

GAS AND ELECTRICITY ACT.

Act No. 4, 1932.

George V.
No. 4, 1932.

An Act to regulate the supply, consumption, and use of gas and electricity; to prescribe the standards of heating power, purity, and pressure of gas; to provide for the regulation of companies, corporations, firms, and persons supplying gas and electricity, and particularly with regard to dividends, reserves, funds, accounts, and the issue of

of shares; to repeal the Gas Act, 1912, as amended by subsequent Acts, and the Electric Lighting and Gas Emergency Act, 1917; to amend an Act passed in the eighth year of the reign of His late Majesty King William the Fourth, intituled "An Act for lighting with Gas the Town of Sydney in the Colony of New South Wales, and to enable certain persons associated under the name, style, and firm of 'The Australian Gas Light Company' to sue and be sued in the name of the Secretary for the time being of the said Company, and for other purposes therein mentioned"; and for purposes connected therewith. [Assented to, 29th March, 1932.]

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:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Gas and short title. Electricity Act, 1932."

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF COMMISSIONS—ss. 5-8.

PART III.—REGULATION OF GAS COMPANIES AND ELECTRIC LIGHT COMPANIES—ss. 9-24.

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PART IV.—GAS—ss. 25–41.

DIVISION 1.—*Standard of heating power and of purity of gas—ss. 25–30.*

DIVISION 2.—*Gas examiners—ss. 31–33.*

DIVISION 3.—*General and supplemental—ss. 34–42.*

PART V.—ELECTRIC LIGHT COMPANIES—ss. 43–48.

PART VI.—EMERGENCY PROVISIONS—ss. 49–58.

PART VII.—GENERAL—ss. 59–62.

SCHEDULES.

Repeal.

2. (1) The Acts mentioned in Schedule Six to this Act are, to the extent therein specified, hereby repealed.

(2) All regulations made under the Gas Act, 1912, in force at the commencement of this Act shall continue in force so far as they are not inconsistent with this Act until repealed or replaced by regulations made under this Act.

In the construction of such regulations, any reference to a board shall be construed as a reference to a Commission constituted under this Act.

(3) Any person duly appointed to the office of gas examiner under the provisions of the Gas Act, 1912, and holding such office at the commencement of this Act, shall continue in office hereunder in the same manner in all respects as if this Act had been in force at the date of his appointment and he had been appointed hereunder.

(4) The rights, powers, or obligations of any gas or electric light company existing at the date of the commencement of this Act in respect of any matter or thing which under this Act can be determined by a commission or the Commissioner shall continue in full force and effect until such a determination is made.

Application of Act.

3. (1) This Act, sections nine to fifteen both inclusive excepted, shall apply to all gas companies and electric light companies, except where otherwise provided.

Sections

Sections nine to fifteen both inclusive of this Act shall apply to the companies specified in Schedule One as from the commencement of this Act, and to any company added to Schedule One as from the date of its inclusion therein.

(2) Where the provisions of this Act are inconsistent with the provisions of any other Act with regard to any matter to which this Act applies, the provisions of this Act shall prevail.

(3) Any gas or electric light company, whether operating under the provisions of a special Act, or not, shall, subject to this Act, be deemed to be fully authorised to perform or do any act or thing necessary for manufacturing or supplying gas or electricity in accordance with the requirements of this Act.

(4) The Governor may by proclamation in the Gazette exempt either wholly or in part any local authority or persons operating under a franchise granted under the Local Government Act, 1919, from the operation of this Act.

4. In this Act, unless the context or subject-matter Definitions. otherwise requires,—

“Commission” means a commission constituted under this Act.

“Commissioner” means the Commissioner for Gas and Electricity.

“Electricity” means electricity, electric current, or any like agency.

“Electric light company” means any company, corporation, firm, or person supplying or distributing electricity for lighting, heating, motive power, or other purpose, and disposing of the same for profit, and includes a local authority but does not include any person or corporation acting on behalf of the Crown.

“Electric line” means a wire or wires, conductor, or other means used or intended to be used for the purpose of applying, conveying, transmitting, or distributing electricity, and includes any casing, coating, tube, pipe, or insulator wholly or partly enclosing, surrounding, or supporting the same or any part thereof, or

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any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.

“Gas company” means any company, corporation, firm, or person supplying or distributing gas for lighting, heating, motive power or other purpose, and disposing of the same for profit, and includes a local authority but does not include any person or corporation acting on behalf of the Crown.

“Gasworks” means works of a gas company and the works connected therewith.

“Local authority” means council of a city, municipality, or shire, or an urban committee, or a county council, and includes the Municipal Council of Sydney.

“Prescribed” means prescribed by this Act or by regulations made thereunder.

“Gas unit” means three thousand four hundred and twelve British thermal units gross.

PART II.

APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF COMMISSIONS.

The Commis-
sioner.

5. (1) There shall be a Commissioner for Gas and Electricity who shall be appointed by the Governor.

(2) A Commissioner appointed under this Act shall hold office for a term of seven years, and shall be eligible for reappointment.

(3) The salary of the Commissioner shall be fixed by the Governor.

Act No. 31,
1902, s. 8.

(4) Any Commissioner appointed by or under this Act may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except in manner following, that is to say:—

(i) The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension

suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session or sitting;

(ii) a Commissioner suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one sitting days from the time when such statement has been laid before it declares by resolution that the Commissioner ought to be removed from office, and if within the time aforesaid each House of Parliament so declares, the Commissioner shall be removed by the Governor accordingly.

(5) Any Commissioner appointed by or under this Act shall be deemed to have vacated his office if he—

- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit;
- (b) absents himself from duty for a period of fourteen consecutive days except on leave granted by the Minister (which leave he is authorised to grant) or becomes incapable of performing his duties;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898;
- (d) resigns his office by writing under his hand addressed to the Governor.

(6) A Commissioner, who at the date of his appointment was or is an officer of the Public Service, shall, in the event of his office being discontinued, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment as Commissioner for Gas and Electricity under this Act.

6. (1) Where an inquiry is to be held under this Act, otherwise than by the Commissioner, the Minister shall constitute a commission.

(2) A commission shall consist of the Commissioner and three members appointed by the Minister, one of whom shall be appointed on the nomination of the

the electric light company or gas company concerned in the matter in respect of which the inquiry is to be held, one of whom shall be appointed on the nomination of the Federated Gas Employees' Industrial Union, New South Wales Branch, in the manner prescribed, and the other of whom shall be an officer of the Public Service, competent to deal with matters of accounts.

(3) If no person, or no person able and willing to act as a member of a commission, is within the time prescribed nominated by the company concerned, the Minister may appoint any person to represent the company as a member of such commission.

(4) The Commissioner shall preside at all meetings of a commission at which he is present; he shall have a deliberative vote, and, in the case of an equal division of votes, shall have a casting vote.

In the case of illness, suspension, or absence of any member of a commission, the Minister may appoint a deputy to act for such member during his illness, suspension, or absence. Where such member was appointed on the nomination of an electric light company or a gas company, such deputy shall be appointed on the like nomination. Every such deputy shall have the immunities and shall during the time he acts as deputy have all the power and authority of such member.

(5) Any three members of a commission shall be a quorum, and, subject to subsection seven of this section, shall have all the powers and authority by this Act conferred upon a commission.

(6) If at any meeting of a commission at which three members only are present, none of whom is the Commissioner, such members differ in opinion upon any matter, the determination of such matter shall be postponed until such time as the Commissioner shall be present.

(7) No act, determination, or proceeding of a commission shall be invalid merely because at the time of the act, determination, or proceeding there is a vacancy in the office of Commissioner or of a member of the commission.

(8) Subject to subsection four of this section the determination of the majority of a commission on any matter shall be deemed to be the determination of

of the commission, but any member may prepare a dissentient report which shall be presented to the Minister with the report of the commission.

(9) No action or suit shall be brought or maintained against any person who is or at any time has been a member of a commission, for anything done or omitted by him pursuant to the duties imposed upon him by this Act.

(10) The members of a commission other than the Commissioner shall be entitled to receive and retain as remuneration for their services such fee as may be fixed by the Governor for each meeting of the commission attended.

(11) The expenses of all inquiries by a commission shall be paid by the company concerned in the subject-matter of the inquiry. All money required for the salaries and remuneration of the Commissioner for Gas and Electricity, the members of a commission and the staff, shall be paid by gas companies and electric light companies in such proportion as may be prescribed.

(12) Except as provided in sections fourteen, sixteen, and twenty-one of this Act, no inquiry shall be held by a commission without the consent of the Minister.

7. The Commissioner shall for the purposes of any inquiry under this Act, have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and the said Act, section thirteen, and Division 2 of Part II excepted shall, mutatis mutandis, apply to any witness or person summoned by or appearing before a commission.

8. (1) For the purpose of carrying out the powers, authorities, duties, functions, and obligations conferred or imposed by this Act on the Commissioner or a commission, the Commissioner, with the approval of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service.

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(2) Such officers as may be necessary for the purposes of this Act, shall be appointed under and subject to the provisions of the Public Service Act, 1902.

(3) The Commissioner may appoint, employ, and dismiss such casual employees as he deems necessary for the purposes of this Act, and may fix wages and conditions of employment where these are not fixed in accordance with the provisions of other Acts.

PART III.

REGULATION OF GAS COMPANIES AND ELECTRIC LIGHT COMPANIES.

Standard
rate of
dividend.
cf. Act No.
71, 1912,
s. 15.

9. (1) Except as by this Act provided, the profits of any gas company or electric light company to be divided among the holders of its share capital in any year shall not exceed the following rate (which is in this Act referred to as the standard rate of dividend), that is to say:—

On the ordinary share capital of the company at the rate of six pounds in respect of every one hundred pounds actually paid up or issued as paid up of such capital, and on the preference capital of the company at the rate of five pounds ten shillings in respect of every one hundred pounds actually paid up or issued as paid up of such capital.

(2) A gas company or electric light company may increase the standard rate of dividend subject to a reduction of the price charged by the company for gas or electricity below the standard price referred to in section fourteen as follows:—

In respect of any year during the whole of which the price charged by a gas company shall have been six one-thousandths of a penny or more below the standard price for that company, the dividend payable by the company may, in respect of each six one-thousandths of a penny by which the price so charged shall

shall be less than the standard price, be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

Where a reduction to a price less than the standard price of gas is made by such company for six months only of any year, the dividend payable by the company for such year may, in respect of each six one-thousandths of a penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

In respect of any year during the whole of which the price charged by any electric light company shall have been one-twentieth of a penny or more below the standard price for that company, the dividend payable by the company may, in respect of each twentieth of a penny by which the price so charged shall be less than the standard price, be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds.

Where a reduction to a price less than the standard price of electricity is made by such company for six months only of one year, the dividend payable by the company for such year may, in respect of each twentieth of a penny of such reduction, be increased by two shillings and sixpence on every one hundred pounds of ordinary paid-up capital, and so in proportion for any fraction of one hundred pounds: Provided that the powers contained in this subsection shall not be exercised to the detriment of the employees of any gas company or electric light company.

10. (1) The directors of a gas company or electric light company may, if they think fit, in any year appropriate out of the revenue of the company, as part of the expenditure on revenue account, any sum not exceeding an amount equal to three per centum of the amount expended out of borrowed and share capital, on the buildings and manufacturing and distributing plant belonging to and in use by the company to a fund to be called the special purposes and depreciation fund.

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Application
of fund.Maximum
amount of
fund.Investment
of fund.

(2) The special purposes and depreciation fund shall be applicable only to meet such charges as are certified to by the Commissioner as being—

- (a) expenses incurred by reason of accidents or circumstances which due care and management could not have prevented ; or
- (b) expenses incurred in the replacement, renewal, or removal of plant or works, other than expenses requisite for maintenance and repairs of plant and works.

(3) Except as provided in subsection five of this section, the maximum amount standing to the credit of the special purposes and depreciation fund shall not at any time exceed an amount equal to one-twentieth part of the borrowed and share capital of the company, inclusive of premiums.

(4) The moneys forming the special purposes and depreciation fund, or any portion thereof, may be invested in securities in which the directors of the company are authorised by law to invest, or may be applied for the general purposes of the company to which capital is properly applicable, or may be partly so invested and partly so applied.

(5) Where the amount for the time being standing to the credit of the special purposes and depreciation fund of any gas company or electric light company has reached the maximum prescribed, and in the opinion of that company the said amount is inadequate for the prospective requirements of the company, the company may apply to the Minister to cause an inquiry in respect thereof to be held, and the Minister may constitute a commission accordingly.

The commission shall report its determination to the Minister, and thereupon the Governor may, by proclamation published in the Gazette, increase the maximum amount which may stand to the credit of the special purposes and depreciation fund of such company by such sum and for such a period as the commission may recommend.

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11. (1) When in any year the rate of dividend that may be paid on the ordinary share capital of a gas company or electric light company exceeds the standard rate by reason of the price charged by the company for gas or electricity in such year being below the standard price as provided in section fourteen, then, out of the amount of the divisible profits of the company applicable to the payment of such excess of dividends, the directors of the company may in such year set apart such sum as they think fit by way of a reserve fund.

(2) The total amount paid in any year by way of such excess dividend, and the amount so set apart in such year to the reserve fund, shall not, when taken together, exceed the total amount permitted to be paid by way of excess dividend under section nine.

(3) All sums (if any) so set apart may be invested in Government or other securities not connected with the business of the company, and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest.

(4) The fund so formed shall be called "the reserve fund." It shall be applicable to the payment of dividend in any year in which the clear profits of the company are insufficient to enable the company to pay the authorised rate, and for no other purpose.

(5) Save as by this section specially provided, no sum shall in any year be carried by the company to any reserve fund or similar fund, nor shall any company have or hold from one year to another any reserve fund or similar fund other than the special purposes and depreciation fund, the divisible profits account mentioned in section thirteen, and the reserve fund mentioned in this section.

12. Notwithstanding anything to the contrary contained in any memorandum or articles of association, rules, or deed of settlement, or in this or any other Act, the following provisions shall have effect:—

(a) The companies specified in Schedule One to this Act shall within six months from the commencement of this Act, or within such longer period as may be determined by a commission, transfer the whole of their suspense accounts

accounts or reserves other than those provided for in sections ten, eleven, and thirteen of this Act to the special purposes and depreciation fund and any superannuation fund to the extent authorised under section twenty-four of this Act.

(b) Any other gas company or electric light company shall in like manner transfer the whole of its suspense accounts or reserves other than those provided for in sections ten, eleven, and thirteen of this Act (excluding such reserves held by electric light companies as had at the thirty-first day of December, one thousand nine hundred and thirty-one, been set aside in accordance with general practice not exceeding three-and-a-half per centum of the total working costs of such companies) to the special purposes and depreciation fund and any superannuation fund to the extent authorised under section twenty-four of this Act within six months from the date of its inclusion in Schedule One to this Act, or within such longer period as may be determined by a commission.

Distribution
of profits.
cf. Act No.
71, 1912,
s. 19.

13. (1) The profits of a gas company or electric light company shall not be utilised in any other way than to provide for a special purposes and depreciation fund, a divisible profits account, a superannuation fund, and a reserve fund in accordance with this Act, and for the purposes mentioned in section nine.

Any company paying moneys from profits into any other account shall be liable on conviction to a penalty of one hundred pounds, and a further penalty of fifty pounds for every day on which after such conviction such moneys are retained in any such account.

(2) If the clear profits of the company in any year after providing for all expenses properly chargeable to revenue amount to a larger sum than is sufficient to pay the authorised dividend on the share capital of the company, the excess shall be carried to the credit of the divisible profits of such company for the next following year: Provided that the sum standing to the credit of such divisible profits, after allowing for payment of the dividend

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dividend declared to the end of the preceding year, shall not at any time exceed the amount required to pay one-half year's dividend at the standard rate.

14. (1) Notwithstanding anything contained in any memorandum or articles of association, a gas company shall charge for gas supplied by it on the basis of the number of gas units consumed, and an electric light company shall charge for electricity supplied by it according to the form and basis prescribed. The standard price to be charged by a gas company for gas supplied by it to private consumers by meter, or by an electric light company for any electricity so supplied, shall be at the rate set out in Schedule One to this Act or any addition to such Schedule: Provided that a gas company or electric light company may supply gas or electricity for industrial purposes (which term shall include the supply of gas or electricity in bulk to any gas company or electric light company for the purpose of distribution by that company to private consumers by meter) at a price to be fixed from time to time by a commission constituted for that purpose, and the price so fixed may be less than the standard price.

(2) (a) Where any gas company or electric light company so requests, the Minister shall constitute a commission to inquire whether the standard price for the time being standing against the name of the company in Schedule One will produce such an amount as together with all other revenue received, or which under efficient management might be received from any source by the company, will enable the company to pay the standard rate of dividend authorised by this Act after making provision for—

- (i) interest payable on loans;
- (ii) expenses properly chargeable to revenue (and in respect of which the commission shall be satisfied as to the necessity for or expediency of the expenditure); and
- (iii) a reasonable sum for contingencies, which shall not exceed the amount necessary to pay one half year's dividend at the standard rate.

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The commission shall determine and certify to the Minister the standard price which under the circumstances aforesaid will enable the company to pay the standard rate of dividend, and the Governor may by proclamation amend Schedule One by substituting for the standard price standing therein against the name of such company the standard price determined and certified by the commission.

(b) If at any time the Minister shall be of opinion that the standard price for the time being standing against the name of any company is more than sufficient under the circumstances set out in paragraph (a) of this subsection to enable the company to pay the standard rate of dividend the Minister may cause an inquiry to be held by a commission. The provisions of paragraph (a) of this subsection shall apply, mutatis mutandis, to such inquiry and to the determination and proclamation of any reduction in the standard price of such company consequent thereon.

(3) In determining and certifying the standard price to be charged by any gas company or electric light company, the commission shall take into consideration and allow an amount necessary for the maintenance of at least the wage standards, hours and working conditions of employees in force at the commencement of this Act.

Issue of additional shares.
cf. Act No. 71, 1912, s. 21.

15. (1) Notwithstanding the provisions of any Act or of any memorandum or articles of association relating to a gas company or electric light company, the issue after the commencement of this Act of any shares in such company shall be subject to the following provisions :—

(a) All shares so to be issued shall be offered for sale by public auction or tender, and may be sold at, above, or below par.

(b) Notice of the intended sale shall be given to the Commissioner at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and shall also be advertised once in each of two consecutive weeks in one or more daily newspapers published in Sydney, and in one or more

more newspapers published and circulating in the locality in which the company supplies gas or electricity.

- (c) A reserve price shall be fixed and notice thereof shall be sent by the company in a sealed letter to be received by the Commissioner not less than twenty-four hours before, but not to be opened until after the day of the auction or after the last day for the receipt of tenders as the case may be.
- (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- (e) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum.

In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.

- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the company on a day to be fixed by the company being within three months after the date of the auction or of the acceptance of the tender as the case may be.
- (g) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares of stock of the company and to the employees of the company and to the consumers of gas or electricity supplied by the company in such proportions as the company may think fit, or to one or more of these classes of persons only:

Provided that in the case of an offer to holders of shares or stock, if the aggregate amount of shares or stock applied for exceeds the aggregate amount so offered as aforesaid, the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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- (h) Any shares or stock which may have been offered for sale in accordance with the foregoing provisions of this section, and are not sold, shall be again offered for sale by public auction or by tender in accordance with the provisions of this section; and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors of the company may determine for the purpose of realising the best price obtainable.
- (i) As soon as possible after the conclusion of the sale or sales the company shall send a report thereof to the Commissioner, stating the total amount of the respective shares or stock sold, the total amount obtained as premium (if any), and the highest and lowest prices obtained for the respective shares or stock.
- (j) The amount of premium shall in all cases be treated as non-dividend bearing.

cf. Gas Act,
1924, S.A.,
s. 45 (2).

Inquiry as to
standard price
to be charged
by companies
not included in
Schedule One,
cf. Act No. 71,
1912, s. 32.

(2) In this section "shares" includes ordinary and preference shares.

16. (1) The Minister shall, at the request in writing of any gas company or electric light company not included in Schedule One, and may, on his own initiative, at any time cause an inquiry to be held by a commission with respect to any such company.

(2) The commission shall determine and fix, in the case of a gas company not being a local authority, a price per gas unit for gas supplied to private consumers by meter, and in the case of an electric light company not being a local authority, a price or prices of electricity so supplied, which, if charged by the said company, will, in the opinion of the commission produce such an amount as, together with all other revenue received or which, under efficient management, might be received from any source by the said company, will enable the said company to pay the standard rate of dividend authorised by this Act, after making provision for—

(a) interest payable on loans;

(b)

- (b) expenses properly chargeable to revenue (and in respect of which the commission shall be satisfied as to the necessity for or the expediency of the expenditure) ; and
- (c) a reasonable sum for contingencies, which shall not exceed the amount necessary to pay one half year's dividend at the standard rate.

(3) A certificate of the price or prices determined and fixed in accordance with subsection two of this section shall be forwarded to the Governor, and upon the receipt of such certificate the Governor may by proclamation published in the Gazette direct that the name of the company and the price or prices mentioned in the certificate be added to Schedule One.

The said Schedule shall thereupon be deemed to be amended accordingly, and the said price or prices shall be the standard price to be charged by the said company for gas supplied to private consumers by meter, or for electricity so supplied.

(4) The commission shall determine and certify to the Minister in the case of a gas company being a local authority a price per gas unit of gas, and in the case of an electric light company being a local authority the prices of electricity which should in its opinion be charged by the company, and the Governor may by proclamation prescribe such prices as shall be recommended in any certificate of the commission, and such prices shall after the publication of the proclamation until varied in like manner, be the only prices to be charged by the company in respect of such gas or electricity.

(5) The prices determined and certified in accordance with subsection four of this section shall be such as, in the opinion of the commission, will produce an amount which will enable the company to—

- (a) pay all interest on loans lawfully raised for purposes of the supply of gas or electricity ;
- (b) pay all expenses properly chargeable to revenue including a sum for depreciation at such a rate per centum upon the depreciating assets in use by the company for the purposes of the supply of gas or electricity as the commission may determine ;

(c)

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- (c) provide a reasonable reserve for contingencies;
- (d) make such provision for any sinking fund or reserve authorised by law as the commission may determine.

(6) In determining and certifying to the Minister in accordance with subsection four of this section what prices should be charged, the commission may provide for the charging of lower prices for gas or electricity supplied for industrial purposes than that supplied to private consumers; and for lower prices for electricity supplied for power or heating purposes than for lighting purposes.

Annual statement of accounts.
cf. Act No. 71, 1912,
s. 22.

17. Every gas company and electric light company shall cause to be filled up and forwarded to the Commissioner, on or before the thirty-first day of March in each year, an annual statement of accounts and list of shareholders made up to the thirty-first day of December then next preceding. In the case of a gas company the statement and list shall be in the form, and contain the particulars specified in Schedule Five to this Act or as near thereto as circumstances will permit.

In the case of an electric light company the statement and list shall be in the same form so far as the same is appropriate and shall also contain such particulars as are specified in any addition made to Schedule Five or as near thereto as circumstances will permit.

The company shall keep copies of such annual statement and list at its office and sell the same to any applicant at a price not exceeding one shilling for each copy.

If any such company makes default in complying with the provisions of this section it shall be liable to a penalty not exceeding two pounds for each day during which such default continues.

Examination and audit of accounts.
cf. *Ibid.*
s. 23.

18. (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 electric light company; or

The Minister may appoint any officer of the Public Service, or an auditor certified under the Local Government Act, 1919, to examine or audit the accounts of any such company, and report to him upon the result of such examination and audit.

For

For the purposes of any such examination, audit, or report, the Auditor-General or the officer appointed by him, or the officer or the auditor appointed 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.

(2) If any person obstructs the Auditor-General or any officer appointed by him, or the officer or auditor appointed by the Minister, in the exercise of his powers or the performance of his duties under this section, or without lawful excuse refuses to produce any book, account, document, writing, papers, or instrument in his possession or under his control, or to answer any question asked by the Auditor-General or such officer or auditor for the purpose of the exercise of such powers or performance of such duties, he shall be liable on conviction to a penalty not exceeding twenty pounds, and if any person, after conviction for any such offence, still refuses to produce any such book, account, document, writing, paper, or instrument, or to answer any such question, he shall be liable to a further penalty not exceeding twenty pounds for every day during which such default continues.

19. If any person is required by a gas company or Company to pay interest on deposits. electric light company to give security for any supply of gas or electricity, or for the payment of the rental of any meter, fittings, or electric motor, and such security is in the form of a deposit, such company shall pay interest at a rate per annum to be fixed by the Commissioner from time to time on every sum deposited by way of security for every six months during the time the same is held by such company.

The Commissioner shall also determine in what manner and subject to what conditions the interest shall be paid.

20. (1) Any gas company or electric light company, including any or all of the companies specified in Schedule One hereto, may, at any time after the commencement of this Act, and notwithstanding the provisions of any Act constituting the same,—

(a) raise such additional capital as may be necessary by the creation and issue of ordinary shares

Power to raise additional capital, borrow money, and consolidate and divide share capital.
cf. Act No. 71, 1912,
s. 29.

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shares or stock, or preference shares or stock, or wholly or partially by one or more of those modes respectively ;

(b) raise or borrow money, or secure the payment or repayment of such money in such manner and upon such terms and conditions in all respects as the said company in general meeting or the directors may prescribe.

Any security given in respect of any such sum or sums shall be in such form and shall contain such provisions as the directors may decide ;

(c) consolidate and divide all or any of the share capital of the said company into shares of larger amount than the existing shares of the company, or subdivide the existing shares of the company, or any of them, into shares of smaller amount, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

(2) This section shall not apply to a local authority.

Certain inquiries to be commenced within fourteen days after the commencement of this Act.

21. Commissions shall be constituted, and shall within fourteen days after the commencement of this Act commence inquiries in respect of The Australian Gas Light Company, the North Shore Gas Company Limited, the Manly Gas Company Limited, the City of Newcastle Gas and Coke Company Limited, and the Electric Light and Power Supply Corporation Limited, respectively.

The provisions of paragraph (a) of subsection two of section fourteen of this Act shall apply, mutatis mutandis, to such inquiries, and to the determination and proclamation of any alteration in the standard price of such companies consequent thereon.

Extension of areas of operations of companies. cf. Act No. 71, 1912, s. 36.

22. (1) Notwithstanding the provisions of any Act, deed of settlement, memorandum or articles of association, any gas company or electric light company included in Schedule One or in any addition thereto, or any gas company or electric light company being a local authority

authority, may, subject to such conditions as may be prescribed by regulation, after an inquiry held by a commission, carry on operations and supply or distribute gas or electricity within such further area as is prescribed by the Governor by proclamation in the Gazette :

Provided that the aforesaid powers shall not be exercised within the limits of any such area except with the consent of the council of any municipality or shire or any county council within such area.

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

23. (1) The Governor may after the commission has Proclamation
after inquiry. inquired and reported that such would be in the interest Act No. 71,
1912, s. 37. of the public, by proclamation published in the Gazette—

(a) authorise arrangements for the purchase by agreement of the assets and undertaking of a gas company or electric light company by another such company or for the joint working or amalgamation of any gas companies or electric light companies upon such conditions as the commission 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 or electric light company affected by any proclamation under this Act as the commission may recommend, and as may be necessary to provide for the proper and efficient conduct of the company's business.

(2) This section shall not apply to a local authority.

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Other
matters
which may be
referred to a
commission.

24. (1) A commission may be constituted—

- (a) by the Minister of his own motion to inquire into and report to the Minister upon any matter affecting the relations between any gas company or electric light company and its consumers;
- (b) by the Minister of his own motion or at the request of any gas company or electric light company to inquire into and report to the Minister upon a scheme for the superannuation of its employees.

(2) The Governor may on the report of the commission that such action is desirable by proclamation published in the Gazette—

- (a) modify or amend the provisions of any special Act, deed of settlement, memorandum, or articles of association or other instrument constituting or regulating the affairs of any such company;
- (b) authorise any scheme for the superannuation of its employees, including the provision to set aside sufficient funds from suspense accounts or reserves other than those provided for in sections ten, eleven, and thirteen of this Act to inaugurate such a scheme, and the provision of funds for the support of the same as an expense properly chargeable to revenue under this Act as the commission may recommend.

(3) This section shall not apply to a local authority.

PART IV.

GAS.

DIVISION 1.—*Standard of heating power and of purity of gas.*

25. (1) The quality of the gas supplied by a gas company shall, with respect to its heating power, be not less than five hundred and fifty British thermal units gross : Heating power and purity of gas. cf. Act No. 71, 1912, s. 4.

Provided that any company supplying gas, the quality of which has been determined on a gross basis by a board constituted under the provisions of the Gas Act, 1912, shall be permitted to maintain the standard which has been so determined until otherwise determined after inquiry by a commission :

Provided further that the present price and heating standard be maintained until otherwise determined by a commission.

Such gas shall, as to its purity, not exhibit any trace of sulphuretted hydrogen, when tested in accordance with this Act, and the standard of purity shall be as prescribed in Schedule Two hereto.

(2) The apparatus to be used for testing the presence of sulphuretted hydrogen in the gas shall be as prescribed in Schedule Three to this Act.

(3) A gas company shall provide testing-places at places approved by the Minister, which shall be on the lands of the company, and shall not, except by agreement between the Minister and the company, exceed three in number, and all the apparatus required by this Act for the testing of its gas, and shall at all times keep the same in proper order and repair.

(4) The method of testing shall be as prescribed by Schedule Four to this Act.

26. Subject to the provisions of section thirty-nine of this Act, if on any day the gas supplied by any gas company at any testing-place when tested in the manner prescribed is of less heating power than as above prescribed the company shall be liable to penalties as follows :—

For any deficiency in excess of two per centum and up to and including five per centum of deficiency not exceeding ten pounds ;

For

Penalty for defect in heating power. cf. *Ibid.* s. 5.

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For any deficiency in excess of five per centum, not less than twenty-five pounds and not exceeding one hundred pounds.

Provided that where one penalty is imposed in respect of defective heating power in the gas supplied by the company at one testing-place on any day, no further penalty may be imposed in respect of defective heating power in the gas supplied by the company at any other testing-place on the same day :

Provided also that the average of the testings made at such testing place on that day, and on the following day, shall be deemed to represent the heating power of such gas on such day at such testing place.

Penalty for
defect in
purity.
cf. Act No.
71, 1912,
s. 6.

27. If on any day the gas supplied by a gas company at any testing-place is of less purity than that prescribed, the company shall be liable to a penalty not exceeding fifty pounds for each occasion on which it is in default :

Provided that where one penalty is imposed in respect of excess of impurity in the gas supplied by the company at one testing-place on any day, no further penalty may be imposed in respect of excess of impurity in the gas as supplied by the company at any other testing-place on the same day.

Pressure
of gas.
cf. *Ibid.* s. 7.

28. (1) Unless a gas company shall be prevented by accident or by the necessity of temporarily opening or otherwise temporarily disturbing its mains in the locality for the purpose of effecting repairs to or making connections with such mains, all gas supplied by a gas company to any consumer of gas shall be supplied at such a pressure as to balance a column of water not less than one and one-half inches in height between the hours of five a.m. and nine p.m., and a column of water not less than one inch in height between the hours of nine p.m. and five a.m. at the main, or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner may at a testing-place or at a point within two feet of the building line of any property, as and when he thinks fit, test the pressure at which the gas is supplied.

The gas company shall afford to the examiner all reasonable facilities for making the test.

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For the purpose of the test the examiner shall connect to the inlet service pipe a self-registering pressure gauge by a flexible or other suitable pipe which shall be gas-tight.

29. If at any time the gas supplied by a gas company is supplied at a pressure less than that above prescribed, the company shall in each case be liable to a penalty not exceeding ten pounds : Penalty for defect in pressure. cf. Act No. 71, 1912, s. 10.

Provided that where a penalty is imposed in respect of insufficiency of pressure in the gas supplied by the company during any period of twenty-four hours, no further penalty may be imposed in respect of insufficiency of pressure in the gas supplied by the company during the same period.

30. No penalty shall be incurred by a gas company for defect of heating power, excess of impurity, or insufficiency of pressure, in the gas supplied by such company, in any case in respect of which it is proved that such defect or excess or insufficiency was produced by any circumstances beyond the control of the company. Saving as to penalties. cf. *Ibid.* s. 11.

DIVISION 2.—*Gas examiners.*

31. The Governor may appoint competent and impartial persons to be gas examiners. Appointment of gas examiners

Such examiners may at any reasonable hours test the heating power, purity, and pressure of the gas supplied by any gas company, and for that purpose may enter any land or premises of any such company. and testing by them. cf. *Ibid.* s. 12.

Such company may, if it thinks fit, on each occasion of such testing, be represented by some person appointed by it, but such person shall not interfere in the testing. The company shall be entitled to reasonable notice of any proposed testing to permit of due representation.

Any such tests shall be made in accordance with the provisions of this Act.

32. A gas examiner shall, on the day immediately following that on which the testing has been conducted, or as soon thereafter as possible, make and deliver a report to be filed in the office of the Commissioner of the results of his testing, and deliver a copy of such report to the gas company. Report of testing. cf. *Ibid.* s. 13.

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Facilities to be afforded gas examiners.
cf. Act No. 71, 1912, s. 14.

33. A gas company and its officers and servants shall give to a gas examiner and to his assistants access to the testing-place, and shall afford all facilities for the proper execution of this Act.

If any such company or any such officer or servant fails to comply with the provisions of this section, it or he shall be liable to a penalty not exceeding ten pounds.

DIVISION 3.—General and supplemental.

Gas to be supplied through meters.

34. Every consumer of gas supplied by any gas company shall consume such gas only through a meter to be supplied by such company, duly stamped under the authority of this Act :

Provided that a company may by agreement with a consumer give a supply for any special apparatus designed to consume gas continually for twenty-four hours per day at a price for such gas to be fixed by the Commissioner :

Provided also that the Commissioner may, upon such terms as to charge and upon such conditions as he thinks fit, authorise a company to dispense with the use of a meter for a period determined by the Commissioner, when the meter for the time being installed is in need of repairs, and if of a size not usually kept in stock by the company concerned.

Meters to be tested and examined.
cf. *Ibid.* s. 8.

35. No meter shall be issued for use by a gas company until it has been first tested and stamped in the manner prescribed.

Cost of pipes to be defrayed by gas company and owner of premises.
cf. *Ibid.* s. 27.

36. (1) A gas company shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of such company, give and continue to give a supply of gas for such premises, and furnish and lay any pipe that may be necessary for such purpose :

Provided that the cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner, or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the company, although not on such property, shall be defrayed by such owner or occupier.

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(2) Every occupier or owner of premises requiring a supply of gas shall serve a notice on the gas company at the office specifying the premises in respect of which such supply is required, and the day, not being earlier than forty-five days, upon which the supply is required to commence, and shall, if required by such company so to do, enter into a written contract with such company to continue to receive and pay for a supply of gas for a period of at least twelve months thereafter, and give to the company, if required by it to do so, security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of such supply of gas as may be registered by meter, and of any pipe to be laid upon the property of such owner or in the possession of such occupier.

Whenever the company wilfully neglects or refuses to give a supply of gas to any owner or occupier of such premises under such pressure as is prescribed it shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

37. In addition to the price charged by any company for gas supplied by it, such company may charge for the hire of any meter and fittings to be used therewith a price to be determined by the commission, and no other charge in respect of the meter may be made by the company without the consent of the commission.

Charge for
hire of meter.
cf. Act No.
17, 1912,
s. 28.

The said price shall include the providing, letting, fixing, repairing, and maintenance of the meter and fittings, and the cost of collection, inspection, and any other cost incurred by the company in connection with the meter and fittings.

38. (1) Notwithstanding the provisions of the Act Amendment passed in the eighth year of the reign of His late Majesty King William the Fourth, intituled "An Act for lighting with Gas the Town of Sydney in the Colony of New South Wales, and to enable certain persons associated under the name, style, and firm of 'The Australian Gas Light Company' to sue and be sued in the name of the Secretary for the time being of the said Company, and for other purposes therein mentioned,"

it

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— it shall be lawful for the proprietors of The Australian Gas Light Company by resolution passed at any general meeting of the company to—

- (i) alter the number of directors of the company, but so that the number of directors shall not exceed seven;
- (ii) provide for the election, retirement, qualification, and disqualification of directors;
- (iii) provide for the remuneration of directors.

(2) The proprietors of the Australian Gas Light Company at general and special meetings of the company shall have the right of voting either personally or by proxy in manner following, that is to say:—

For every five shares or portion thereof held by them up to one hundred shares, one vote.

For every ten shares or portion thereof beyond the first one hundred shares up to two hundred shares, one vote.

For every twenty-five shares or portion thereof beyond the first two hundred shares up to one-fourth of the total shares issued by the said company, one vote.

(3) Except as hereinafter provided, any proprietor or proprietors may hold and vote as a proxy or proxies for any other proprietor or proprietors, and may give the same number of votes in respect thereof as such proprietor or proprietors could have given if personally present

Standards of heating power.

cf. Act No. 71, 1912, s. 35.

39. (1) If the Minister is satisfied after an inquiry held by a commission constituted for the purpose that it would be to the advantage of the consumers of gas of any gas company he may by proclamation published in the Gazette prescribe, in respect of the gas to be supplied by any such company, such reduced standard of heating power as shall be recommended by the commission in lieu of the standard prescribed in section twenty-five.

(2) If on any day the gas supplied by any such company at any testing-place, when tested in manner prescribed

prescribed is of less heating power than that prescribed in the proclamation, the company shall be liable to penalties as follows:—

- (a) for any deficiency in excess of two per centum and up to and including five per centum of deficiency, not exceeding ten pounds;
- (b) for any deficiency in excess of five per centum, not less than twenty-five pounds and not exceeding one hundred pounds: Provided also that the average of the testings made at such testing place on that day, and on the following day, shall be deemed to represent the heating power of such gas on such day at such testing place.

40. (1) If any consumer neglects to pay any charge or sum due by him to any gas company in respect of the supply of gas to such consumer, the gas company may after giving reasonable notice of its intention to do so, cut off such supply, and may disconnect any pipe or do anything necessary for that purpose, and may until such charge or sum is fully paid, discontinue such supply to such consumer.

(2) The company may in any court of competent jurisdiction recover any expenses lawfully incurred by it in so cutting off the supply of gas, and also whether such supply has been cut off or not, any charge or sum due to the company in respect of the supply of gas.

41. Where the Commissioner certifies to the Governor that it has been proved to his satisfaction that a gas company or electric light company not being a local authority has ceased to supply or has suspended the supply of gas or electricity, the Governor may authorise the Commissioner to take possession temporarily of the land and premises of such company, and all machinery, plant, utensils, and materials used by it in the production and supply of gas or electricity, and the manufacture of by-products.

The Commissioner shall thereupon appoint a manager who shall carry on the business of the company, and for that purpose shall have the powers, duties, and liabilities of the company and of its directors and manager.

The

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The manager so appointed shall keep accounts of all moneys expended and received by him in carrying on such business, and shall from time to time pay over to a person appointed in that behalf by the directors of the company the profits of such business as appearing from such accounts.

At any time after the appointment of a manager the Commissioner may authorise the company to resume possession of the land and premises, and of such machinery, plant, utensils, and materials, and from the date of such resumption of possession the powers and duties of the manager shall cease.

Special supplies.

42. (1) A gas company may, with the approval in writing of the Minister, after inquiry by a commission constituted for that purpose, in such circumstances and to such an extent as the commission may determine—

- (a) require guarantees of a specified annual consumption or a specified annual revenue, or make a special charge as a condition of supplying gas to any person; or
- (b) make a minimum charge or service charge to any person supplied with gas by such company.

(2) If any owner or occupier of premises requires from any company a supply of gas differing materially in respect of the nature of the supply or the magnitude of the consumption from the supply taken by the majority of other consumers, such company may certify the same to the Minister.

The Minister may, if in his opinion the circumstances warrant it, cause an inquiry to be held by a commission.

The commission shall, upon inquiry, recommend to the Minister the rates, charges, terms, and conditions upon which a supply should be given to such owner or occupier, and whether such rates, charges, terms, and conditions should thereafter be applicable to all other such owners or occupiers requiring a similar supply.

The Minister may, by notice in writing, thereupon authorise such company to make such charges on the conditions and terms recommended by the commission.

PART V.

ELECTRIC LIGHT COMPANIES.

43. (1) An electric light company may, with the Power to approval in writing of the Minister, after inquiry by a commission constituted for that purpose, in such circumstances and to such an extent as the commission may determine—
 require guarantees of a specified annual consumption or a specified annual revenue, or make a special charge as a condition of supplying electricity to any person ; or

- (a) require guarantees of a specified annual consumption or a specified annual revenue, or make a special charge as a condition of supplying electricity to any person ; or
- (b) make a minimum charge or service charge to any person supplied with electricity by such company.

(2) If any owner or occupier of premises requires from any company a supply of electricity differing materially in respect of the nature of the supply or the magnitude of the consumption from the supply taken by the majority of other consumers, such company may certify the same to the Minister.

The Minister may, if in his opinion the circumstances warrant it, cause an inquiry to be held by a commission.

The commission shall, after inquiry, recommend to the Minister the rates, charges, terms, and conditions upon which a supply should be given to such owner or occupier, and whether such rates, charges, terms, and conditions should thereafter be applicable to all other such owners or occupiers requiring a similar supply.

The Minister may by notice in writing thereupon authorise such company to make such charges on the conditions and terms recommended by the commission.

44. An electric light company may only charge for the hire of any meter and fittings thereto, and hire of electric motors, such amount on such terms and subject to such conditions as to repair and securing the safety thereof as the Commissioner may determine.

45. In determining and certifying to the Minister the amounts which should be fixed as the standard price to be charged or charges to be made by an electric light

charge for hire of meter.

light

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Obligation of
electric light
company to
supply
electricity.
cf. Electric
Light and
Power Act,
1928 (Vic.),
s. 38.

light company for electricity a commission may provide for the charging of different rates for power, heating, and lighting purposes.

46. (1) Where electricity is supplied by any electric light company in any part of an area within which the said company is for the time being authorised to supply electricity, any person within that part of the area shall on application be entitled to a supply on the same terms on which any person in such part of the area is entitled under similar circumstances to a corresponding supply.

(2) If it is reported to the Commissioner that the wiring or fitting up of any building is so carried out that it would be dangerous to supply or to continue to supply electricity to such building, the Commissioner may direct some officer to make an inspection of such building and its premises.

(3) If the officer so directed to make an inspection reports that the wiring or fitting up of such building is carried out so that it would be dangerous to supply or continue to supply electricity to such building, the Commissioner may direct that no electricity be supplied to such building, and that the connection (if any) made with any supply main shall be cut off from such building.

Power to cut
off supply.
cf. *Ibid.* s. 40.

47. (1) If any council, company, or person neglects to pay any charge for electricity or any other sum due from it to any electric light company in respect of the supply of electricity to such council, company, or person, the electric light company may, after giving reasonable notice of its intention to do so, cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may until such charge or other sum is fully paid, discontinue the supply of electricity to such council, company, or person.

(2) The electric light company may, in any court of competent jurisdiction, recover any expenses lawfully incurred by them in so cutting off the supply of electricity, and also whether they have cut off such supply or not, any charge for electricity or other sum due to them.

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48. (1) Where a supply of electricity is authorised in any area by any Act or agreement and a supply of gas by any gas company is also authorised within such area or any part thereof by any Act, a commission may, upon the application of such gas company, be constituted to inquire into the circumstances of the case.

(2) Such application shall not be considered by the commission until after the expiration of one month from the publication of an advertisement in two newspapers published nearest to and circulating in the area affected by such application stating that such application is to be made and giving shortly the details and grounds thereof.

Any council, company, or person prejudicially affected by such application shall be at liberty to oppose the same and on giving notice in writing to the Commissioner of an intention to do so.

The commission shall appoint a day to consider the case, when either party shall be at liberty to produce such evidence as is deemed requisite.

(3) If satisfied that any specified part of such area is sufficiently supplied with electric light and that the supply of gas in such specified part has ceased to be remunerative to the gas company, and that it is just that such gas company should be relieved from the obligation to supply gas upon demand, the commission may certify accordingly.

(4) The Governor may thereupon by proclamation in the Gazette relieve the gas company from such obligation within such specified part of such area either wholly or in part and upon such terms and conditions as the commission may recommend.

(5) From and after the date of such proclamation such gas company shall be so relieved accordingly.

(6) All expenses in connection with any such inquiry shall be borne and paid by the gas company upon whose application the inquiry was made or the council, company, or person opposing the same in such amounts or proportions as the commission orders as such inquiry.

PART VI.

EMERGENCY PROVISIONS.

Power of
company to
refuse to
supply gas.
cf. Act No. 2
1917, s. 10.

49. Notwithstanding the provisions of this or any other Act or any agreement or contract entered into by a gas company with any persons under which it has covenanted or agreed to supply gas, the company may upon notification by the Governor on the recommendation of the Commissioner as provided in this Part refuse to supply or discontinue the supply of gas either wholly or partially or for any time to any or all such persons without being liable for any costs, damages, or compensation whatever to any person consequent upon such refusal or discontinuance of supply.

Reduction in
supply.

50. In the event of the supply of gas to be supplied by any gas company under any contract to or for street or public lamps in any municipality or shire being reduced below the quantity or period contracted for, such reduction in supply during the currency of any such notification shall not be regarded as a breach of any such contract, and shall not vitiate or affect such contract, but the amount payable to the gas company supplying such gas shall be reduced during such period of reduction by such an amount as shall be agreed upon between the council affected by such reduction and the gas company, and failing such agreement, as shall be decided by the Commissioner.

Power of
Governor by
notification
to prohibit
use of gas.
cf. *Ibid.* s. 1¹.

51. (1) The Governor may from time to time, on the recommendation of the Commissioner, publish as provided in this Part notifications prohibiting the consumption or use of gas other than by the persons or classes of persons, or for the purposes or periods or subject to the conditions therein mentioned, and may revoke or amend any such notification.

If any person consumes or uses gas or permits or suffers gas to be consumed or used in contravention of any such notification, or fails to comply with any conditions in such notification, he shall be liable to a penalty not exceeding five hundred pounds.

(2) A gas company may, during the currency of any such notification, without notice disconnect the service

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service of gas the consumption or use of which is prohibited by notification under this section, or in respect of which any condition imposed in such notification has not been complied with.

(3) Any such notification shall be published in the Gazette.

52. The Governor may, on the recommendation of the Commissioner, by notification in the Gazette, suspend the operation of this Act and ordinance number fifty-three under the Local Government Act, 1919, in whole or in part and in respect of any gas company so far as this Act and such ordinance relate to the quality, heating power, purity, and pressure of gas.

Any such notification may be withdrawn by a further notification made by the Governor, on the recommendation of the Commissioner to that effect, and thereafter such suspension shall be revoked.

53. Notwithstanding the provisions of this or any other Act, or any agreement or contract entered into by any electric light company with any persons under which such company has covenanted or agreed to supply electricity, such company may upon notification by the Governor, on the recommendation of the Commissioner, as provided in this Part, refuse to supply or discontinue the supply of electricity either wholly or partially or for any time to any or all such persons without being liable for any costs, damages, or compensation whatever to any person consequent upon such refusal or discontinuance of supply.

54. (1) The Governor may from time to time, on the recommendation of the Commissioner, publish as provided in this Part notifications prohibiting the consumption or use of electricity other than by the persons or classes of persons, or for the purpose or periods or subject to the conditions therein mentioned, and may revoke or amend any such notification.

If any person consumes or uses electricity or permits or suffers electricity to be consumed or used in contravention of any such notification, or fails to comply with any condition in such notification, he shall be liable to a penalty not exceeding five hundred pounds.

(2)

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ance of
supp'y.Users of
electricity to
be authorised
in the first
instance.
cf. Act No. 2,
1917, s. 6.Publication
of notifica-
tions.cf. *Ibid.* s. 7.Act to bind
Crown.
cf. *Ibid.* s. 13.Suspension of
provisions of
Act 60 Vic.
No. 23.
cf. Act No. 2,
1917, s. 8.

(2) The company may, during the currency of any such notification, without notice disconnect the service of electricity the consumption or use of which is prohibited by notification under this section, or in respect of which any condition imposed in such notification has not been complied with.

55. In the first instance, and for so long as the Commissioner may recommend, such notification may authorise the consumption and use of electricity upon the normal terms and conditions by the persons carrying on the following functions or enterprises, namely,— water supply services, public lighting, cold storage, ice making, flour milling, butchering, baking, dairy produce and fish distribution, and such other functions or enterprises the stoppage of which might, in the opinion of the Commissioner, tend to endanger human life or cause serious bodily injury.

56. All notifications by the Governor under this Part of this Act shall be published in the Gazette and in one or more newspapers circulating in the district in respect of which the notification is published, and posted in some conspicuous place at the office of the Department of Labour and Industry, Sydney.

57. This Part of this Act shall bind the Crown.

58. The operation of sections twenty-six and twenty-seven of the Municipal Council of Sydney Electric Lighting Act, 1896–1928, shall, so far as such sections may be inconsistent with the provisions of any notifications in force under this Part of this Act, at any time be suspended for such time as such notification remains in force.

PART VII.

GENERAL.

59. No person shall, after the commencement of this Qualification Act, be appointed as manager of any gas company or ^{of manager.} electric light company unless he shall have passed the prescribed examination.

60. (1) Any gas company or electric light company ^{Penalties.} which contravenes or fails to carry out any provision of ^{cf. Act No.} this Act shall, where no other penalty is provided, be ^{71, 1912,} _{s. 26.} liable on conviction to a penalty not exceeding ten pounds

(2) Any penalties under this Act or the regulations made thereunder may be imposed and recovered by and before a stipendiary magistrate or police magistrate or any two justices in petty sessions.

61. (1) On resolutions being passed by both Houses ^{Amendment of Schedules.} of Parliament authorising the same, any Schedule to this Act, except Schedules One and Six, may be ^{cf. Ibid. s. 24.} revoked, amended, or added to, or a new Schedule in lieu thereof may be framed by the Governor, and any Schedule so amended or added to, or any such new Schedule, shall be a Schedule to this Act.

(2) Where any amendment of Schedule Two or Schedule Four of this Act is proposed notice of the proposed amendment shall be given to each gas company affected, and if within fourteen days of such notice a company signifies its disapproval in writing to such proposed amendment a commission shall be constituted by the Minister under this Act to hold a public inquiry at which the company affected shall be entitled to be represented and be heard as to whether the proposed amendment should be proceeded with.

62. (1) The Governor may make regulations ^{Regulations.} inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying

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carrying out or giving effect to this Act, and in particular and without limiting the generality of the foregoing power, the Governor may make regulations—

- (a) for the control of the installation, alteration, connection, and disconnection of any gas meters, pipes, fittings, and apparatus;
- (b) prohibiting interference with any gas meters, fittings, pipes, and apparatus by unauthorised persons;
- (c) for the testing, stamping, and examination of meters, the fees to be charged for such purposes, the registration by and regulation of meters, and any matters incidental thereto;
- (d) for the licensing of gas-fitters;
- (e) conferring upon a gas company or electric light company power to refuse or discontinue a supply of gas or electricity where the conditions of such supply are dangerous to life, health and property, and regulating the exercise of such power;
- (f) prescribing the procedure at the inquiries of a commission, the conduct and payment of expenses (including witnesses' expenses) of such inquiries, and all matters necessary or desirable relating to the commission and to such inquiries;
- (g) prescribing the form and basis of charging for electricity;
- (h) for the examination of candidates for the position of manager of any gas company or electric light company, the appointment of examiners, the nature and standard of examinations, and the fees to be charged for examinations;
- (i) the issue of certificates to successful candidates and the fees to be charged for the issue of such certificates.

(2) Where no other penalty is provided for, the regulations may impose a penalty not exceeding ten pounds for any contravention of or failure to comply with this Act or any regulation made thereunder.

(3)

No. 4, 1932.

(3) The regulations shall—

- be published in the Gazette;
- take effect from the date of such publication or from a later date to be specified in the regulations; and
- be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

SCHEDULES.

SCHEDULE ONE.

COMPANIES TO WHICH THIS ACT APPLIES.

Secs. 3, 12,
14, 16, 20, 22.

Company.	Declared Gross Heating Power.	Standard Prices of Gas per Gas Unit.
Australian Gas-light Company	550	0·428d.
North Shore Gas Company Limited	570	0·449d.
The City of Newcastle Gas and Coke Company Limited	550	0·447d.
Camden Gas Company Limited	550	1·095d.
Cowra Gas Company Limited	550	0·806d.
Manly Gas Company Limited	510	0·642d.
Broken Hill & Suburban Gas Company Limited	550	0·893d.
Grenfell Gas Company Limited	550	0·999d.

SCHEDULE

No. 4, 1932.

Secs. 25, 59

SCHEDULE TWO.

STANDARD OF PURITY.

Such gas shall contain—

No hydrogen sulphide.

Secs. 25, 59.

SCHEDULE THREE.

APPARATUS FOR TESTING.

1. The apparatus for testing the heating power shall consist of a calorimeter of a pattern approved by the Minister, or such other apparatus as the Commissioner may approve.

2. The apparatus for testing the presence in the gas of sulphuretted hydrogen shall be a glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead containing 60 grains of crystallised acetate of lead dissolved in 1 fluid ounce of distilled water.

Secs. 25, 59.

SCHEDULE FOUR.

METHOD OF TESTING.

1. Method of testing for heating power.

The heating power of gas means, for the purpose of this Act, the number of British thermal units gross produced by the combustion of one cubic foot of the gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and saturated with water vapour.

When the calorimeter prescribed is so designed as to most conveniently register the heating power in calories, the result shall be converted to British thermal units by multiplying the number of calories by 3 968.

A calorie shall be understood to be the amount of heat required to raise one kilogramme of water one degree of the centigrade thermometer.

In order to test the gas for heating power when a flow calorimeter is used, the gas shall first pass through an efficient meter and governor.

Where a flow calorimeter is used the gas is to be lighted and the water to be flowing through the calorimeter for at least thirty minutes before the beginning of the testing. Not less than three observations are to be made of the thermometers on the inlet and outlet water supply of the calorimeter and the average of these testings is to be taken as the inlet and outlet temperature for that testing.

SCHEDULE

SCHEDULE FOUR—*continued.***METHOD OF TESTING—*continued.*****1. Method of testing for heating power—*continued.***

Where a Boys flow calorimeter is used each testing shall include fifteen observations of the temperature of the outlet water made at intervals of one quarter of one minute, and four observations of the temperature of inlet water made at intervals of one minute. The average of each set of fifteen and four observations respectively, is to be taken as the outlet and inlet temperature for that testing.

Where a recording calorimeter is used it shall be standardised by the senior gas examiner upon its installation against a flow or portable calorimeter of a type approved by a commission after an inquiry and at any time thereafter at the discretion of the senior gas examiner or at the request of a company.

In the event of the heating power being at any time ascertained to be below five hundred and fifty British thermal units gross, or the standard prescribed by proclamation in the Gazette in lieu of five hundred and fifty British thermal units gross in respect of any particular company, a second test shall be made at an interval of not less than three hours from the time of making the first test at that testing-place, and the average of the two tests shall be deemed to be the heating power of the gas at such testing-place on that day:

Provided that the Commissioner may, upon such conditions as he may from time to time impose, authorise any other method of testing.

2. Method of testing for sulphuretted hydrogen.

The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed, and if any discolouration of the test-paper is found to have taken place where carburetted water gas is not used, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas; and where carburetted water gas is mixed with gas supplied and any discolouration of the test paper is observed, confirmation of the presence of sulphuretted hydrogen shall be obtained by passing the gas through a solution of lead acetate or silver nitrate for a period of three minutes, and should a black precipitate be formed, this shall be held conclusive as to the presence of sulphuretted hydrogen in the gas.

Secs. 17, 59.

SCHEDULE FIVE.

FORM OF ANNUAL ACCOUNTS.

The Company.

Year ended 31st December, 19

A—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19

1 Description of Capital.	2 Standard Dividend Authorised.	3 Number of Shares Issued.	4 Nominal Amount of Share.	5 Called Up Per Share.	6 Total Paid Up.	7 Amount Issued but not Paid Up.	8 Remaining to be Issued.	9 Total Amounts Authorised.

B—STATEMENT OF LOAN CAPITAL.

On the 31st December, 19

1 Description of Loan (Mortgage, Bond, Debenture, Stock, &c.)	2 Rate per cent. of Interest.	3 Total Amount Borrowed at 31st December, 19	4 Remaining to be Borrowed.	5 Total Amounts Authorised.

Total Share Capital paid up (See A) ... £

Total Loan Capital borrowed (See B) ... £

Total Capital received £

SCHEDULE

SCHEDULE FIVE—*continued.*

C—CAPITAL ACCOUNT.

For the Year ended 31st December, 19

	Expenditure to 31st Dec., 19	Expended this year.	Total to 31st December, 19		Certified Receipts, 31st Dec., 19	Received during year.	Total Receipts to 31st Dec., 19
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December, 19				1. By Ordinary Shares of £ each.....			
<i>Since that date.</i>				2. By Ordinary Shares of £ each.....			
2. To lands acquired, in- cluding law charges				3. By Preference Shares of £ each.....			
3. To new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture ..				4. By Debenture Stock			
4. To new additional mains and service pipes (not being in place of old ones worn out), including laying same, paving, and other works con- nected with distri- bution				5. By Mortgages and Bonds.....			
5. To new additional meters (not in place of old ones worn out), including fixing				6. By Amount received in anticipation of calls			
6. Do. stoves				7. By Premium Capital			
7. To special items, if any				8. By other items			
Total expenditure ..							
To Balance of Capital Account	£		Total	£	

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SCHEDULE FIVE—*continued.*

D—REVENUE ACCOUNT.

For the year ended 31st December, 19 .

To Manufacture of Gas—	£ s. d.	£ s. d.	By Sale of Gas—	£ s. d.	£ s. d.
1. Coal, oil, &c., including dues, carriage, unloading, and all expenses of depositing same on works			1. Private consumers at per gas unit.....		
2. Purifying materials, water, and sundries at works			2. Public lighting and under contracts.....		
3. Salaries of Engineer, and other officers at works			3. Rental of meters		
4. Wages and gratuities					
5. Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour					
<i>Less old material sold</i>					
To Distribution of Gas—					
6. Salaries and wages of officers, including rental clerks					
7. Repair, maintenance and renewal of mains and service pipes, including materials, laying, and paving, and labour					
8. Repairing, renewing, and fixing and refitting meters, stoves, gas fittings, &c.					
To Public Lamps ~					
9. Lighting and repairing.....					
To Rent, Rates, and Taxes—					
10. Rents					
11. Rates and taxes					
To Management—					
12. Directors' allowances					
13. Salaries of secretary, accountant, and clerks, office-keepers, and messengers					
14. Collectors' commission or salaries					
15. Stationery and printing					
16. General establishment charges and incidentals					
17. Auditor					
To Law and Parliamentary Charges—					
18. Law					
19. Parliamentary charges					
To General Charges—					
20. To Bad Debts					
To other items (if any)					
To amount transferred to Special Purposes and Depreciation Fund (G), as authorised under section ten					
<i>Total Expenditure</i> £			<i>Total Receipts.....</i> £		
Balance carried to Profit and Loss Account (E).....					

SCHEDULE

Gas and Electricity Act.

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SCHEDULE FIVE—*continued.*

Dr.

E—PROFIT AND LOSS ACCOUNT (NET REVENUE).

Cr.

For the Year ended 31st December, 19

	£ s. d.		£ s. d.
1. To Amount carried to Reserve Fund Account (F) from profits of 19	£ s. d.	1. By Balance of net profit brought from last account (31st December, 19	£ s. d.
2. To Interest on temporary loans, and moneys received in anticipation of calls	£ s. d.		£ s. d.
3. To Interest on Mortgages and Bonds accrued to 31st December, 19	£ s. d.	2. By Amount drawn from Reserve Fund	£ s. d.
4. To Dividend on Debenture Stock to 31st December, 19	£ s. d.	Less dividend paid for the half-year ended 31st December, 19	£ s. d.
5. To Half-year's Dividend on 1st preferential to 30th June, 19	£ s. d.		£ s. d.
6. To Half-year's 2nd preferential to 31st December, 19	£ s. d.	3. Balance brought from Revenue Account (D), being profit for year to 31st December, 19	£ s. d.
7. To Half-year's Dividend on ordinary shares at per cent.	£ s. d.		£ s. d.
To Balance of net profit to be carried to next account, subject to half-year's dividend to 31st December, 19	£ s. d.	4. Interest on moneys deposited	£ s. d.

F—RESERVE FUND ACCOUNT.

For the Year ended 31st December, 19

1. Amount (if any) carried to Profit and Loss Account (E) to make up deficiencies of dividends to 31st December, 19	£ s. d.	1. By Balance brought forward from last account	£ s. d.
2. Amount paid for extraordinary claim or demand (if any)		2. By Balance brought forward from Profit and Loss Account (E) ...	
3. Amount of Balance to be carried to next account.....		3. By Interest on amounts invested...	
	£		£

SCHEDULE

SCHEDULE FIVE—*continued.*

G—SPECIAL PURPOSES AND DEPRECIATION FUND ACCOUNT.

For the Year ended 31st December, 19 .

	£ s d.		£ s d.
1. To Expenses incurred by reason of accidents, or circumstances which due care and management could not have prevented		1. By Balance brought from last Account.....	
To other items (if any)		2. By Amount appropriated from Revenue Account (D) under section ten of Act.....	
2. To Expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and repair of plant and works		3. By Interest on Amounts invested	
To Replacement of plant			
To Removal of plant			
To Renewal of plant and works			
To Other items (if any)			
3. To Amount of Balance to be carried to next Account	£		£

H—STATEMENT OF GAS AND COALS.

During the Year ended 31st December 19 .

Description of Coal.	In Store 31st Dec., 19 .	Received during year.	Carbonised or used during year.	In Store 31st Dec., 19 .	Gas made during year (gas units).	Gas sold during year (gas units).
	Tons.	Tons.	Tons.	Tons.		

SCHEDULE

SCHEDULE FIVE—*continued.*

I—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

Description of Residual.	In Store 31st December, 19 Estimated.	Made during year. Estimated	Used in manufacturing during year. Estimated.	Sold during year	In Store 31st December, 19 Estimated.
Coke					
Breeze.....					
Tar, Gallons					
Ammoniacal Liquor.....					
Sulphate of Ammonia.....					
Asphalt					

J—GENERAL BALANCE-SHEET.

Dr.

On 31st December, 19 .

Cr.

	£ s. d.	£ s. d.
1. To Capital Account— Balance at credit thereof (Account C)		1. By Cash at bankers
2. To Profit and Loss Account— Balance at credit thereof (Account E).....		2. By Cash on deposit at interest ..
3. To Reserve Fund— Balance at credit thereof (Account F)		3. By Coals for stock on hand, 31st December, 19
4. To Special Purposes and Deprecia- tion Fund— Balance at credit thereof (Account G)		4. By Coke and breeze
5. To Unpaid dividends		5. By Tar and other products
6. To Interest accrued and unpaid on mortgages, bonds, and debenture stock, and other loans to 31st December, 19		6. By Sundry stores
7. To Sundry tradesmen and others for amounts due for coals, stores, &c., to 31st December, 19		7. By Accounts due to the Company ; balance of this account due to the Company on 31st December, 19 , less deposits and prepay- ments.....
8. To Wages and contingencies. amounts due to 31st December, 19		8. By Coke and other residual ..
To Other items, if any.....	£ —	9. By Sundry accounts
	£ —	By Special items (if any), including investments

SCHEDULE

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SCHEDULE FIVE—*continued.*

K—BALANCE-SHEET OF THE COMPANY MADE UP TO 19 .

Dr.	CAPITAL AND LIABILITIES.			Property held by the Company.	PROPERTY AND ASSETS.			Cr.
Capital.	Showing—	£ s. d.	£ s. d.		Showing—	£ s. d.	£ s. d.	
	1. The number of shares..				Immovable property, distinguishing—			
	2. The amount paid per share				(a) Freehold			
	3. If any arrears of calls, the nature of the arrears and the names of the defaulters.....				(b) " buildings			
	4. The particulars of any forfeited shares				(c) Leasehold			
Debts and liabilities of the company.	5. The amounts of loans on mortgages or debenture bonds.....				Movable property, distinguishing—			
	6. The amount of debts owing by the Company distinguishing,				(d) Stock in trade			
	(a) Debts for which acceptances have been given				(e) Plant			
	(b) Debts to tradesmen for Supplies of Stock in trade or other articles				Debts considered good, for which the Company holds bills or other securities			
	(c) Debts for Law Expenses				Debts considered good, for which the Company holds no security			
	(d) Debts for Interest on debentures or other loans				Debts considered doubtful and bad			
	(e) Unclaimed dividends				(Any debt due from a director or other officer of the Company to be separately stated.)			
	(f) Not enumerated above				The nature of Investment and rate of Interest ..			
Reserve Fund, Special Purposes and Depreciation Fund.	The amount set aside from profits				The amount of Cash, where lodged, and if bearing interest.			
Profit and Loss.	The amount appropriated from revenue under Clause of Act, for the purposes defined therein.....							
Contingent liabilities.	The disposable balance for payment of dividends, &c.....							
	Claims against the Company not acknowledged as debts							
	Moneys for which the Company is contingently liable.....							
	£	—	—		£	—	—	

L—LIST OF SHAREHOLDERS.

Name of Shareholder.	Address.	Occupation.	Number of Shares held.	Class of Shares.	Date of purchase or allotment.

SCHEDULE

**Prevention and Relief of Unemployment (Amendment)
Act.**

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SCHEDULE SIX.

Sec. 2 (1).

Number of Act	Title of Act.	Extent of repeal.
No. 71, 1912 ...	Gas Act, 1912	The whole.
No. 3, 1918 ...	Gas (Amendment) Act, 1918 ...	The whole.
No. 14, 1920 ...	Gas (Amendment) Act, 1920 ...	The whole.
No. 5, 1926 ...	Gas (Amendment) Act, 1926 ...	The whole.
No. 2, 1917 ...	Electric Lighting and Gas Emergency Act, 1917.	The whole.