordance with the requirements of paragraphs (c), (d), and (e) of regulation 24(3).

60 Regulation 24(3) currently addresses only certification. However GCP 1 covers issues beyond certification (including testing and aspects of supervision), aimed at ensuring that work carried out by unqualified (and possibly untrained) persons is appropriately controlled.

61 Further, the certification process described in GCP1 follows that required of the craftsman gasfitter, whereas Gas Regulation 24(3) applies only to certification under an employer licence or to work done on a large installation under the “approved person in charge” regime of section 57(3) of the PG&D Act. Regulation 24(3) is therefore irrelevant for work done under the supervision of a craftsman gasfitter.

62 It is therefore proposed that **regulation 24(4) be amended to require both testing and certification to GCP 1 and that the option of certification in accordance with regulation 24(3) be removed.**

63 It may be desirable to extend this requirement to also encompass other aspects of GCP 1; however, the PG&D Act S57(5)(c)(i) makes provision for the Gas Regulations to address only testing and certification.

New Offence Provision for not Certifying - Regulation 24

64 The PG&D Board have pointed out potential problems from the lack of offence provisions to cover situations involving persons carrying out gasfitting requiring certification (under regulation 24) and neither certifying nor ensuring that the gasfitting is certified.

65 There is a potential risk in creating blanket offence provisions against the person who did the work, because persons who are entitled to carry out gasfitting (but are not in a position to certify it themselves) may not be in a position to ensure that it is certified. For example, a gasfitter employed by a craftsman gasfitter may have little or no control over whether the employer certifies the work.

66 Therefore, in circumstances where regulation 24 applies, it is proposed **that it be an offence for a person responsible for ensuring that work is certified to fail to do so.**

67 This proposal would not detract from the responsibility of the gas retailer or gas wholesaler, under regulation 26, to ensure that the work was certified.

MISCELLANEOUS PROVISIONS

Miscellaneous Corrections

68 To correct mistakes in the current Regulations, it is proposed to make amendments in the following areas:

69 Regulation 18(5)(b) provides an extension of time for refuelling hoses and assemblies and refuelling probes to meet the requirements of regulation 18(3). The requirements for refuelling probes are however specified in regulation 18(4) rather than regulation 18(3). **It is proposed that this error be corrected.**

70 Regulation 23(1)(c) relates to the maintenance of logbooks and **should therefore refer to section 4** of GCP 2 (which deals with log book and other records) rather than section 5 (which deals with unsafe or dangerous stations).

71 Regulation 23(2) relates to the keeping of training records and **should therefore refer to section 7.3.1 of GCP 2** (which deals with the maintenance of training records) rather than section 8.3.1 (which does not exist).

Miscellaneous Offence Provisions

72 **It is proposed to place two offence provisions under regulation 37.** The first relates to ensuring safe before hiring out (regulation 17(2)), the second relates to notification to Secretary of dangerous installations while the work is being carried out (regulation 27).

Training in Prefilling Checks - First Schedule

73 In clause 2 (a), the word "refilling" is used erroneously, instead of the word "**prefilling**". **It is proposed to correct this error.**

APPENDIX A

Parties Involved In The Preparation Of The 1996 Draft

All Proposals

BP Oil (NZ) Ltd
 Building Industry Authority
 Electricity Corporation
 Gas Association of NZ
 GasLab Ltd
 Local Government Association

LPG Association of NZ
Ministry of Health National Council of Women
NZ Society of Master Plumbers and Gasfitters
NZ Fire Service
NZ Institution of Gas Engineers
Plumbers Gasfitters and Drainlayers Board
Standards NZ

Gas Measurement (Current regulations 9 and 10)

NZ Natural Gas Vehicles Association, Trade Measurement Unit of Ministry of Consumer Affairs.

Gas Installations (Current regulation 12)

Gas Appliance Manufacturers Association, Gas Utilisation Institute, Combustion Control Ltd, LBF Industries Ltd, Tubman Heating Ltd.

Gas Appliances and Fittings (Current regulations 13 and 14)

Gas Appliance Manufacturers Association of NZ, Gas Utilisation Institute, Retail and Wholesale Merchants Association of NZ, Combustion Control, LBF Industries Ltd, Tubman Heating Ltd, Cylinder Testing Laboratories Association.

CNG Installations (Current regulations 18 to 23)

NZ Natural Gas Vehicles Association, Motor Trade Association, Compac Industries.

Appendix B

Making Submissions

When making a submission please use the following format as a guide.

- ◆ name of person making the submission:
- ◆ organisation, if relevant:
- ◆ others represented in this submission:

Your contact details

Postal address:

Phone:

Fax:

Email address:

Your contact details will allow us to contact you should we feel a need to clarify or explore your submission further.

We would prefer to receive your submission as a Word document attached to an email. However, you may also fax or post your submission should this suit you better. Please use the table below as a guide.

Paragraph No.	Issue/Proposed Change	Comment/Reason for comment
13	Expanding the scope of regulation 4	I support/disagree with....because....

Please email, fax, or post your comments to Amendment to Gas Regulations 1993. Contact details are:

email: ross.hulbert@mca.govt.nz

phone: (04) 472 0030

fax: (04) 460 1365

address: Amendment to Gas Regulations 1993
Energy Safety Service
Ministry of Economic Development
PO Box 1473
Wellington

We must receive your submissions by **19 January 2001**

If you have any queries about the process please contact Ross Hulbert on +64-4- 472 0030.

Appendix C**Official Information and Privacy Acts*****OFFICIAL INFORMATION ACT 1982***

Please note that any submissions received by the Ministry will constitute 'official information' under the Official Information Act 1982. This Act is designed to give the people of New Zealand access to information, but with exceptions to preserve the public interest and personal privacy.

It is the Ministry's normal practice to prepare a summary of submissions received, together with the Ministry's responses. This summary is intended for circulation to parties who have made submissions.

In providing your submission, please advise us if you have any objections to the release of your submission, and, if you do object, the parts of your submission that you want withheld, and the grounds, under the Official Information Act, for withholding them. The Ministry will carefully consider your reasons when preparing and releasing any summary, and in considering any formal Official Information Act requests that might be received in the future.

PRIVACY ACT 1993

Any personal information that you supply to the Ministry in the course of making your submission will be used only by the Ministry in conjunction with the consideration of matters covered by this consultation paper.

It is the Ministry's normal practice to include the names of parties making submissions when preparing any summary, for public circulation, of submissions on Ministry consultation papers. Your name will be included in any summary unless you inform the Ministry that you do not wish your name to be included.