

GAS (AMENDMENT) ACT.

Act No. 5, 1926.

An Act to authorise the revision of the standard of heating power of gas to be supplied by certain gas companies; to enable certain gas companies to extend the area of their operations; to provide for the constitution of boards of inquiry; to amend the Gas Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 17th March, 1926.] George V,
No. 5.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Gas (Amendment) Act, 1926.” Short title.

(2) The Gas Act, 1912, as amended by subsequent Acts is in this Act referred to as the Principal Act.

2. The Principal Act is amended—

(a) by omitting subsection one of section twenty-three and by inserting in lieu thereof the following new subsection:— Amendment
of Act
No. 71, 1912,
s. 23.

(1) The Auditor-General shall at the request of the Minister, either personally or by an officer appointed by him, examine and report to the Minister upon the accounts of any gas company; or Examination
and audit of
accounts.

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The Minister may appoint any officer of the Public Service to examine or audit the accounts of any gas company, and report to him upon the result of such examination and audit.

For the purposes of any such examination, audit, or report, the Auditor-General or the officer appointed by him, or by the Minister, shall be given access and opportunity to examine all books and documents in the control of the company which relate to the accounts of the company.

(b) by inserting in subsection two of section twenty-three after the words "by him" the words "or by the Minister";

(c) by inserting the following new sections next after section thirty-three:—

New sections
34, 35, 36, 37.

Appointment
of board to
hold inquiry

34. (1) The Governor may appoint a board for the purposes of sections thirty-five, thirty-six, or thirty-seven of this Act.

(2) A board shall consist of three members, one to be nominated by the Minister, one to be nominated by the gas company concerned in the subject matter of the inquiry to be held, and a third member who shall be chairman, and shall be a person agreed upon between the Minister and such gas company.

(3) For the purposes of any inquiry under sections thirty-five or thirty-six the chairman of a board shall have the powers, rights, and privileges of a chairman of a Royal Commission within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923, and a member of a board shall have the powers, rights, and privileges of a commissioner within the meaning of that Division.

(4) The provisions of the Royal Commissions Act, 1923, with the exception of Division 2 of Part II shall apply to and with respect to the inquiry.

(5) Regulations may provide for the procedure at the inquiries of a board, for the conduct and payment of the expenses of such inquiries,

inquiries, and for all matters necessary or desirable relating to a board or to such inquiries. George V,
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35. (1) If the Minister is satisfied after an inquiry held by a board, at the expense of the company, that it would be to the advantage of the consumers of gas of any company included in Schedule One, or in any addition thereto, he may by proclamation published in the Gazette—

- (a) exempt such company from the obligations and penalties prescribed by this or any other Act in respect of the illuminating power of the gas supplied by it;
- (b) prescribe, in respect of the gas to be supplied by any such company, such reduced standard of heating power, not being less than four hundred and fifty British thermal units gross heating value, as shall be recommended by the board in lieu of the standard prescribed in section four.

(2) If on any day the gas supplied by any such gas company at any testing place, when tested in manner prescribed in the regulations, is of less heating power than that prescribed in the proclamation, the company shall be liable to penalties as follows :—

- (a) For the first five per centum of deficiency not exceeding forty shillings;
- (b) for any deficiency in excess of five per centum, not less than twenty-five pounds and not exceeding one hundred pounds.

36. (1) Notwithstanding the provisions of any Act, deed of settlement, or memorandum or articles of association, any gas company included in Schedule One or in any addition thereto may, subject to such conditions as may be prescribed by regulation, after an inquiry held by a board at the expense of the company, carry

Extension of
areas of
operation
of companies.

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carry on operations and supply gas within such further area as is prescribed by the Governor by proclamation in the Gazette.

(2) Any such company may be authorised by the proclamation to charge for gas sold within any area prescribed in the proclamation such an additional rate as the board shall determine to be necessary to recoup the company for the additional cost of the supply or distribution of gas within such area.

Proclamation
after
inquiry.

37. The Governor may after inquiry by a board and report that such would be in the interest of the public by proclamation published in the Gazette—

- (a) authorise arrangements for the purchase by agreement, joint working, or amalgamation of any gas companies upon such conditions as the board may recommend, including necessary provisions with regard to the capital of the combined company, the vesting of the property and rights of the purchased or amalgamated companies, and other necessary incidents and consequences of purchase, amalgamation, or joint working ;
- (b) modify or amend the powers of any special Act or other provision relating to any gas company affected by any proclamation under this Act as the board may recommend and as may be necessary to provide for the proper and efficient conduct of the company's business.