

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 18 March, 1932.*

## New South Wales.



ANNO VICESIMO SECUNDO

# GEORGII V REGIS.

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### Act 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 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

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

H. J. CONNELL,  
*Chairman of Committees of the Legislative Assembly.*



*Gas and Electricity.*

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.]

**B**E 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.

Short title.

**1.** (1) This Act may be cited as the "Gas and 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.

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. 43-45.

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

PART VII.—GENERAL—ss. 59-62.

SCHEDULES.

**2.** (1) The Acts mentioned in Schedule Six to this Act are, to the extent therein specified, hereby repealed. <sup>Repeal.</sup>

(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.

**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. <sup>Application of Act.</sup>

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.

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(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.

Definitions.

4. In this Act, unless the context or subject-matter 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 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,  
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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.

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PART II.

APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF COMMISSIONS.

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

(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.

(4) Any Commissioner appointed by or under this Act may be suspended from his office by the Governor Act No. 31, 1902, s. 8. 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 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)



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- (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.

Vacation of  
office.

(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.

Commission.

**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 electric light company or gas company concerned in the matter in respect of which the inquiry is to be held,



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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  
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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.

Commissioner  
to have  
powers of a  
Royal Com-  
missioner.

**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.

Appointment  
of officers  
and  
employees.  
cf. Act No.  
15, 1926,  
s. 33.

**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.

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PART III.

REGULATION OF GAS COMPANIES AND ELECTRIC  
LIGHT COMPANIES.

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:—

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

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



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by the company may, in respect of each six one-thousandths 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 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.

Special  
purposes and  
depreciation  
fund.  
cf. Act No.  
71, 1912,  
s. 16.

**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



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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.

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

Application  
of fund.

(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.

Maximum  
amount of  
fund.

(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.

Investment  
of fund.

(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.

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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.

Reserve  
fund.  
cf. Act No.  
71, 1912,  
s. 17.

**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.



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**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:—

Transfer of suspense accounts and reserves to special purposes and depreciation fund.

- (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 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.

**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.

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

Any company paying moneys from profits into any other account shall be liable on conviction to a penalty of



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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 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.

Standard  
price.  
cf. Act No.  
71, 1912,  
s. 20.

**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  
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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.

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.

**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

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



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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 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



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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.

- (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.

(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.

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)



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(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) 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



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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) 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.

**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.

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

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



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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. Act No.  
71, 1912,  
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 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.**



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**19.** If any person is required by a gas company or 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.

Company to pay interest on deposits.

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,—

Power to raise additional capital, borrow money, and consolidate and divide share capital.

(a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock, or preference shares or stock, or wholly or partially by one or more of those modes respectively ;

cf. Act No. 71, 1912, s. 29.

(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



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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, 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.



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**23.** (1) The Governor may after the commission has inquired and reported that such would be in the interest of the public, by proclamation published in the Gazette—

Proclamation  
after inquiry.  
Act No. 71,  
1912, s. 37.

- (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.

**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.

Other  
matters  
which may be  
referred to a  
commission.

(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



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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.

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PART IV.

## GAS.

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

Heating power and purity of gas, cf. Act No. 71, 1912, s. 4. **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:

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)



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(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:—

Penalty for defect in heating power.  
cf. Act No. 71, 1912, s. 5.

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

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.

**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:

Penalty for defect in purity.  
cf. *Ibid.* s. 6.

Provided that where one penalty is imposed in respect of excess of impurity in the gas supplied by the company



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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. Act No.  
71, 1912,  
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.

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.

Penalty for  
defect in  
pressure.  
cf. *Ibid.* s. 10.

**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 :

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.**



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**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. Act No. 71, 1912, s. 11.

*DIVISION 2.—Gas examiners.*

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

Appointment of gas examiners and testing by them.  
cf. *Ibid.* s. 12.

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.

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.

**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.

Facilities to be afforded gas examiners  
cf. *Ibid.* s. 14.

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.*

**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:

Gas to be supplied through meters.

**Provided**



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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. Act No. 71, 1912, s. 8.

Cost of pipes to be defrayed by gas company and owner of premises.

cf. *Ibid.* s. 27.

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

**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.

(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



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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 there-  
Charge for hire of meter.  
cf. Act No. 71, 1912, s. 28.  
 with 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.

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 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 shall be lawful for the proprietors of The Australian Gas Light Company by resolution passed at any general meeting of the company to—  
Amendment of Act 8 Wm. IV.  
cf. *Ibid.* s. 30.

- (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)



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(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 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



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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. Discontinu-  
ance of  
supply after  
notice.

(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. Where  
company  
ceases to  
supply gas or  
electricity.

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 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



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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.



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## PART V.

## ELECTRIC LIGHT COMPANIES.

**43.** (1) An electric light 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—

Power to  
require  
guarantee of  
specified  
annual  
consumption  
&c.

- (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.

Charge for  
hire of meter.

**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

Separate  
rates for  
lighting and  
power.

light



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

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

**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.

**48.**



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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.

Power to Governor to relieve gas company in certain cases. cf. Electric Light and Power Act, 1928 (Vic.), s. 45.

(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 at such inquiry.



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## 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)



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

Power of Governor to suspend operation of certain provisions of Act.  
cf. Act No. 2, 1917, s. 12.

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.

Power of electric light company to refuse to supply electricity.  
cf. *Ibid.* s. 4.

**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.

Publication of notice.  
cf. *Ibid.* s. 5.

If any person consumes or uses electricity or permits or suffers electricity to be consumed or used in contravention

Penalty.



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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.

Discontinu-  
ance of  
supply.

(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.

Users of  
electricity to  
be authorised  
in the first  
instance.  
cf. Act No. 2,  
1917, s. 6.

**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.

Publication  
of notifica-  
tions.  
cf. *Ibid.* s. 7.

**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.

Act to bind  
Crown.  
cf. *Ibid.* s. 13.

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

Suspension of  
provisions of  
Act 60 Vic.  
No. 23.  
cf. Act No. 2,  
1917, s. 8.

**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.



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*Gas and Electricity.*

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PART VII.

GENERAL.

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

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

(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 of Parliament authorising the same, any Schedule to this Act, except Schedules One and Six, may be 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. Amendment of Schedules. cf. *Ibid.* s. 24.

(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 not 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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*Gas and Electricity.*

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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)



*Gas and Electricity.*

(3) 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) 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



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*Gas and Electricity.*

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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



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*Gas and Electricity.*

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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 discoloration 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 discoloration 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.



*Gas and Electricity.*

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



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

## C—CAPITAL ACCOUNT.

For the Year ended 31st December, 19 .

	Expend- ture 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.....			
Since that date.							
2. To lands acquired, in- cluding law charges				2. By Ordinary Shares of £ each.....			
3. To new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture ..				3. By Preference Shares of £ each.....			
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 .....				4. By Debenture Stock			
5. To new additional meters (not in place of old ones worn out), including fixing				5. By Mortgages and Bonds.....			
6. Do. stoves ....				6. By Amount received in anticipation of calls .....			
7. To special items, if any .....				7. By Premium Capital			
				8. By other items ....			
Total expenditure ..							
To Balance of Capital Account .....	.....	.....					
		£					
					Total	.....£	

SCHEDULE



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

## D—REVENUE ACCOUNT.

For the year ended 31st December, 19 .

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
To Manufacture of Gas—			By Sale of Gas—		
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 .....			By Sale of Residual Products—		
Less old material sold .....			4. Coke .....		
To Distribution of Gas—			5. Breeze .....		
6. Salaries and wages of officers, including rental clerks .....			6. Tar .....		
Repair, maintenance and renewal of mains and service pipes, including materials, laying and paving, and labour .....			7. Ammoniacal liquor .....		
8. Repairing, renewing, and fixing and refixing meters, stoves, gas fittings, &c. ....			8. Sulphate of ammonia .....		
To Public Lamps—			9. Asphalt .....		
9. Lighting and repairing .....			10. By rents .....		
To Rent, Rates, and Taxes—			11. By transfer fees .....		
10. Rents .....			By other items, if any .....		
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 .....					
Total Expenditure .....	£		Total Receipts .....	£	
Balance carried to Profit and Loss Account (E) .....					

SCHEDULE



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

## F—RESERVE FUND ACCOUNT.

For the Year ended 31st December, 19 .

	£ s. d.		£ s. d.
1. Amount (if any) carried to Profit and Loss Account (E) to make up deficiencies of dividends to 31st December, 19 .....		1. By Balance brought forward from last account .....	
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



*Gas and Electricity.*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 To other items (if any) .....		1. By Balance brought from last Account.....	
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 .....		2. By Amount appropriated from Revenue Account (D) under section ten of Act.....	
To Replacement of plant .....		3. By Interest on Amounts invested	
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



*Gas and Electricity.*

## 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



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

K—BALANCE-SHEET OF THE

COMPANY MADE UP TO

19

Dr.

Cr.

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
	Showing—	£ s. d.	£ s. d.		Showing—	£ s. d.	£ s. d.
Capital.	1. The number of shares..			Property held by the Company.	Immovable property, distinguishing—		
	2. The amount paid per share .....				(a) Freehold land ....		
	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 .....		
	5. The amounts of loans on mortgages or debenture bonds .....				Movable property, distinguishing—		
Debts and liabilities of the company.	6. The amount of debts owing by the Company distinguishing,			Debts owing to the Company.	(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 .....			Cash and investments.	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.	The amount set aside from profits .....				The amount of Cash, where lodged, and if bearing interest.		
Special Purposes and Depreciation Fund.	The amount appropriated from revenue under Clause of Act, for the purposes defined therein .....						
Profit and Loss.	The disposable balance for payment of dividends, &c. ....						
Contingent liabilities.	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



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*Gas and Electricity.*

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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.

*In the name and on behalf of His Majesty I assent  
to this Act.*

PHILIP GAME,  
Governor.  
Government House,  
Sydney, 29th March, 1932.



Act No. 4, 1932

Sec. 2.

ARTICLE SIX

As set out in report	Year	Amount
The whole	1931	\$1,000.00
The whole	1932	\$1,000.00
The whole	1933	\$1,000.00
The whole	1934	\$1,000.00
The whole	1935	\$1,000.00
The whole	1936	\$1,000.00
The whole	1937	\$1,000.00
The whole	1938	\$1,000.00
The whole	1939	\$1,000.00
The whole	1940	\$1,000.00

For the year ending on or before the 31st day of December 1931

1931

1932

1933

1934

1935

1936

1937

1938

1939

1940



## GAS AND ELECTRICITY BILL.

### *SCHEDULE of Amendments referred to in Message of 18th March, 1932.*

- Page 3, clause 2. At end of clause *add* new subsection (4)
- Page 4, clause 3, line 9. After "authority" *insert* "or persons operating under a franchise granted under the Local Government Act, 1919"
- Page 5, clause 4, line 7. After "shire" *insert* "or an urban committee"
- Page 5, clause 4. *Omit* lines 12, 13
- Page 5, clause 4. *Insert* new definition "Gas unit"
- Page 6, clause 6, line 37. *Omit* "two" *insert* "three"
- Page 7, clause 6, line 1. After "held" *insert* "one of whom shall be appointed on the nomination of the Federated Gas Employees' Industrial Union, New South Wales Branch, in the manner prescribed"
- Page 7, clause 6, line 12. After "present" *insert* "he shall have a deliberative vote"
- Page 7, clause 6. *Omit* lines 15-20
- Page 7, clause 6, lines 22, 23. *Omit* "other than the Commissioner"
- Page 7, clause 6, line 27. *Omit* "and" *insert* "every such deputy shall have the immunities and shall"
- Page 7, clause 6, line 31. *Omit* "two" *insert* "three"
- Page 7, clause 6, line 36. *Omit* "two" *insert* "three"
- Page 7, clause 6, line 36. *Omit* "neither" *insert* "none"
- Page 8, clause 6, subclause (a). At commencement of subclause *insert* "Subject to subsection four of this section"
- Page 8, clause 6, line 20. *Omit* "prescribed" *insert* "fixed by the Governor"
- Page 8, clause 6, line 31. *Omit* "fifteen" *insert* "sixteen"
- Pages 9, 10, clause 9, line 39 on page 9, and 1 on page 10. *Omit* "one-fifth" *insert* "six one thousandths"
- Page 10, clause 9, line 3. *Omit* "fifth" *insert* "six one-thousandths"
- Page 10, clause 9, line 12. *Omit* "fifth" *insert* "six one-thousandths"
- Page 10, clause 9. At end of clause *insert* new proviso
- Page 11, clause 10, line 1. *Omit* "two" *insert* "three"
- Page 11, clause 10, line 36. *Omit* "under its then existing circumstances"
- Page 12, clause 11, line 39. After "fund" *insert* "the devisable profits account mentioned in section thirteen"
- Page 13, clause 12, line 7. After "Act" *insert* "or within such longer period as may be determined by a commission"
- Page 13, clause 12, line 11. *Omit* "and eleven" *insert* "eleven and thirteen"
- Page 13, clause 12, line 13. After "fund" *insert* "and any superannuation fund to the extent authorised under section twenty-four of this Act"
- Page 13, clause 12, line 19. *Omit* "and eleven" *insert* "eleven and thirteen"
- Page 13, clause 12, line 20. After "Act" *insert* "(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"
- Page 13, clause 12, line 27. After "fund" *insert* "and any superannuation fund to the extent authorised under section twenty-four of this Act"
- Page 13, clause 12, line 31. At end of paragraph *insert* "or within such longer period as may be determined by a commission."
- Page 13, clause 13, line 36. After "fund" *insert* "a divisable profits account, a superannuation fund"
- Page 14, clause 14, line 12. *Omit* "therms" *insert* "gas units"
- Page 14, clause 14, lines 14, 15. *Omit* "on the basis of the number of units consumed" *insert* "according to the form and basis prescribed"
- Page 14, clause 14, line 22. *Omit* "in bulk"



- Page 14, clause 14, line 24. *Before* "to" *insert* "in bulk"
- Page 15. At end of clause 14 *insert* new subclause (3)
- Page 17, clause 16, line 38. *Omit* "therm" *insert* "gas unit"
- Page 17, clause 16, line 40. *Omit* "per unit"
- Page 18, clause 16, line 30. *Omit* "therm" *insert* "gas unit"
- Page 18, clause 16, line 32. *Omit* "a price per unit" *insert* "the price"
- Page 19, clause 16, lines 8-10. *Omit* "(and in respect of which the commission shall be satisfied as to the necessity for or the expediency of the expenditure)"
- Page 20, clause 18, line 15. *After* "Service" *insert* "or an auditor certified under the Local Government Act, 1919"
- Page 20, clause 18, line 21. *After* "or" *insert* "the officer or the auditor appointed"
- Page 20, clause 18, line 26. *After* "or" *insert* "the officer or auditor appointed"
- Page 20, clause 18, line 33. *Before* "for" *insert* "or auditor"
- Page 22, clause 21, line 14. *Omit* "reduction" *insert* "alteration"
- Page 22, clause 22, line 19. *After* "thereto" *insert* "or any gas company or electric light company being a local authority"
- Page 22, clause 22. At end of subclause (1) *insert* new proviso
- Page 23, clause 23, line 1. *Omit* "Commissioner" *insert* "commission"
- Page 23, clause 23, line 11. *Omit* "Commissioner" *insert* "commission"
- Page 23, clause 23, lines 21, 22. *Omit* "Commissioner" *insert* "commission"
- Page 23, clause 24. *Omit* paragraph (b)
- Page 24, clause 24, line 10. *After* "provision" *insert* "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"
- Page 24, clause 25, line 27. *After* "hundred" *insert* "and fifty"
- Page 24, clause 25, line 28. *Omit* "net" *insert* "gross" and new provisos
- Page 25, clause 26, line 23. *After* "deficiency" *insert* "in excess of two per centum and"
- Page 25, clause 26. At end of clause *insert* new proviso
- Page 26, clause 28, line 18. *Omit* "at the main"
- Page 26, clause 28, line 25. *Omit* "inlet of any motor" *insert* "building line of any property"
- Page 27, clause 31. *Omit* lines 17, 18, *insert* "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"
- Page 28, clause 34, line 2. *Omit* "private"
- Page 28, clause 34, line 7. *After* "consumer" *insert* "give a"
- Page 28, clause 34, line 7. *Omit* "a" *insert* "for any"
- Page 28, clause 34, line 9. *Omit* "rate" *insert* "price for such gas"
- Page 29, clause 37, line 19. *Omit* "Commissioner" *insert* "commission"
- Page 29, clause 37, line 22. *Omit* "Commissioner" *insert* "commission"
- Page 29, clause 38. *Omit* paragraph (a)
- Page 30, clause 38, lines 1-4. *Omit* all words on these lines.
- Page 30, clause 38, lines 12-15. *Omit* "including the director appointed by resolution of the Australian Gas-light Company's Employees' Share Purchase and Co-operative Society Limited"
- Page 30, clause 38, lines 18, 19. *Omit* "other than the director so appointed"
- Page 30, clause 38. *Omit* subclause (2)
- Pages 30, 31, clause 38. At end of clause *insert* new subclauses (2) and (3)



- Page 31, clause 39, line 32. *Omit* "in the regulations"
- Page 31, clause 39, line 35. *After* "deficiency" *insert* "in excess of two per centum and"
- Page 31, clause 39. At end of paragraph (b) *insert* new proviso
- Page 33. *Insert* new clause 43
- Page 35, clause 44 45, line 2. *Omit* "lower" *insert* "different"
- Page 35, clause 44 45, lines 2, 3. *Omit* "or heating purposes than for" *insert* "heating and"
- Page 35, clause 45 46, line 6. *Omit* "to private consumers"
- Page 35, clause 45 46, lines 8-11. *Omit* "to private consumers, and has for the time being the exclusive right of so supplying electricity, any local authority, company, or" *insert* "any"
- Page 35, clause 45 46, line 13. *Omit* "other local authority, company, or"
- Page 40. *Insert* new clause 59
- Page 41, clause 60 62, line 9. *After* "any" *insert* "gas"
- Page 41, clause 60 62, line 10. *Omit* "electric lines"
- Page 41, clause 60 62, line 11. *After* "any" *insert* "gas"
- Page 41, clause 60 62, line 12. *Omit* "electric lines"
- Page 41, clause 60 62. *Omit* paragraph (d)
- Page 41, clause 60 62. *Omit* paragraphs (h) (i) *insert* new paragraphs (g) (h) (i)
- Page 42, clause 60 62, line 13. *Omit* "fifty" *insert* "ten"
- Page 42, clause 60 62, line 32. *After* "effect" *insert* "but without prejudice to the validity of anything done in the meantime"
- Page 43. *Omit* Schedule One *insert* new **Schedule One**
- Page 44, Schedule Three, line 9. *After* "ounce of" *insert* "distilled"
- Page 44, Schedule Four. *Omit* lines 13-17 *insert* "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"
- Page 45, Schedule Four. *Omit* lines 4-11.
- Page 45, Schedule Four, line 13. *Omit* "chief" *insert* "senior"
- Page 45, Schedule Four. *After* "installation" *insert* "against a flow or portable calorimeter of a type approved by a commission after an inquiry"
- Page 45, Schedule Four, line 15. *Omit* "chief" *insert* "senior"
- Page 45, Schedule Four, line 16. *After* "examiner" *insert* "or at the request of the company"
- Page 45, Schedule Four, line 18. *After* "hundred" *insert* "and fifty"
- Page 45, Schedule Four, line 18. *Omit* "net" *insert* "gross"
- Page 45, Schedule Four, line 20. *After* "hundred" *insert* "and fifty"
- Page 45, Schedule Four, line 20. *Omit* "net" *insert* "gross"
- Page 45, Schedule Four, line 22. *Omit* "one hour" *insert* "three hours"
- Page 48, Schedule Five. *Omit* "therm" *insert* "gas unit"
- Page 48, Schedule Five, lines 37, 38. *Omit* "(exclusive of State and Federal Income Tax)"
- Page 50, Schedule Five, line 25. *Omit* "therms" *insert* "gas units"



THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF PHYSICS  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607

PHYSICS 311  
LECTURE 10  
THERMODYNAMICS

LECTURER: DR. J. K. JOHNSON  
DATE: OCTOBER 10, 1968

TOPIC: THE FIRST LAW OF THERMODYNAMICS  
AND THE CONCEPT OF ENTROPY

OBJECTIVES: TO UNDERSTAND THE  
CONCEPTS OF HEAT, WORK, AND  
ENTROPY, AND TO APPLY THEM TO  
VARIOUS THERMODYNAMIC SYSTEMS.

REQUIREMENTS: PHYSICS 211, 212,  
AND 213.

TEXTS: THERMODYNAMICS, BY  
J. K. JOHNSON, 1968.

REFERENCES: THERMODYNAMICS, BY  
J. K. JOHNSON, 1968.

NOTES: THE FIRST LAW OF  
THERMODYNAMICS STATES THAT THE  
CHANGE IN INTERNAL ENERGY OF A  
SYSTEM IS EQUAL TO THE HEAT  
ADDED TO THE SYSTEM MINUS THE  
WORK DONE BY THE SYSTEM.

THE SECOND LAW OF THERMODYNAMICS  
STATES THAT THE ENTROPY OF A  
SYSTEM CAN NEVER DECREASE.

THE THIRD LAW OF THERMODYNAMICS  
STATES THAT THE ENTROPY OF A  
SYSTEM APPROACHES ZERO AS THE  
TEMPERATURE APPROACHES ZERO.

THE CONCEPT OF ENTROPY IS  
CRUCIAL IN UNDERSTANDING THE  
DIRECTION OF THERMODYNAMIC  
PROCESSES.

THE FIRST LAW OF THERMODYNAMICS  
IS A STATEMENT OF THE CONSERVATION  
OF ENERGY.

THE SECOND LAW OF THERMODYNAMICS  
IS A STATEMENT OF THE INCREASE  
OF ENTROPY.

THE THIRD LAW OF THERMODYNAMICS  
IS A STATEMENT OF THE BEHAVIOR  
OF ENTROPY AT LOW TEMPERATURES.

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IS A STATEMENT OF THE BEHAVIOR  
OF ENTROPY AT LOW TEMPERATURES.



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 8 March, 1932.*

THE LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 18 March, 1932.*

## New South Wales.



ANNO VICESIMO SECUNDO

## GEORGII V REGIS.

\*\*\*\*\*

Act No. , 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 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



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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.

**B**E 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."  
10 (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.

15 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.

PART IV.—GAS—ss. 25-41.

20 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. 34-41.

25 PART V.—ELECTRIC LIGHT COMPANIES—ss. 42 43-47 48.

PART VI.—EMERGENCY PROVISIONS—ss. 48 49-57 58. PART



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PART VII.—GENERAL—ss. 59-60 62.

SCHEDULES.

**2.** (1) The Acts mentioned in Schedule Six to this <sup>Repeal.</sup> Act are, to the extent therein specified, hereby repealed.

5 (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.

10 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.

20 (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 25 effect until such a determination is made.

**3.** (1) This Act, sections nine to fifteen both <sup>Application of Act.</sup> inclusive excepted, shall apply to all gas companies and electric light companies, except where otherwise provided.

30 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.

35 (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)



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(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  
5 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  
10 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,—

15 “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.

20 “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  
25 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  
30 any casing, coating, tube, pipe, or insulator wholly or partly enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.  
35

“Gas company” means any company, corporation, firm, or person supplying or distributing gas for lighting, heating, motive power or other  
40 purpose, and disposing of the same for profit, and



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and includes a local authority but does not include any person or corporation acting on behalf of the Crown.

5 "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.

10 "Prescribed" means prescribed by this Act or by regulations made thereunder.

~~"Therm" means one hundred thousand British thermal units net.~~

15 "**Gas unit**" means three thousand four hundred and twelve British thermal unit gross.

## PART II.

## APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF COMMISSIONS.

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

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

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

(4) Any Commissioner appointed by or under this Act may be suspended from his office by the Governor Act No. 31, 1902, s. 8. for misbehaviour or incompetence, but shall not be removed from office except in manner following, that is

30 to say:—

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

35 (ii)



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- (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
- 10 (5) Any Commissioner appointed by or under this Act shall be deemed to have vacated his office if he— Vacation of office.
- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit;
- 15 (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;
- 20 (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.
- 25 (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
- 30 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 Commission. Act, otherwise than by the Commissioner, the Minister
- 35 shall constitute a commission.
- (2) A commission shall consist of the Commissioner and ~~two~~ three members appointed by the Minister, one of whom shall be appointed on the nomination of the electric light company or gas company concerned
- 40 in the matter in respect of which the inquiry is to be held,



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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.

(5) In the absence of the Commissioner by reason of illness, suspension, or otherwise, the person acting as Under-Secretary of the Department of Labour and Industry shall act as Commissioner during his absence, and while so acting shall have all the powers and authorities of the Commissioner.

In the case of illness, suspension, or absence of any member of a commission, ~~other than the Commissioner~~, 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, **and 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.

(6) Any ~~two~~ **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.

(7) If at any meeting of a commission at which ~~two~~ **three** members only are present, ~~neither~~ **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.

(8)



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(8) 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  
5 the commission.

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

(10) 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  
15 done or omitted by him pursuant to the duties imposed upon him by this Act.

(11) 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  
20 ~~prescribed~~ **fixed by the Governor** for each meeting of the commission attended.

(12) 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  
25 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.

(13) Except as provided in sections fourteen, ~~fifteen,~~ **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  
35 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  
40 excepted shall, mutatis mutandis, apply to any witness or person summoned by or appearing before a commission.

Commissioner  
to have  
powers of a  
Royal Com-  
missioner.



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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.

Appointment  
of officers  
and  
employees.  
cf. Act No.  
15, 1926,  
s. 33.

(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.

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:—

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

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 ~~one-~~  
fifth



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~~fourth~~ **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 ~~fourth~~ **six one-thousandths** of a penny by which the price so charged  
 5 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  
 10 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 ~~fourth~~ **six one-thousandths** of a penny of such reduction, be increased  
 15 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  
 20 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  
 25 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  
 30 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**  
 35 **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  
 40 appropriate out of the revenue of the company, as part  
 of the expenditure on revenue account, any sum not  
 shall

Special  
purposes and  
depreciation  
fund.  
cf. Act No.  
71, 1912,  
s. 16.



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exceeding an amount equal to ~~two~~ **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  
5 to be called the special purposes and depreciation 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—

Application  
of fund.

- 10 (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  
15 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  
20 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.

Maximum  
amount of  
fund.

(4) The moneys forming the special purposes and depreciation fund, or any portion thereof, may be  
25 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.

Investment  
of fund.

30 (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  
35 inadequate for the prospective requirements of the company ~~under its then existing circumstances~~ 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



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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.

**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. Reserve fund. cf. Act No. 71, 1912 s. 17.

(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.



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**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:—

Transfer of  
suspense  
accounts and  
reserves to  
special  
purposes and  
depreciation  
fund.

5 (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  
10 accounts or reserves other than those provided for in sections ten and eleven **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.**

15 (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 and eleven  
20 **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  
25 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**  
30 **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.

**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.

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

40 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.

45 (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



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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  
 5 such divisible profits, after allowing for payment of the 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  
 10 any memorandum or articles of association, a gas company shall charge for gas supplied by it on the  
 basis of the number of ~~therms~~ **gas units** consumed, and  
 an electric light company shall charge for electricity  
 supplied by it ~~on the basis of the number of units~~  
 15 consumed, **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  
 20 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 ~~in bulk~~ for industrial purposes  
 (which term shall include the supply of gas or electricity  
 25 **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.
- 30 (2) (a) Where any gas company or electric  
 light company so requests, the Minister shall con-  
 stitute 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  
 35 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—  
 40 (i) interest payable on loans;

(ii)



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- (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
- 5 (iii) a reasonable sum for contingencies, which shall not exceed the amount necessary to pay one half year's dividend at the standard rate.

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.

15 (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.

25 (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.

35 **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)

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



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- 5 (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 newspapers published and circulating in the locality in which the company supplies gas or electricity.
- 10 (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.
- 15 (d) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds.
- 20 (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.
- 25 In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- 30 (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.
- 35 (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
- 40 classes of persons only :

**Provided**



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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.

(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.

(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 ~~therm~~ 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 per unit of electricity so supplied, which, if charged by the said

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.



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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  
5 enable the said company to pay the standard rate of dividend authorised by this Act, after making provision for—

- (a) interest payable on loans ;
- 10 (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
- 15 (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  
20 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  
25 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  
30 local authority a price per ~~therm~~ **gas unit** of gas, and in the case of an electric light company being a local authority a ~~price per unit~~ **the prices** of electricity which should in its opinion be charged by the company, and the Governor may by proclamation prescribe such prices as  
35 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)



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(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—

- 5 (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 ~~(and in respect of which the commission shall be satisfied as to the necessity for or the expediency of the expenditure)~~;
- 10 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 ;
- 15 (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.

20 (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

25 supplied to private consumers ; and for lower prices for electricity supplied for power or heating purposes than for lighting purposes.

17. Every gas company and electric light company shall cause to be filled up and forwarded to the Com-  
 30 missioner, 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  
 35 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  
 40 are specified in any addition made to Schedule Five or as near thereto as circumstances will permit.

The

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



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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.

- 5 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.

- 10 **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
- Examination and audit of accounts.  
cf. Act No. 71, 1912, s. 23.

- 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 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.

- 25 (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.



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**19.** If any person is required by a gas company or 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 **5** 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.

Company to  
pay interest  
on deposits.

**10** 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 **15** Schedule One hereto, may, at any time after the commencement of this Act, and notwithstanding the provisions of any Act constituting the same,—

Power to  
raise addi-  
tional capital,  
borrow  
money, and  
consolidate  
and divide  
share capital.

**20** (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock, or preference shares or stock, or wholly or partially by one or more of those modes respectively;

cf. Act No.  
71, 1912,  
s. 29.

**25** (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.

**30** 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;

**35** (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)



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

**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.

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

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 ~~reduction~~ **alteration** in the standard price of such companies consequent thereon.

**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,** 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:

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

**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.**



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

- 5 (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  
10 electric light companies upon such conditions as the ~~Commissioner~~ **commission** may recommend, including necessary provisions with regard to the capital of the combined company, the vesting of the property and rights of the  
15 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  
20 company or electric light company affected by any proclamation under this Act as the ~~Commissioner~~ **commission** may recommend, and as may be necessary to provide for the proper and efficient conduct of the company's business.

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

**24.** (1) A commission may be constituted—

- (a) by the Minister of his own motion to inquire <sup>Other matters which may be referred to a commission.</sup> into and report to the Minister upon any  
30 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  
35 company to inquire into and report to the Minister upon any matter affecting the company in its internal affairs ;
- (c) by the Minister of his own motion or at the request of any gas company or electric light  
40 company to inquire into and report to the Minister upon a scheme for the superannuation of its employees. (2)



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

- 5 (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;
- 10 (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
- 15 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  
20 authority.

## PART IV.

## GAS.

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

- 25 **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 ~~net~~ gross : Heating power and purity of gas.  
cf. Act No. 71, 1912, s. 4.

30 **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 :

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

Such



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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.

5 (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  
10 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.

15 (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  
20 prescribed is of less heating power than as above prescribed the company shall be liable to penalties as follows:—

Penalty for defect in heating power.  
cf. Act No. 71, 1912, s. 5.

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

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

30 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 :

35 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.



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- 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 : Penalty for defect in purity.  
cf. Act No. 71, 1912, s. 6.
- 5 **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
- 10 testing-place on the same day.
- 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
- 15 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 ~~at the main,~~ between the hours of five a.m. and nine p.m., and a
- 20 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.
- Pressure of gas.  
cf. *Ibid.* s. 7.
- (2) Any gas examiner may at a testing-place
- 25 or at a point within two feet of the ~~inlet of any meter,~~ **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.
- 30 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
- 35 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. *Ibid.* s. 10.
- Provided that where a penalty is imposed in respect of insufficiency of pressure in the gas supplied by the
- 40 company during any period of twenty-four hours, no further



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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 Saving as to penalties.  
 5 for defect of heating power, excess of impurity, or  
 insufficiency of pressure, in the gas supplied by such cf. Act No. 71, 1912, s. 11.  
 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

10

DIVISION 2.—*Gas examiners.*

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

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

~~The company shall not be entitled to notice of any proposed testing.~~

Such company may, if it thinks fit, on each occasion  
 20 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  
 25 provisions of this Act.

**32.** A gas examiner shall, on the day immediately Report of testing.  
 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  
 30 the results of his testing, and deliver a copy of such  
 report to the gas company. cf. Ibid. s. 13.

**33.** A gas company and its officers and servants Facilities to be afforded gas examiners  
 shall give to a gas examiner and to his assistants access  
 to the testing-place, and shall afford all facilities for the  
 35 proper execution of this Act. cf. Ibid. s. 14.

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



*Gas and Electricity.*DIVISION 3.—*General and supplemental.*

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

Provided that a company may by agreement with a consumer give a supply a for any special apparatus designed to consume gas continually for twenty-four hours per day at a rate price for such gas to be fixed by  
 10 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 Commis-  
 15 sioner, 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.

**35.** No meter shall be issued for use by a gas company until it has been first tested and stamped in the manner  
 20 prescribed. Meters to be tested and examined. cf. *Ibid.* s. 8.

**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  
 25 such premises, and furnish and lay any pipe that may be necessary for such purpose : Cost of pipes to be defrayed by gas company and owner of premises. cf. *Ibid.* s. 27.

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  
 30 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.

(2) Every occupier or owner of premises  
 35 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



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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 there- with a price to be determined by the Commissioner, **commission**, and no other charge in respect of the meter may be made by the company without the consent of the Commissioner. **commission.**

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 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"—

(a) in each year one director of the Australian Gas-light Company shall be appointed at a general meeting of the Australian Gas-light Company's Employees' Share Purchase and Co-operative Society Limited.

The

Charge for hire of meter.  
cf. Act No. 71, 1912, s. 28.

Amendment of Act 8 Wm. IV.  
cf. *Ibid.* s. 30.



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The appointment shall take effect from the date of the next general annual meeting or assembly of the company after the general meeting of the said society ;

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

10 (i) alter the number of directors of the company, but so that the number of directors, including the director appointed by resolution of the Australian Gas-light Company's Employees' Share Purchase and Co-operative Society Limited, shall  
15 not exceed seven ;

(ii) provide for the election, retirement, qualification, and disqualification of directors, other than the director so  
20 appointed ;

(iii) provide for the remuneration of directors.

(2) The first appointment of a director of The Australian Gas Light Company by the Australian Gas-light Company's Employees' Share Purchase and Co-operative Society Limited, shall be made within six  
25 months after the commencement of this Act, and thereupon the following provisions shall have effect :—

(a) The director so appointed shall hold office as an additional director of the company until the date of the next general annual meeting or  
30 assembly of the said company.

(b) Any director appointed by the said society shall have the powers, authorities, duties, and obligations of and shall receive the like remuneration as a director elected at a general  
35 annual meeting or assembly of the company.

(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 :—

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

For



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

5 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  
10 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.

39. (1) If the Minister is satisfied after an inquiry  
15 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  
20 of heating power as shall be recommended by the commission in lieu of the standard prescribed in section twenty-five.

Standards of heating power.  
cf. Act No. 71, 1912, s. 35.

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

(a) for any deficiency in excess of two per centum  
30 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**



*Gas and Electricity.*

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.

5 **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  
10 do anything necessary for that purpose, and may until such charge or sum is fully paid, discontinue such supply to such consumer.

Discontinu-  
ance of  
supply after  
notice.

(2) The company may in any court of competent jurisdiction recover any expenses lawfully  
15 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  
20 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  
25 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.

Where  
company  
ceases to  
supply gas or  
electricity.

The Commissioner shall thereupon appoint a  
30 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 manager so appointed shall keep accounts of all  
35 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



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*Gas and Electricity.*

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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.

**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.

Special  
supplies.



*Gas and Electricity.*

PART V.

ELECTRIC LIGHT COMPANIES.

- 42**43.** (1) An electric light 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—
- 5
- (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
- 10
- (b) make a minimum charge or service charge to any person supplied with electricity by such company.
- 15
- (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
- 20
- 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
- 25
- 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
- 30
- authorise such company to make such charges on the conditions and terms recommended by the commission.
- 43**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
- 35
- to such conditions as to repair and securing the safety thereof as the Commissioner may determine.
- 44**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

Power to  
require  
guarantee of  
specified  
annual  
consumption.  
&c.

Charge for  
hire of meter.

Separate  
rates for  
lighting and  
power.



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light company for electricity a commission may provided for the charging of ~~lower~~ **different** rates for power or heating purposes than for **heating and** lighting purposes.

- 5 45**46.** (1) Where electricity is supplied by any electric light company to private consumers in any part of an area within which the said company is for the time being authorised to supply electricity to private consumers, and has for the time being the exclusive right of so supplying electricity, any local authority, company, or any person within that part of the area shall on application be entitled to a supply on the same terms on which any other local authority, company, or person in such part of the area is entitled under similar circumstances to a corresponding supply.

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

- (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.

- 30 46**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.

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



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(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.

4748. (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.

Power to Governor to relieve gas company in certain cases. cf. Electric Light and Power Act, 1928 (Vic.), s. 45.

(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)



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(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 at such inquiry.

## PART VI.

## EMERGENCY PROVISIONS.

4849. 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. Power of company to refuse to supply gas. cf. Act No. 2, 1917, s. 10.
- 20 4950. 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. Reduction in supply.



*Gas and Electricity.*

50**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  
 5 classes of persons, or for the purposes or periods or subject to the conditions therein mentioned, and may revoke or amend any such notification.

Power of Governor by notification to prohibit use of gas.  
 cf. Act No. 2, 1917, s. 11.

If any person consumes or uses gas or permits or suffers gas to be consumed or used in contravention of  
 10 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  
 15 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  
 20 the Gazette.

51**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  
 25 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.

Power of Governor to suspend operation of certain provisions of Act.  
 cf. *Ibid.* s. 12.

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  
 30 such suspension shall be revoked.

52**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  
 35 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  
 40 partially or for any time to any or all such persons without

Power of electric light company to refuse to supply electricity.  
 cf. *Ibid.* s. 4.



*Gas and Electricity.*

without being liable for any costs, damages, or compensation whatever to any person consequent upon such refusal or discontinuance of supply.

5354. (1) The Governor may from time to time, on Publication of notice.  
 5 the recommendation of the Commissioner, publish as cf. Act No. 2, 1917, s. 5.  
 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,  
 10 and may revoke or amend any such notification.

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

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

5455. In the first instance, and for so long as the Users of  
 Commissioner may recommend, such notification may electricity to  
 authorise the consumption and use of electricity upon be authorised  
 25 the normal terms and conditions by the persons carrying in the first  
 on the following functions or enterprises, namely,— instance.  
 water supply services, public lighting, cold storage, ice cf. *Ibid.* s. 6.  
 making, flour milling, butchering, baking, dairy produce  
 and fish distribution, and such other functions or  
 30 enterprises the stoppage of which might, in the opinion  
 of the Commissioner, tend to endanger human life or  
 cause serious bodily injury.

5556. All notifications by the Governor under this Publication  
 Part of this Act shall be published in the Gazette of notifica-  
 35 and in one or more newspapers circulating in the district tions.  
 in respect of which the notification is published, and cf. *Ibid.* s. 7.  
 posted in some conspicuous place at the office of the  
 Department of Labour and Industry, Sydney.

5657. This Part of this Act shall bind the Crown. Act to bind  
 Crown.  
 cf. *Ibid.* s. 1.



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57**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.

Suspension of provisions of Act 60 Vic. No. 23.  
cf. Act No. 2, 1917, s. 8.

## PART VII.

## GENERAL.

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

15 **60.** (1) Any gas company or electric light company which contravenes or fails to carry out any provision of this Act shall, where no other penalty is provided, be liable on conviction to a penalty not exceeding ten pounds.

Penalties.  
cf. Act No. 71, 1912, s. 26.

20 (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.

25 **61.** (1) On resolutions being passed by both Houses of Parliament authorising the same, any Schedule to this Act, except Schedules One and Six, may be 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.

Amendment of Schedules  
cf. *Ibid.* s. 24.

30 (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.



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*Gas and Electricity.*

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**6062.** (1) The Governor may make regulations not 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  
5 carrying out or giving effect to this Act, and in particu-  
lar and without limiting the generality of the foregoing  
power, the Governor may make regulations—

- 10 (a) for the control of the installation, alteration,  
connection, and disconnection of any gas meters,  
pipes, fittings, electric lines, and apparatus ;
- (b) prohibiting interference with any gas meters,  
fittings, pipes, electric lines, and apparatus by  
unauthorised persons ;
- 15 (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) prescribing the form of meter card and invoice  
20 to be supplied to each consumer of gas of any  
gas company which charges, or may at any  
time hereafter charge, for gas according to the  
number of thermis consumed ; or to each  
consumer of electricity of any electric light  
company ;
- 25 (e d) for the licensing of gas-fitters ;
- (f e) conferring upon a gas company or electric  
light company power to refuse or discontinue  
a supply of gas or electricity where the condi-  
30 tions of such supply are dangerous to life,  
health and property, and regulating the  
exercise of such power ;
- (g f) prescribing the procedure at the inquiries of a  
commission, the conduct and payment of  
expenses (including witnesses' expenses) of  
35 such inquiries, and all matters necessary or  
desirable relating to the commission and to  
such inquiries ;
- (h) prescribing the amount or fee to be paid to the  
Commissioner and members of a commission ;
- 40 (i) prescribing the unit of electricity in respect of  
which a standard price may be charged.

(h)



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*Gas and Electricity.*

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- (g) prescribing the form and basis of charging for electricity ;
- 5 (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 ;
- 10 (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 ~~fifty~~ **ten** pounds for any contravention of or failure to  
15 comply with this Act or any regulation made thereunder.

- (3) The regulations shall—
- (a) be published in the Gazette ;
- 20 (b) take effect from the date of such publication or from a later date to be specified in the regulations ; and
- (c) 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  
25 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  
30 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.**



*Gas and Electricity.*

## SCHEDULES.

## SCHEDULE ONE.

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

5	COMPANIES TO WHICH THIS ACT APPLIES.				Standard prices of gas per therm.	
	Company.				s.	d.
	Australian Gas-light Company	...	...	...	1	1·8
	North Shore Gas Company Limited	...	...	...	1	3
10	The City of Newcastle Gas and Coke Company Limited	...	...	...	1	2·4
	Camden Gas Company Limited	...	...	...	2	6
	Cowra Gas Company Limited	...	...	...	2	2
	Grenfell Gas Company Limited	...	...	...	2	3
	Manly Gas Company Limited	...	...	...	1	7·2
15	Broken Hill and Suburban Gas Company Limited	...	...	...	2	4·8

## SCHEDULE ONE.

Companies to which this Act applies.

20	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.
25	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.
30	Broken Hill & Suburban Gas Company Limited	550	0·893d.
	Grenfell Gas Company Limited ... ..	550	0·999d.

## SCHEDULE TWO.

Secs. 25, 59

## STANDARD OF PURITY.

35

Such gas shall contain—  
No hydrogen sulphide.

## SCHEDULE



*Gas and Electricity.*

## SCHEDULE THREE

Secs. 25, 59.

## 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.

10

## SCHEDULE FOUR.

## METHOD OF TESTING.

1. Method of testing for heating power.

Secs. 25, 59.

The unit of heating power shall be the British thermal unit, which represents the quantity of heat required to raise one pound of water one degree of Fahrenheit's thermometer. The heating power of the gas shall be deemed to be the number of British thermal units obtained from one cubic foot of gas.

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.

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.

SCHEDULE



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*Gas and Electricity.*

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

The British thermal unit shall for the purposes of this Act be the  
5 British thermal unit net, in which the latent heat of the vaporisation  
of the water vapour in the gas consumed shall be deducted from the  
gross result.

The result shall be corrected for atmospheric pressure and for  
temperature, and in such other particulars as the gas examiner may  
10 deem necessary, in order to arrive at the true measurement of the  
heat produced.

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

In the event of the heating power being at any time ascertained to  
be below five hundred and fifty British thermal units net gross or the  
standard prescribed by proclamation in the Gazette in lieu of five  
20 hundred and fifty British thermal units net gross in respect of any  
particular company, a second test shall be made at an interval of not  
less than ~~one hour~~ 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 :

25 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  
30 for a period of three minutes or such longer period as may be pre-  
scribed, and if any discoloration 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  
25 discoloration 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.



*Gas and Electricity.*

## SCHEDULE FIVE.

Secs. 17, 59.

## FORM OF ANNUAL ACCOUNTS.

The

Company.

Year ended 31st December, 19 .

## A—STATEMENT OF SHARE CAPITAL.

On the 31st December, 19 .

10	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 .

15	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



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

## C—CAPITAL ACCOUNT.

For the Year ended 31st December, 19 .

	Expend - ture 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.
10 1. To expenditure to 31st December, 19 .				1. By Ordinary Shares of £ each.....			
Since that date.							
2. To lands acquired, in- cluding law charges				2. By Ordinary Shares of £ each.....			
15 3. To new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture ..				3. By Preference Shares of £ each.....			
20 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 .....				4. By Debenture Stock			
25 5. To new additional meters (not in place of old ones worn out), including fixing				5. By Mortgages and Bonds.....			
30 6. Do. stoves ....				6. By Amount received in anticipation of calls .....			
35 7. To special items, if any .....				7. By Premium Capital			
				8. By other items ....			
Total expenditure ..							
40 To Balance of Capital Account .....	.....	.....					
		£					
					Total	.....£	

SCHEDULE



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

## D—REVENUE ACCOUNT.

For the year ended 31st December, 19 .

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
5 To Manufacture of Gas—			By Sale of Gas—		
1. Coal, oil, &c., including dues, carriage, unloading, and all expenses of depositing same on works .....			1. Private consumers at per therm gas unit... ..		
10 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 .....		
15 4. Wages and gratuities .....					
5. Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour ....			By Sale of Residual Products—		
20 Less old material sold ....			4. Coke .....		
To Distribution of Gas—			5. Breeze .....		
6. Salaries and wages of officers, including rental clerks .....			6. Tar .....		
25 7. Repair, maintenance and renewal of mains and service pipes, including materials, laying and paving, and labour .....			7. Ammoniacal liquor .....		
30 8. Repairing, renewing, and fixing and refixing meters, stoves, gas fittings, &c. ....			8. Sulphate of ammonia .....		
To Public Lamps—			9. Asphalt .....		
9. Lighting and repairing .....			10. By rents .....		
To Rent, Rates, and Taxes—			11. By transfer fees .....		
35 10. Rents .....			By other items, if any .....		
11. Rates and taxes (exclusive of State and Federal Income Tax.) .....					
40 To Management—					
12. Directors' allowances .....					
13. Salaries of secretary, accountant, and clerks, office-keepers, and messengers .....					
45 14. Collectors' commission or salaries .....					
15. Stationery and printing .....					
16. General establishment charges and incidentals .....					
17. Auditor .....					
50 To Law and Parliamentary Charges—					
18. Law .....					
19. Parliamentary charges .....					
To General Charges—					
20. To Bad Debts .....					
To other items (if any) .....					
55 To amount transferred to Special Purposes and Depreciation Fund (G), as authorised under section ten .....					
Total Expenditure .....	£		Total Receipts .....	£	
60 Balance carried to Profit and Loss Account (E) .....					



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

Dr. E—PROFIT AND LOSS ACCOUNT (NET REVENUE).

Cr.

For the Year ended 31st December, 19 .

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

30 F—RESERVE FUND ACCOUNT.

For the Year ended 31st December, 19 .

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



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

## G—SPECIAL PURPOSES AND DEPRECIATION FUND ACCOUNT.

For the Year ended 31st December, 19 .

	£ s. d.		£ s. d.
5 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.....	
10 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	
15 To Replacement of plant .....			
To Removal of plant .....			
To Renewal of plant and works ...			
To Other items (if any) .....			
20 3. To Amount of Balance to be carried to next Account.....			
	£		£

## H—STATEMENT OF GAS AND COALS.

During the Year ended 31st December 19 .

25	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 (therms). gas units.	Gas sold during year (therms). gas units.
		Tons.	Tons.	Tons.	Tons.		



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

## I—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

5	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.....					
10	Tar, Gallons .....					
	Ammoniacal Liquor.....					
	Sulphate of Ammonia.....					
	Asphalt .....					

## J—GENERAL BALANCE-SHEET.

15 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 .....			
20 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 .....			
25 4. To Special Purposes and Deprecia- tion Fund— Balance at credit thereof (Account G) .....				4. By Coke and breeze .....			
30 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 .....			
35 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 .....			
40 To Other items, if any.....				9. By Sundry accounts .....			
	£			By Special items (if any), including investments .....			
					£		

SCHEDULE



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

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

Dr.

Cr.

CAPITAL AND LIABILITIES.			PROPERTY AND ASSETS.		
	Showing—	£ s. d. (£ s. d.)		Showing—	£ s. d. (£ s. d.)
5 Capital.	1. The number of shares..		Property held by the Company.	Immovable property, distinguishing—	
	2. The amount paid per share .....			(a) Freehold land ....	
10	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 .....	
15 Debts and liabilities of the company.	5. The amounts of loans on mortgages or debenture bonds.....		Debts owing to the Company.	Movable property, distinguishing—	
	6. The amount of debts owing by the Company distinguishing,			(d) Stock-in-trade ....	
20	(a) Debts for which acceptances have been given .....			(e) Plant .....	
25	(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 .....	
30	(c) Debts for Law Expenses .....		Cash and investments.	Debts considered good, for which the Company holds no security .....	
	(d) Debts for Interest on debentures or other loans .....			Debts considered doubtful and bad .....	
35 Reserve Fund, Special Purposes and Depreciation Fund.	(e) Unclaimed dividends .....			(Any debt due from a director or other officer of the Company to be separately stated.)	
40	(f) Not enumerated above .....			The nature of Investment and rate of Interest ..	
Profit and Loss.	The amount set aside from profits .....			The amount of Cash, where lodged, and if bearing interest.	
45 Contingent liabilities.	The amount appropriated from revenue under Clause of Act, for the purposes defined therein.....				
50	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.

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

SCHEDULE



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*Gas and Electricity.*

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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.
5 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.

[3s. 6d.]

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Sydney: Alfred James Kent, I.S.O., Government Printer—1932.



Gas and Electricity

Sec. 117

ROBTBOTH SIX

Number of days	Time of day	Kind of report
No. 1, 1917	Electric Lighting and Gas	The whole
No. 2, 1917	Electric Lighting and Gas	The whole
No. 3, 1917	Gas (Amendment) Act, 1917	The whole
No. 4, 1917	Gas (Amendment) Act, 1917	The whole
No. 5, 1917	Gas (Amendment) Act, 1917	The whole
No. 6, 1917	Gas (Amendment) Act, 1917	The whole
No. 7, 1917	Gas (Amendment) Act, 1917	The whole
No. 8, 1917	Gas (Amendment) Act, 1917	The whole
No. 9, 1917	Gas (Amendment) Act, 1917	The whole
No. 10, 1917	Gas (Amendment) Act, 1917	The whole











*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 8 March, 1932.*

## New South Wales.



ANNO VICESIMO SECUNDO

## GEORGII V REGIS.

\*\*\*\*\*

Act No. , 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 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



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*Gas and Electricity.*

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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.

**B**E 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  
5 the same, as follows:—

PART I.

PRELIMINARY.

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

10 (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.

15 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.

PART IV.—GAS—ss. 25-41.

20 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. 34-41.

25 PART V.—ELECTRIC LIGHT COMPANIES—ss. 42-47.

PART VI.—EMERGENCY PROVISIONS—ss. 48-57.

PART



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PART VII.—GENERAL—ss. 58-60.

SCHEDULES.

2. (1) The Acts mentioned in Schedule Six to this Act are, to the extent therein specified, hereby repealed. Repeal.
- 5 (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.
- 10 (3) 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.
- 20 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. Application of Act.
- 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.
- 30 (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 from the operation of this Act. 4.



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

- “Commission” means a commission constituted under this Act.
- 5 “Commissioner” means the Commissioner for Gas and Electricity.
- “Electricity” means electricity, electric current, or any like agency.
- 10 “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.
- 15 “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 any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity.
- 20 25 “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.
- 30 “Gasworks” means works of a gas company and the works connected therewith.
- 35 “Local authority” means council of a city, municipality, or shire, or a county council, and includes the Municipal Council of Sydney.
- “Prescribed” means prescribed by this Act or by regulations made thereunder.
- 40 “Therm” means one hundred thousand British thermal units net.

PART



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PART II.

APPOINTMENT OF COMMISSIONER AND CONSTITUTION  
OF COMMISSIONS.

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

(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.

(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:— Act No. 31, 1902, s. 8.

- (i) The Minister shall cause to be laid before Parliament a full statement of the grounds of 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— Vacation of office.

- (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)



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(c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898 ;

5 (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  
10 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 Commission,  
15 Act, otherwise than by the Commissioner, the Minister shall constitute a commission.

(2) A commission shall consist of the Commissioner and two members appointed by the Minister, one of whom shall be appointed on the nomination of the  
20 electric light company or gas company concerned in the matter in respect of which the inquiry is to be held, 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  
25 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  
30 of a commission at which he is present, and, in the case of an equal division of votes, shall have a casting vote.

(5) In the absence of the Commissioner by reason of illness, suspension, or otherwise, the person acting  
35 as Under-Secretary of the Department of Labour and Industry shall act as Commissioner during his absence, and while so acting shall have all the powers and authorities of the Commissioner.

In



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In the case of illness, suspension, or absence of any member of a commission, other than the Commissioner, the Minister may appoint a deputy to act for such member during his illness, suspension, or absence.

5 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, and during the time he acts as deputy have all the power and authority of such member.

10 (6) Any two 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.

15 (7) If at any meeting of a commission at which two members only are present, neither 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.

20 (8) 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.

25 (9) The determination of the majority of a commission on any matter shall be deemed to be the determination of the commission, but any member may prepare a dissentient report which shall be presented to the Minister with the report of the commission.

30 (10) 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.

35 (11) 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 prescribed for each meeting of the commission attended.

40 (12) 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



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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.

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

- 10 **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  
 15 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.

(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.

- 30 (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.



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PART III.

REGULATION OF GAS COMPANIES AND ELECTRIC  
LIGHT COMPANIES.

9. (1) Except as by this Act provided, the profits of Standard  
5 any gas company or electric light company to be rate of  
divided among the holders of its share capital in any dividend,  
year shall not exceed the following rate (which is in cf. Act No.  
this Act referred to as the standard rate of dividend), 71, 1912,  
that is to say :— s. 15.
- 10 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  
15 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  
20 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 one-  
fifth of a penny or more below the standard price for  
25 that company, the dividend payable by the company  
may, in respect of each fifth 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,  
30 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  
35 for such year may, in respect of each fifth 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



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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  
 5 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  
 10 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  
 15 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.

**10.** (1) The directors of a gas company or electric  
 20 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 two per centum of the amount expended out of borrowed and share capital, on  
 25 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.

(2) The special purposes and depreciation fund  
 shall be applicable only to meet such charges as are  
 30 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,  
 35 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  
 40 credit of the special purposes and depreciation fund  
 shall



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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 <sup>Investment</sup> and depreciation fund, or any portion thereof, may be <sup>of fund.</sup> 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 <sup>15</sup> in the opinion of that company the said amount is inadequate for the prospective requirements of the company under its then existing circumstances, the company may apply to the Minister to cause an inquiry in respect thereof to be held, and the Minister <sup>20</sup> 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 <sup>25</sup> purposes and depreciation fund of such company by such sum and for such a period as the commission may recommend.

**11.** (1) When in any year the rate of dividend that <sup>Reserve</sup> may be paid on the ordinary share capital of a gas <sup>fund.</sup> company or electric light company exceeds the standard <sup>cf. Act No.</sup> rate by reason of the price charged by the company for <sup>71, 1912</sup> gas or electricity in such year being below the standard <sup>s. 17.</sup> price as provided in section fourteen, then, out of the amount of the divisible profits of the company applicable <sup>35</sup> 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



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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  
5 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.

10 (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.

15 (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  
20 depreciation fund 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,  
25 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 transfer the whole of their suspense accounts or reserves other  
30 than those provided for in sections ten and eleven of this Act to the special purposes and depreciation fund.

(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 and eleven  
35 of this Act to the special purposes and depreciation fund within six months from the date of its inclusion in Schedule One to this Act.

Transfer of  
suspense  
accounts and  
reserves to  
special  
purposes and  
depreciation  
fund.



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**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 and a reserve fund in accordance with this Act, and for the purposes mentioned in section nine.

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

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 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 therms consumed, and an electric light company shall charge for electricity supplied by it on the basis of the number of units consumed. 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 in bulk for industrial purposes (which term shall include the supply of gas or electricity 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.

Standard  
price.  
cf. *Ibid.* s. 20.

(2)



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(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.

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.

**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

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



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after the commencement of this Act of any shares in such company shall be subject to the following provisions :—

- 5 (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.
- 10 (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 newspapers published and circulating in
- 15 the locality in which the company supplies gas or electricity.
- 20 (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.
- 25 (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.
- 30 In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid.
- 35 (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)



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- 5 (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 :
- 10        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
- 15        amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.
- 20 (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
- 25        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.
- 30 (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
- 35        for the respective shares or stock.
- (j) The amount of premium shall in all cases be treated as non-dividend bearing.

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

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



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**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.

Inquiry as to standard price to be charged by companies not included in Schedule One.

(2) The commission shall determine and fix, in the case of a gas company not being a local authority, a price per therm 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 per unit 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—

cf. Act No. 71, 1912, s. 32.

- (a) interest payable on loans ;
- (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 therm of gas, and in the case



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of an electric light company being a local authority a price per unit 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 (and in respect of which the commission shall be satisfied as to the necessity for or the expediency of the expenditure), 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) 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.

**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

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



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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.

5 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.

10 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  
15 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.

18. (1) The Auditor-General shall, at the request  
of the Minister, either personally or by an officer  
20 appointed by him, examine and report to the Minister  
upon the accounts of any gas company or electric light  
company; or  
Examination and audit of accounts.  
cf. Act No 71, 1912, s. 23.

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

For the purposes of any such examination, audit, or report, the Auditor-General or the officer appointed by him or by the Minister shall be given access and  
30 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 by the Minister, in  
35 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-  
40 General or such officer for the purpose of the exercise of  
of



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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, 5 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.

- 10 **19.** If any person is required by a gas company or 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 Com- 15 missioner 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.

Company to pay interest on deposits.

The Commissioner shall also determine in what manner and subject to what conditions the interest shall 20 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 pro- 25 visions of any Act constituting the same,—

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

- (a) raise such additional capital as may be necessary by the creation and issue of ordinary shares or stock, or preference shares or stock, or wholly or partially by one or more of those 30 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 35 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)



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- (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.

- 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.

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

- 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 reduction in the standard price of such companies consequent thereon.

- 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 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.

Extension of areas of operations of companies.

cf. Act No. 71, 1912, s. 36.

- (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.**



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**23.** (1) The Governor may after the Commissioner has inquired and reported that such would be in the interest of the public, by proclamation published in the Gazette—

Proclamation  
after inquiry.  
Act No. 71,  
1912, s. 37.

- 5 (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 work-  
10 ing or amalgamation of any gas companies or  
electric light companies upon such conditions as  
the Commissioner may recommend, including  
necessary provisions with regard to the capital  
of the combined company, the vesting of the  
15 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  
20 Act or other provision relating to any gas  
company or electric light company affected by  
any proclamation under this Act as the Com-  
missioner may recommend, and as may be  
necessary to provide for the proper and  
efficient conduct of the company's business.

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

**24.** (1) A commission may be constituted—

Other  
matters  
which may be  
referred to a  
commission.

- (a) by the Minister of his own motion to inquire  
30 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  
35 request of any gas company or electric light  
company to inquire into and report to the  
Minister upon any matter affecting the  
company in its internal affairs ;
- (c) by the Minister of his own motion or at the  
40 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)



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

5 (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;

10 (b) authorise any scheme for the superannuation of its employees, including 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.

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

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PART IV.

GAS.

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

20 **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 British thermal units net. Heating power and purity of gas. cf. Act No. 71, 1912, s. 4.

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.

30 (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)



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(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:—

Penalty for defect in heating power.  
cf. Act No. 71, 1912, s. 5.

10 For any deficiency up to and including five per centum of deficiency, not exceeding ten pounds;

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

15 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.

20 **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:

Penalty for defect in purity.  
cf. *Ibid.* s. 6.

25 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.

30 **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 at the main, between the hours of five a.m. and nine p.m., and a column of water not less than one inch in height between

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



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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 inlet of any meter, 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.

10 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.

20 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.

30 DIVISION 2.—*Gas examiners.*

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

Appointment of gas examiners and testing by them.  
cf. *Ibid.* s.

35 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.

The company shall not be entitled to notice of any proposed testing.

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



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**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. Act No. 71, 1912, s. 13.

**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.

Facilities to be afforded gas examiners  
cf. *Ibid.* s. 14.

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.*

**34.** Every private 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 :

Gas to be supplied through meters.

Provided that a company may by agreement with a consumer supply a special apparatus designed to consume gas continually for twenty-four hours per day at a rate 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.

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

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

**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 :

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

Provided



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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  
5 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.

(2) Every occupier or owner of premises requiring a supply of gas shall serve a notice on the  
10 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  
15 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  
20 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  
25 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 com-  
30 pany for gas supplied by it, such company may charge for the hire of any meter and fittings to be used there- with a price to be determined by the Commissioner, and no other charge in respect of the meter may be made by the company without the consent of the Commissioner.

Charge for  
hire of meter.  
cf. Act No.  
71, 1912,  
s. 28.

35 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



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- 38.** (1) Notwithstanding the provisions of the Act Amendment  
passed in the eighth year of the reign of His late of Act 8  
Majesty King William the Fourth, intituled "An Act Wm. IV.  
for lighting with Gas the Town of Sydney in the Colony cf. Act No  
5 of New South Wales, and to enable certain persons 71, 1212,  
associated under the name, style, and firm of 'The s. 30.  
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"—
- 10 (a) in each year one director of the Australian  
Gas-light Company shall be appointed at a  
general meeting of the Australian Gas-light  
Company's Employees' Share Purchase and  
Co-operative Society Limited.
- 15 The appointment shall take effect from the  
date of the next general annual meeting or  
assembly of the company after the general  
meeting of the said society ;
- 20 (b) it shall be lawful for the proprietors of The  
Australian Gas Light Company by resolution  
passed at any general meeting of the company  
to—
- 25 (i) alter the number of directors of the com-  
pany, but so that the number of directors,  
including the director appointed by  
resolution of the Australian Gas-light  
Company's Employees' Share Purchase  
and Co-operative Society Limited, shall  
not exceed seven ;
- 30 (ii) provide for the election, retirement,  
qualification, and disqualification of  
directors, other than the director so  
appointed ;
- (iii) provide for the remuneration of directors.
- 35 (2) The first appointment of a director of The  
Australian Gas Light Company by the Australian Gas-  
light Company's Employees' Share Purchase and  
Co-operative Society Limited, shall be made within six  
months



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months after the commencement of this Act, and there-  
upon the following provisions shall have effect:—

5 (a) The director so appointed shall hold office as  
an additional director of the company until the  
date of the next general annual meeting or  
assembly of the said company.

10 (b) Any director appointed by the said society shall  
have the powers, authorities, duties, and  
obligations of and shall receive the like  
remuneration as a director elected at a general  
annual meeting or assembly of the company.

15 **39.** (1) If the Minister is satisfied after an inquiry Standards of  
held by a commission constituted for the purpose that heating  
it would be to the advantage of the consumers of gas of power.  
any gas company he may by proclamation published in cf. Act No.  
the Gazette prescribe, in respect of the gas to be 71, 1912,  
supplied by any such company, such reduced standard s. 35.  
of heating power as shall be recommended by the  
commission in lieu of the standard prescribed in section  
20 twenty-five.

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

(a) for any deficiency 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  
30 exceeding one hundred pounds.

**40.** (1) If any consumer neglects to pay any charge Discontinu-  
or sum due by him to any gas company in respect of ance of  
the supply of gas to such consumer, the gas company supply after  
may after giving reasonable notice of its intention to do notice.  
35 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)



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(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.

Where  
company  
ceases to  
supply gas or  
electricity.

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 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.



*Gas and Electricity.*

PART V.

ELECTRIC LIGHT COMPANIES.

**42.** (1) An electric light 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—

Power to require guarantee of specified annual consumption, &c

- (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.

**43.** 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.

Charge for hire of meter.

**44.** 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

Separate rates for lighting and power.

light



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light company for electricity a commission may provide for the charging of lower rates for power or heating purposes than for lighting purposes.

**45.** (1) Where electricity is supplied by any electric light company to private consumers in any part of an area within which the said company is for the time being authorised to supply electricity to private consumers, and has for the time being the exclusive right of so supplying electricity, any local authority, company, or person within that part of the area shall on application be entitled to a supply on the same terms on which any other local authority, company, or person in such part of the area is entitled under similar circumstances to a corresponding supply.

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

(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.

**46.** (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.

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

(2) The electric light company may, in any court of competent jurisdiction, recover any expenses lawfully incurred



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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.

- 5 **47.** (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  
 10 inquire into the circumstances of the case.

Power to Governor to relieve gas company in certain cases. cf. Electric Light and Power Act, 1928 (Vic.), s. 45.

- (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  
 15 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  
 20 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.

- 25 (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  
 30 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  
 35 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.



*Gas and Electricity.*

(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 at such inquiry.

## PART VI.

## EMERGENCY PROVISIONS.

- 48.** 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.
- 49.** 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  
company to  
refuse to  
supply gas.  
cf. Act No. 2,  
1917, s. 10.

Reduction in  
supply.



*Gas and Electricity.*

**50.** (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 Power of Governor by notification to prohibit use of gas.  
5 classes of persons, or for the purposes or periods or cf. Act No. 2, 1917, s. 11. 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  
10 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  
15 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  
20 the Gazette.

**51.** 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  
25 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. Power of Governor to suspend operation of certain provisions of Act. cf. *Ibid.* s. 12

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  
30 such suspension shall be revoked.

**52.** 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  
35 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  
40 partially or for any time to any or all such persons without Power of electric light company to refuse to supply electricity. cf. *Ibid.* s. 4.



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without being liable for any costs, damages, or compensation whatever to any person consequent upon such refusal or discontinuance of supply.

- 53.** (1) The Governor may from time to time, on Publication of notice.  
 5 the recommendation of the Commissioner, publish as cf. Act No. 2, 1917, s. 5.  
 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,  
 10 and may revoke or amend any such notification.

If any person consumes or uses electricity or permits Penalty.  
 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  
 15 to a penalty not exceeding five hundred pounds.

- (2) The company may, during the currency of Discontinuance of supply.  
 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  
 20 respect of which any condition imposed in such notification has not been complied with.

- 54.** In the first instance, and for so long as the Users of electricity to be authorised in the first instance.  
 Commissioner may recommend, such notification may cf. *Ibid.* s. 6.  
 25 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  
 30 enterprises the stoppage of which might, in the opinion of the Commissioner, tend to endanger human life or cause serious bodily injury.

- 55.** All notifications by the Governor under this Part of this Act shall be published in the Gazette Publication of notifications.  
 35 and in one or more newspapers circulating in the district cf. *Ibid.* s. 7.  
 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.

**56.** This Part of this Act shall bind the Crown. Act to Crown.  
 cf. *Ibid.* s. 17.



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**57.** 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.

Suspension of provisions of Act 60 Vic. No. 23.  
cf. Act No. 2, 1917, s. 8.

## PART VII.

## GENERAL.

- 58.** (1) Any gas company or electric light company which contravenes or fails to carry out any provision of this Act shall, where no other penalty is provided, be 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.
- 59.** (1) On resolutions being passed by both Houses of Parliament authorising the same, any Schedule to this Act, except Schedules One and Six, may be 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.
- 60.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which

Penalties  
cf. Act No 71, 1912, s. 26.

Amendment of Schedules.  
cf. *Ibid.* s. 24.

Regulations.



*Gas and Electricity.*

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, 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 meters, pipes, fittings, electric lines, and apparatus ;
- 10 (b) prohibiting interference with any meters, fittings, pipes, electric lines, and apparatus by unauthorised persons ;
- 15 (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 ;
- 20 (d) prescribing the form of meter card and invoice to be supplied to each consumer of gas of any gas company which charges, or may at any time hereafter charge, for gas according to the number of therms consumed ; or to each consumer of electricity of any electric light company ;
- 25 (e) for the licensing of gas-fitters ;
- (f) 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 ;
- 30 (g) 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 ;
- 35 (h) prescribing the amount or fee to be paid to the Commissioner and members of a commission ;
- (i) prescribing the unit of electricity in respect of which a standard price may be charged.

(2)



*Gas and Electricity.*

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

5

(3) 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

10 (c) 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.

15 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  
20 effect.

**SCHEDULES.****SCHEDULE ONE.**

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

**COMPANIES TO WHICH THIS ACT APPLIES.**

25	Company	Standard prices of gas per therm.	
		s.	d.
	Australian Gas-light Company ... ..	1	1·8
	North Shore Gas Company Limited ... ..	1	3
30	The City of Newcastle Gas and Coke Company Limited	1	2·4
	Camden Gas Company Limited ... ..	2	6
	Cowra Gas Company Limited ... ..	2	2
	Grenfell Gas Company Limited ... ..	2	?
	Manly Gas Company Limited ... ..	1	7·2
35	Broken Hill and Suburban Gas Company Limited	2	4·8

Secs. 25, 29.

**SCHEDULE TWO.****STANDARD OF PURITY.**

Such gas shall contain—  
No hydrogen sulphide.

**SCHEDULE**



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*Gas and Electricity.*

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## SCHEDULE THREE

Secs. 25, 59.

## 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  
5 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 water.

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SCHEDULE FOUR.

Secs. 25, 59.

10

## METHOD OF TESTING.

## 1. Method of testing for heating power.

The unit of heating power shall be the British thermal unit, which represents the quantity of heat required to raise one pound of water  
15 one degree of Fahrenheit's thermometer. The heating power of the gas shall be deemed to be the number of British thermal units obtained from one cubic foot of gas.

When the calorimeter prescribed is so designed as to most conveniently register the heating power in calories, the result shall be  
20 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.

25 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  
30 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.

Where a Boys flow calorimeter is used each testing shall include  
35 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.

SCHEDULE



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*Gas and Electricity.*

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

The British thermal unit shall for the purposes of this Act be the  
5 British thermal unit net, in which the latent heat of the vaporisation  
of the water vapour in the gas consumed shall be deducted from the  
gross result.

The result shall be corrected for atmospheric pressure and for  
temperature, and in such other particulars as the gas examiner may  
10 deem necessary, in order to arrive at the true measurement of the  
heat produced.

Where a recording calorimeter is used it shall be standardised by  
the chief gas examiner upon its installation and at any time thereafter  
at the discretion of the chief gas examiner.

15 In the event of the heating power being at any time ascertained to  
be below five hundred British thermal units net, or the standard  
prescribed by proclamation in the Gazette in lieu of five hundred  
British thermal units net in respect of any particular company, a  
second test shall be made at an interval of not less than one hour  
20 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.

## 25 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 pre-  
scribed, and if any discoloration of the test-paper is found to have  
30 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  
discoloration of the test paper is observed, confirmation of the presence  
of sulphuretted hydrogen shall be obtained by passing the gas through  
35 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.



*Gas and Electricity.*

SCHEDULE FIVE.

Secs. 17, 59.

FORM OF ANNUAL ACCOUNTS.

The

Company.

Year ended 31st December, 19 .

A—STATEMENT OF SHARE CAPITAL.

5

On the 31st December, 19 .

10	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 .

15	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



*Gas and Electricity.*SCHEDULE FIVE—*continued*,

## C—CAPITAL ACCOUNT.

For the Year ended 31st December, 19 ,

5	Expend - ture 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.	£ . d.	£ s. d.
10	1. To expenditure to 31st December, 19 .			1. By Ordinary Shares of £ each.....			
	<i>Since that date.</i>						
	2. To lands acquired, in- cluding law charges			2. By Ordinary Shares of £ each.....			
15	3. To new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture ..			3. By Preference Shares of £ each.....			
20	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 .....			. By Debenture Stock			
25							
30	5. To new additional meters (not in place of old ones worn out), including fixing			5. By Mortgages and Bonds.....			
	6. Do. stoves ....			6. By Amount received in anticipation of calls .....			
35	7. To special items, if any .....			7. By Premium Capital			
				8. By other items ....			
	Total expenditure ..						
40	To Balance of Capital Account .....						
			£		To	.....£	

SCHEDULE



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

## D—REVENUE ACCOUNT.

For the year ended 31st December, 19 .

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
5 To Manufacture of Gas—			By Sale of Gas—		
1. Coal, oil, &c., including dues, carriage, unloading, and all expenses of depositing same on works .....			1. Private consumers at per therm .....		
10 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 .....		
15 4. Wages and gratuities .....					
5. Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour ....			By Sale of Residual Products—		
20 Less old material sold ....			4. Coke .....		
To Distribution of Gas—			5. Breeze .....		
6. Salaries and wages of officers, including rental clerks .....			6. Tar .....		
25 7. Repair, maintenance and renewal of mains and service pipes, including materials, laying and paving, and labour .....			7. Ammoniacal liquor .....		
30 8. Repairing, renewing, and fixing and refixing meters, stoves, gas fittings, &c. ....			8. Sulphate of ammonia .....		
To Public Lamps—			9. Asphalt .....		
9. Lighting and repairing .....			10. By rents .....		
35 To Rent, Rates, and Taxes—			11. By transfer fees .....		
10. Rents .....			By other items, if any .....		
11. Rates and taxes (exclusive of State and Federal Income Tax) ..					
40 To Management—					
12. Directors' allowances .....					
13. Salaries of secretary, accountant, and clerks, office-keepers, and messengers .....					
45 14. Collectors' commission or salaries ..					
15. Stationery and printing .....					
16. General establishment charges and incidentals .....					
17. Auditor .....					
To Law and Parliamentary Charges—					
50 18. Law .....					
19. Parliamentary charges .....					
To General Charges—					
20. To Bad Debts .....					
To other items (if any) .....					
55 To amount transferred to Special Purposes and Depreciation Fund (G), as authorised under section ten .....					
Total Expenditure .....	£		Total Receipts .....	£	
60 Balance carried to Profit and Loss Account (E) .....					

SCHEDULE



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

Dr. E—PROFIT AND LOSS ACCOUNT (NET REVENUE). Cr.  
For the Year ended 31st December, 19 .

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

## 30 F—RESERVE FUND ACCOUNT.

For the Year ended 31st December, 19 .

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

SCHEDULE



SCHEDULE FIVE—*continued.*

For the Year ended 31st December, 19 .

H—STATEMENT OF GAS AND COALS.

25	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 (therms)	Gas sold during year (therms).
		Tons.	Tons.	Tons.	Tons.		

## SCHEDULE



*Gas and Electricity.*

## SCHEDULE FIVE—continued.

## I—STATEMENT OF RESIDUAL PRODUCTS.

For the year ended 31st December, 19 .

5	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.....					
10	Tar, Gallons .....					
	Ammoniacal Liquor.....					
	Sulphate of Ammonia.....					
	Asphalt .....					

## J—GENERAL BALANCE-SHEET.

15 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 .....	
20 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 . .....	
25 4. To Special Purposes and Deprecia- tion Fund— Balance at credit thereof (Account G) .....		4. By Coke and breeze .....	
30 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 .....	
35 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 .....	
40 To Other items, if any.....		9. By Sundry accounts .....	
	£	By Special items (if any), including investments .....	£

SCHEDULE



*Gas and Electricity.*SCHEDULE FIVE—*continued.*

K—BALANCE-SHEET OF THE

COMPANY MADE UP TO

19 .

Dr.

Cr.

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
	Showing—	£ s. d.	£ s. d.		Showing—	£ s. d.	£ s. d.
5	Capital.	1. The number of shares..		Property held by the Company.	Immovable property, distinguishing—		
		2. The amount paid per share .....			(a) Freehold land ....		
10		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 .....		
15	Debts and liabilities of the company.	5. The amounts of loans on mortgages or debenture bonds.....		Debts owing to the Company.	Movable property, distinguishing—		
		6. The amount of debts owing to the Company, distinguishing,			(d) Stock-in-trade ....		
20		(a) Debts for which acceptances have been given ....			(e) Plant .....		
25		(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 .....		
30		(c) Debts for Law Expenses .....		Cash and investments.	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.)		
35	Reserve Fund.	(f) Not enumerated above .....			The nature of Investment and rate of Interest ..		
	Special Purposes and Depreciation Fund.	The amount set aside from profits .....			The amount of Cash, where lodged, and if bearing interest.		
40		The amount appropriated from revenue under Clause of Act, for the purposes defined therein .....					
	Profit and Loss.	The disposable balance for payment of dividends, &c. ....					
45	Contingent liabilities.	Claims against the Company not acknowledged as debts ...					
50		Moneys for which the Company is contingently liable.....					
		£			£		

## L—LIST OF SHAREHOLDERS.

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

SCHEDULE



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*Gas and Electricity.*

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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.
5 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.

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Sydney: Alfred James Kent, I.S.O., Government Printer—1932.

[3s. 3d.]



