

LIQUEFIED PETROLEUM GAS ACT.

Act No. 3, 1961.

An Act to make provision with respect to the sale, testing and use of liquefied petroleum gas; to amend the Local Government Act, 1919, as amended by subsequent Acts, so as to make the supply of such gas a trading undertaking within the meaning of that Act, as so amended; and for purposes connected therewith. [Assented to, 10th March, 1961.]

Elizabeth II,
No. 3, 1961

BE

Liquefied Petroleum Gas Act.**No. 3, 1961**

BE it enacted by the Queen'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:—

Short title and commencement.

1. (1) This Act may be cited as the "Liquefied Petroleum Gas Act, 1961".

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

Interpretation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Council" has the meaning ascribed thereto in the Local Government Act, 1919, as amended by subsequent Acts, and includes a county council to which have been delegated the powers referred to in paragraph (1) of subsection one of section four hundred and eighteen of that Act, as so amended.

"Liquefied petroleum gas" means a liquid or gaseous substance which is a mixture of hydro-carbons basically consisting of butanes or butenes or propane or propene, or any mixture of all or any of them.

"Prescribed" means prescribed by this Act or by regulations.

"Regulations" means regulations made under this Act.

"Sell" means sell, whether by wholesale or retail, barter and exchange and dealing in, disposing of or transferring by way of sale; and also includes agreeing to sell, or offering or exposing for sale, or keeping or having in possession for sale, or sending, forwarding, delivering or receiving for sale, or authorising, directing, causing, suffering, permitting any of such acts or things; and "sale" has a corresponding interpretation.

"Testing officer" means a person appointed as such pursuant to subsection one of section four of this Act.

Liquefied Petroleum Gas Act.

98

3. A person who sells liquefied petroleum gas which does not comply with the standard prescribed shall be guilty of an offence against this Act.

No. 3, 1961
Sale of
liquefied
petroleum
gas.

4. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint testing officers for the purposes of this Act.

Appoint-
ment of
testing
officers.

(2) A testing officer may test any liquefied petroleum gas for the purpose of ascertaining whether or not it complies with the standard prescribed for liquefied petroleum gas.

(3) Any test of liquefied petroleum gas for the purpose of ascertaining whether or not it complies with the standard prescribed for liquefied petroleum gas shall be made in accordance with such methods as are prescribed.

(4) (a) A testing officer may at any reasonable time enter and inspect any building or place in or on which he has reasonable cause to believe there is any liquefied petroleum gas for sale and may therein or thereon—

- (i) examine and inspect any liquefied petroleum gas or substance which he believes to be liquefied petroleum gas and any container in which there is or in which he believes there is any liquefied petroleum gas; and
- (ii) take, without payment, samples of any liquefied petroleum gas or substance which he believes to be liquefied petroleum gas.

(b) Where any person carries on the business of selling liquefied petroleum gas and has on any premises where he carries on that business any apparatus that is used by him for the purpose of testing liquefied petroleum gas, he shall make such apparatus available to any testing officer to be used by him for the purpose of testing any liquefied petroleum gas on such premises.

(c) If any person wilfully delays or obstructs any testing officer in the exercise of his powers under this Act, or, being the occupier of a building or place, refuses to permit or does not assist a testing officer to enter and inspect any such building or place and to examine any substance in or on such building or place, or, being a person referred to in paragraph

Liquefied Petroleum Gas Act.

No. 3, 1961 paragraph (b) of this subsection, does not make any apparatus referred to in that paragraph available to a testing officer in accordance with that paragraph, he shall be guilty of an offence against this Act.

Penalty. 5. Any person guilty of an offence against this Act or the regulations shall be liable to a penalty not exceeding fifty pounds.

Proceedings for offences. 6. All proceedings for offences against this Act or the regulations shall be disposed of summarily before a stipendiary magistrate or two justices in petty sessions.

Regulations. 7. (1) The Governor may make regulations for or with respect to—

- (a) prescribing the standard for liquefied petroleum gas;
- (b) prescribing the conditions under which liquefied petroleum gas may be sold, including, but without limiting the generality of this paragraph, a condition requiring the addition to liquefied petroleum gas of any prescribed substance in such quantities as may be prescribed for the purpose of giving to the liquefied petroleum gas a distinctive smell;
- (c) the control and licensing of persons engaged in the installation, alteration, connection or disconnection of pipes, fittings, apparatus or appliances used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas;
- (d) the control and regulation of the installation, alteration, connection and disconnection of pipes, fittings, apparatus or appliances used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas;
- (e) prohibiting interference by persons not authorised by or pursuant to the regulations with pipes, fittings, apparatus or appliances used for, or designed for use in, the conveyance or consumption of liquefied petroleum gas;
- (f)

- (f) the qualifications of persons appointed as testing No. 3, 1951 officers;
- (g) all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Any regulation prescribing the standard for liquefied petroleum gas pursuant to paragraph (a) of subsection one of this section may contain provisions—

- (a) fixing the minimum and maximum calorific values of liquefied petroleum gas;
- (b) requiring liquefied petroleum gas not to contain—
 - (i) any impurities, or more impurities than the quantity specified in the regulations;
 - (ii) any mixture, or more than the quantity specified in the regulation of any mixture, of hydro-carbons which are not liquefied at the pressure specified in the regulation;
- (c) requiring liquefied petroleum gas to evaporate under conditions specified in the regulation;
- (d) prescribing such other matters in relation to the qualities of liquefied petroleum gas as the Governor thinks fit.

(3) A regulation made in relation to any of the matters referred to in subsection one of this section may adopt wholly or partially or by reference any of the standard rules recommended or adopted by the British Standards Institution, the Standards Association of Australia, or the Australian Liquefied Petroleum Gas Association, and relating to the matter with which the regulation deals.

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c)

Motor Traffic (Amendment) Act.**No. 3, 1961**

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then 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.

Amendment
of Act No.
41, 1919.
Sec. 418.
(What is
a trading
under-
taking.)

8. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (k) of subsection one of section four hundred and eighteen the following new paragraph :—

- (1) the supply of liquefied petroleum gas, as defined in section two of the Liquefied Petroleum Gas Act, 1961, and the supply and installing of pipes, fittings, apparatus and appliances used for, or designed for use in, the conveyance or consumption of such gas.
-
-