



South African Qualification & Certification Committee  
PO Box 456  
Pinegowrie  
2123

Tel: 011 886 9702  
Fax: 011 886 9770  
Email: [info@saqccgas.co.za](mailto:info@saqccgas.co.za)

## ***Safety Compliance Communiqué***

**To: Customers, End Users of Gas, Suppliers of Gas and Equipment, Gas Practitioners, Consulting Engineers, Media, Hospitality, Insurance and Property Owners**

### **Background**

Safety has always been integral to the agenda's of companies, government, conferences, meetings and training programs. When accidents occur safety is placed first on the agenda. Rightfully so, human lives could be at stake. Sometimes, too little too late one needs to ask? Unfortunately lip service on safety does occur and could end with disastrous results. And yes, there are businesses excelling in walking the [safety] talk and achieving sustainable results.

The Gas Industry started playing a major role in the development of regulations and standards, training programs and learnerships which needed to be realised to support the gas industry with safety compliance aspects and to provide a platform to ensure competent gas practitioners. The gas types covered by SAQCC Gas in terms of the Pressure Equipment Regulations (PER) are liquefied petroleum gas, natural gas, medical and industrial gases and gases used for air conditioning and refrigeration.

The Associations affiliated to the SAQCC Gas and mandated by the Department of Labour are:

1. SAPGA South African Pipeline Gas Association
2. LPGSASA Liquefied Petroleum Gas Safety Association of South Africa
3. SACGA Southern Africa Compressed Gas Association
4. SARACCA South African Refrigeration and Air Conditioning Contractors Association

The gas practitioner registration process ensures that practitioners, within their own fields of application and competence, are formally registered to work in their respective gas industries. For this reason, the SAQCC Gas registers practitioners on behalf of the Department of Labour and needs to inform the various role stakeholders of the legal and safety compliance aspects pertaining to the gas industry and especially concerning current and future gas practitioners.

### **Understanding the legal compliance route**

The requirements of the "**Occupational Safety and Hazards Act - No. 85 of 1993**" - **Sections 43 and 44** and the "**Pressure Equipment Regulations (PER), R 734, 15 Jul 09**" need to be complied with. Specific regulations for ease of reference are extracted from the PER as follows:

**Regulation 1: (Def) "Authorised Person"** means...*'a person who is registered as competent within the scope of work for which an organisation [South African Qualifications and Certification Committee for Gas (SAQCC-Gas)] approved by the chief inspector has registered that person'*

### **Regulation 17: Gas reticulation equipment and systems**

*'(1) No person shall*

- (a) handle, store or distribute any gas in any manner which includes the filling of a container, other than in accordance with the relevant health and safety standard incorporated into these Regulations under section 44 of the Act;*

- (b) *install or remove an appliance, pressure equipment or system for gas in any manner other than in accordance with the relevant safety standard incorporated into these Regulations under section 44 of the Act;*
  - (c) *install or remove a gas appliance, or a gas system or a gas reticulation system, unless such person is an authorised person; or*
  - (d) *use pressure equipment or systems for gas in an manner other than in accordance with the relevant safety standard incorporated into these regulations under section 44 of the Act*
- (2) *After installation or re-installation, and before commissioning a gas system, the user shall ensure that an external inspection and a leak test are performed by an authorised person or an approved inspection authority as applicable in terms of sub regulation (1 )(c).*
- (3) *An authorised person or an approved inspection authority shall issue a certificate of conformity after completion of a gas installation, modification, alteration or change of user or ownership in the form of Annexure 1.'*

The need to ensure compliance to these regulations is of utmost importance in ensuring safe gas practices. Also, gas practitioners need to be competent and registered as authorised persons to be able to legally practice in the gas industry. *This communiqué also impacts those businesses that have internal practitioners who install, repair, maintain and or commission gas systems.*

### **Starting at the beginning – what needs to be done?**

First of all, there are pre-requisite qualification programs developed by the various Gas Associations affiliated to SAQCC Gas for practitioners to be trained and assessed as competent within the scope of work indicated prior to formal registration.

Secondly, only qualified and competent practitioners shall be formally registered. This registration process is a mandatory compliance requirement as per the PER and therefore not negotiable by law. Those persons currently working on gas system and who are not formally registered are in non compliance to the OHS Act and PER and legally challengeable by law. Non registered practitioners create inadvertent problems for themselves never mind their relationship with the end user.

***What does all this mean to you as a customer or end user?*** You need to ensure the use of an authorised gas practitioner and should this not be the case report this practitioner to the SAQCC Gas for further action. The SAQCC Gas has, on behalf of the Department of Labour and Gas Industry ensured mechanisms are in place to assist gas practitioners to become competent, compliant and legally registered to carry out work in the Gas Industries.

This in itself establishes a climate conducive to safer practices which provides a feeling of confidence in using the services of a registered gas practitioner. For this reason, suppliers, customers and end users need to ensure that **the services of non registered practitioners are not accommodated** to avoid any probable legal actions or implications going forward.

All persons working on gas systems have had the opportunity to register themselves for licencing or re-licencing purposes during the past year(s) but unfortunately there are those who have not adhered to this call and as such are operating illegally and most probably doing work of sub standard quality. ***The Department of Labour requested that they be informed of all non registered practitioners and/or of work of sub standard quality.***

### **Certificates of Conformity (COC)**

What is of importance here is that the practitioners, on registration as competent gas practitioners, are supplied with a unique registration number as issued by the SAQCC Gas. This unique number needs to be reflected on an official Gas Association's COC and to be handed over to the customer/end user on completion of any authorised practitioner work done. If this is not ensured the work done is by nature of the regulation deemed to be unauthorised and illegal of nature.

All other 'types' of non official COC's originated from the past will forthright be regarded as null and void from a legal and insurance perspective. The COC developed by the various gas associations for domestic, commercial and industrial installations will remain the only valid one for use in the gas industry.

With the publication of the PER and specifically Regulation 17(3) thereof, in itself creates an even greater dilemma for work of an unauthorised nature. The PER clearly stipulates that *all buildings where gas systems have been installed needs to be officially certified via an official COC as proof of any type of gas installation, repair, modification, alteration or change of user or ownership.*

Taking all the above into account is absolutely imperative to ensure the safe and efficient installation and use of gas equipment and systems by an authorised gas practitioner.

What about those businesses that are already compliant and toeing the line? They need to be applauded for ensuring the gas industry remains conducive to safety requirements and in compliance to relevant acts and regulations.

On the other hand the opposite is also true. What should the next step be concerning businesses or persons that do not comply to the PER...*inform the Local Authorities, the Department of Labour and the Gas Industry in this regard?*

### ***Safety Is Not Negotiable***

The support from all stakeholders within the gas and non gas industries is required to achieve optimum safety levels by enforcing these compliance issues within the industry. The hard fact is that the requirements of the OHS Act and the PER just cannot be ignored anymore and as such compliance thereto is not negotiable and should any person nor meet the compliance aspects further actions definitely need be taken.

To ensure compliance to the OHS Act and PER the following practices need to be instituted immediately by all concerned:

1. Practitioners to be in possession of an authorised licence (credit card type) issued by SAQCC (Gas) to carry out work in the gas environment.
2. Customers/End Users to ensure that any work undertaken on their gas system is only ensured and duly certified by an authorised gas practitioner. If the person is not an authorised practitioner he/she needs to be referred to the SAQCC Gas for remedial or further corrective action.
3. Practitioners and Customers/End Users mutually need to fulfil the requirements of the respective COC and both parties to sign off the work as being safe and in compliance to respective regulations and standards.

***As the PER came into effect on 1 October 2009 and a statutory requirement, persons currently working on gas systems and not registered with the SAQCC Gas are operating illegally and will be reported to the Department of Labour and their respective Gas Industry.***

This communiqué is fully supported by the various gas associations, gas suppliers of product and equipment including authorised persons working on gas systems and henceforth to be duly enforced.

*The definition of a gas practitioner and the list of registered gas practitioners are available on the website at [www.saqccgas.co.za](http://www.saqccgas.co.za)*

Lastly, all stakeholders in the gas industry are requested to be more vigilant when it comes to safety and compliance issues. **The need to eradicate illegal practices and sub-standard work is now more than ever of critical importance.**

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