

GAS AND ELECTRICITY (AMENDMENT) BILL

*Schedule of the Amendments referred to in Legislative Council's
Message of 7 April, 1982.*

- No. 1.—Page 2, Clause 2, line 9. *Omit “, 6 and 7”, insert “and 6”.*
- No. 2.—Page 3, Clause 7, line 20, down to and including line 15 on page 4. *Omit all words on these lines.*
- No. 3.—Page 5, Schedule 1, line 21. *After “1961”, insert “, but does not include a company specified from time to time by the Minister”.*
- No. 4.—Page 7, Schedule 1, line 19. *Omit “month’s”, insert “year’s”.*
- No. 5.—Page 8, Schedule 1, line 9. *Omit “, (2B)”.*
- No. 6.—Page 8, Schedule 1, line 20. *Omit “and”.*
- No. 7.—Page 8, Schedule 1, line 24. *Omit “inquiry.”, insert “inquiry; and”.*
- No. 8.—Page 8, Schedule 1. *After line 24, insert “(f) any matter referred to the board by the Minister.”*
- No. 9.—Page 8, Schedule 1, line 25 down to and including line 6 on page 9. *Omit all words on these lines.*
- No. 10.—Page 9, Schedule 1, line 20. *Omit “, (2B)”.*
- No. 11.—Page 10, Schedule 1, line 7. *Omit “and”.*
- No. 12.—Page 10, Schedule 1, line 11. *Omit “inquiry.”, insert “inquiry; and”.*
- No. 13.—Page 10, Schedule 1. *After line 11, insert “(e) any matter referred to the board by the Minister.”*
- No. 14.—Page 10, Schedule 1, lines 12 to 19 inclusive. *Omit all words on these lines.*
- No. 15.—Page 11, Schedule 1, line 20. *Omit “and”.*
- No. 16.—Page 11, Schedule 1, line 24. *Omit “inquiry.”, insert “inquiry; and”.*
- No. 17.—Page 11, Schedule 1. *After line 24, insert “(e) any matter referred to the board by the Minister.”*
-

CONCURRENCE COPY

GAS AND ELECTRICITY (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

- Energy Authority (Amendment) Bill, 1982;
- Aberdare County Council (Dissolution) Bill, 1982;
- Newcastle Gas Company Limited (Amendment) Bill, 1982.

The objects of this Bill are—

- (a) to make further provision with respect to the maximum rate of dividend payable on the ordinary share capital of a gas company (Schedule 1 (3));
- (b) to enable the Minister, at the request of a gas company, to vary or dispense with the requirements of sections 7, 8 and 10 of the Gas and Electricity Act, 1935, ("the Act") relating to transfers by gas companies out of their revenue to certain accounts or reserves specified in those sections (Schedule 1 (4)—proposed section 10A);
- (c) to increase the penalty liable to be paid by a gas company which contravenes a requirement of the Act relating to transfers from its revenue to any reserve, fund or account (Schedule 1 (5));
- (d) to specify the matters to be taken into consideration on the making of an inquiry by a board of inquiry constituted under the Act (Schedule 1 (6) (a), (9) (b) and (11) (a));
- (e) to extend certain provisions of the Act relating to the presentation and the inspection of accounts and other financial records of gas companies so as to include subsidiaries of those companies (Schedule 1 (6) (b), (9) (c), (11) (b), (12) (a) and (b) and (13));
- (f) to extend certain provisions of the Act relating to the issue of additional shares so as to include gas companies prescribed in accordance with regulations made under the Act (Schedule 1 (7));
- (g) to make provision with respect to the standard price or prices for gas supplied by The Albury Gas Company Limited by meter (Schedule 1 (10));

- (h) to require the furnishing of an annual summary of the operations of gas companies and their subsidiaries to the Minister and the public (Schedule 1 (12) (c) and (d));
 - (i) to require the furnishing of information and records by certain gas companies to the Minister and to prohibit the disclosure of that information or those records (Schedule 1 (14)—proposed section 18A);
 - (j) to make further provision with respect to the powers of the Minister to approve and to impose conditions of approval relating to the reticulation of gas (clause 7 and Schedule 1 (15));
 - (k) to render unlawful certain agreements between gas companies (Schedule 1 (16)—proposed section 20A);
 - (l) to establish the Natural Gas Development Support Account and to provide for the payment of money into and out of that Account (Schedule 1 (18)—proposed Division 3 of Part III);
 - (m) to increase the general penalty payable in respect of a contravention of the Act (Schedule 1 (19));
 - (n) to enable regulations to be made under the Act with respect to—
 - (i) the keeping of information and records by gas companies and their subsidiaries;
 - (ii) the basis of charging for gas;
 - (iii) the supply of gas; and
 - (iv) the making of certain service charges by gas companies(Schedule 1 (20));
 - (o) to omit from the Act a reference to the Aberdare County Council on the dissolution of that Council (Schedule 2);
 - (p) to make amendments to the Act relating to the change of name of the Newcastle Gas Company Limited consequent on the enactment of the proposed Newcastle Gas Company Limited (Amendment) Act, 1982 (Schedule 3);
 - (q) to amend the Act by way of statute law revision (Schedule 4);
 - (r) to validate certain dividends declared by The Australian Gas Light Company (clause 6); and
 - (s) to make other provisions of a minor, consequential or ancillary nature.
-

Act No. 1982
GAS AND ELECTRICITY (AMENDMENT) BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend the Gas and Electricity Act, 1935.

[MR BOOTH—1 April, 1982.]

See also Energy Authority (Amendment) Bill, 1982; Aberdare County Council (Dissolution) Bill, 1982
Newcastle Gas Company Limited (Amendment) Bill, 1982.

Gas and Electricity (Amendment).

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

5 Short title.

1. This Act may be cited as the "Gas and Electricity (Amendment) Act, 1982".

Commencement.

2. (1) This section, sections 1, 6 and 7 and Schedule 4 (other than
10 Schedule 4 (36) (d)) shall commence on the date of assent to this Act.

(2) Section 5, in its application to a provision of Schedule 1, 2, 3 or 4, shall commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

15 (3) Schedule 2 shall commence on the prescribed day within the meaning of section 3 of the Aberdare County Council (Dissolution) Act, 1982.

(4) Schedule 3 shall commence on the day appointed and notified
20 under section 2 (3) of the Newcastle Gas Company Limited (Amendment) Act, 1982.

(5) Schedule 4 (36) (d) shall be deemed to have commenced on 11th April, 1935.

(6) Except as provided in this section, the several provisions of this
25 Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Gas and Electricity (Amendment).

Principal Act.

3. The Gas and Electricity Act, 1935, is referred to in this Act as the Principal Act.

Schedules.

5 4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE ABERDARE COUNTY COUNCIL.

10 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NEWCASTLE GAS COMPANY LIMITED.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 42, 1935.

5. The Principal Act is amended in the manner set forth in Schedules 15 1—4.

Validation of certain dividends.

6. A dividend declared by The Australian Gas Light Company at any time in 1981 or at any time in 1982 prior to 2nd March, 1982, is hereby validated.

20 Approval to supply or distribute gas.

7. (1) An approval under section 20A of the Principal Act, being an approval in force immediately before the date of commencement of Schedule 1 (15) is, on the expiration of 3 months after that date, hereby revoked.

Gas and Electricity (Amendment).

(2) Where—

- (a) an application is made to the Minister by a person for an approval under section 20A of the Principal Act, as amended by this Act; and
- 5 (b) the person, throughout the period of 12 months prior to the date of assent to this Act, by means of a pipe or system of pipes, supplied or distributed gas to any other person or persons for lighting, heating or any other purpose or disposed of gas to any other person or persons with a view to profit,
- 10 the Minister shall, subject to section 20A of the Principal Act, as amended by this Act, grant approval to the person making the application so to supply, distribute or dispose of gas to that other person or those other persons within such region or area, determined by the Minister and being a part only of the State of New South Wales, as includes the place or places at which
- 15 the supply, distribution or disposition was made.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 1 (3)—

- 20 From the matter relating to Part III, omit "22A" where firstly occurring, insert instead "22F".

(b) Section 1 (3)—

After the matter relating to Division 2 of Part III, insert:—

- 25 **DIVISION 3.—Natural Gas Development Support Account—**
ss. 22B–22F.

(2) (a) Section 3, definition of "Standard price" or "standard prices"—

Omit "first-mentioned order.", insert instead "first-mentioned order;".

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 3, definitions of “Standard rate of dividend”,
“Subsidiary”—

5 After the definition of “Standard price” or “standard prices”,
insert:—

“Standard rate of dividend” means—

(a) except where an approval of the Minister
under section 6 (2) has effect—

10 (i) in relation to the ordinary share capital
of a gas company, the rate specified
in section 6 (1) (a); and

15 (ii) in relation to the preference capital of
a gas company, the rate specified in
section 6 (1) (b); and

(b) where an approval of the Minister under
section 6 (2) has effect—the increased rate
approved in accordance with that subsection;

20 “Subsidiary”, in relation to a gas company, has the meaning
ascribed thereto in section 6 of the Companies Act,
1961.

(3) Section 6 (1), (1AA)—

Omit section 6 (1), insert instead:—

25 (1) The profits of a gas company available for distribution by way
of dividend among the holders of its share capital in any year shall
not, except as hereinafter provided, exceed the following rates, that
is to say—

30 (a) on the ordinary share capital of the company—in respect of
every \$100 actually paid up or issued as paid up of that
capital, a rate being \$2 above—

(i) where, during the period of 4 months preceding 1st
March in the year commencing 1st January in which
the dividend is declared, Commonwealth Treasury

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 Bonds were, or Commonwealth Inscribed Stock was, first issued for public subscription—the initial rate of yield on that issue or, where there was more than one such first issue during that 4 month period, the initial rate of yield on the issue that had the longer or longest period to maturity at the date of first issue; or

10 (ii) where, during the period of 4 months preceding 1st March in the year commencing 1st January in which the dividend is declared, there was no first issue of Commonwealth Treasury Bonds or Commonwealth Inscribed Stock for public subscription—the initial rate of yield on the first issue most recently made
15 before that 4 month period; and

(b) on the preference capital of the company—in respect of every \$100 actually paid up or issued as paid up of that capital, a rate of \$5.50.

20 (1AA) Nothing in subsection (1) prevents a gas company which is involved in the exploration, development and bulk carriage of natural gas and which is prescribed for the purposes of this subsection from increasing, after such date as has been notified in the Gazette by the Minister in relation to the company, the rate of dividend determined in accordance with section 6 (1) on the ordinary share
25 capital of the company to a rate which is—

(a) a maximum of 1.3 times the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii); and

(b) not more than \$3 above the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii).

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 10A—

After section 10, insert:—

5 **Variation of certain financial arrangements.**

10A. (1) The Minister may, at the request of a gas company, by notice published in the Gazette—

10 (a) vary or dispense with, in relation to that company, any requirement or other provision of section 7, 8 or 10 in respect of such circumstances, if any, and subject to such conditions, if any, as are specified in the notice; and

15 (b) approve the transfer, expenditure or setting apart of money (other than money to which section 7, 8 or 10 applies) from the revenue of the company to any reserve, fund or account and specify the objects for which, the circumstances in which and the conditions subject to which that money may be transferred, expended, set apart or otherwise dealt with.

20 (2) The Minister may, where he has given not less than 1 month's notice in writing to a gas company in relation to which a notice under subsection (1) is in force, by notice published in the Gazette, revoke the notice under subsection (1).

(3) A notice under subsection (1) or (2) which is published in the Gazette shall have effect on and from the date of its publication in the Gazette or a later date specified in the notice.

25 (4) A gas company in relation to which a notice under subsection (1) is in force shall not contravene the notice.

(5) (a) Section 11 (1)—

Omit "in this Part", insert instead "by or under this Part,".

Gas and Electricity (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(b) Section 11 (3)—

Before “this Part”, insert “or under”.

5 (c) Section 11 (4)—

Omit “two hundred dollars”, insert instead “\$1,000”.

(d) Section 11 (4)—

Omit “one hundred dollars”, insert instead “\$200”.

(6) (a) Section 12 (2A), (2B)—

10 After section 12 (2), insert:—

(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

(a) the dividends paid or payable by the company;

15 (b) the terms of any notice published under section 10A and in force in respect of the company;

(c) the terms of any approval granted by and any conditions imposed by the Minister under section 20A (1) in respect of the company;

20 (d) the amount paid or payable by the company under section 22E; and

(e) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry.

25 (2B) The board shall, so far as practicable, determine and certify such price or prices to the Minister as will ensure that the price or prices at which and the terms under which gas is supplied to any person in the region or area within which the

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 company is for the time being authorised to supply gas is or are not different from that or those upon which that company supplies gas in similar circumstances to other persons within that region or area.
- (b) Section 12 (4) (b)—
After “company” where thirdly occurring, insert “and each subsidiary of the company”.
- 10 (7) (a) Section 13 (1)—
Omit “shall be subject”, insert instead “or a prescribed gas company shall be subject”.
- (b) Section 13 (1A)—
15 Omit “any of the three companies mentioned in subsection (1)”, insert instead “a company to which this section applies”.
- (8) Section 13A—
Omit “shall”, insert instead “and a prescribed gas company shall”.
- (9) (a) Section 14 (1) (a)—
Omit “referred to in section 6”.
- 20 (b) Section 14 (2A), (2B)—
After section 14 (2), insert:—
(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—
(a) the dividends paid or payable by the company;

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (b) the terms of any approval granted by and any conditions imposed by the Minister under section 20A (1) in respect of the company;
- (c) the amount paid or payable by the company under section 22E; and
- 10 (d) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry.

15 (2B) The board shall, so far as practicable, determine and certify such price or prices to the Minister as will ensure that the price or prices at which and the terms under which gas is supplied to any person in the region or area within which the company is for the time being authorised to supply gas is or are not different from that or those upon which that company supplies gas in similar circumstances to other persons within that region or area.

20 (c) Section 14 (3)—
After “concerned”, insert “and each subsidiary of the company”.

(d) Section 14 (6)—
Omit “referred to in section 6”, insert instead “of dividend”.

25 (10) Section 14A—

After section 14, insert:—

Standard price or prices for gas—Albury.

30 14A. (1) Except as provided by subsection (2), nothing in this Part prevents The Albury Gas Company Limited, while it is a subsidiary of the Gas and Fuel Corporation of Victoria, from increasing the standard price or prices for gas supplied by the Company by

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 meter so that the standard price or prices does or do not exceed the price or prices for gas supplied by the Gas and Fuel Corporation of Victoria by meter in the metropolitan area of Melbourne in the State of Victoria.

(2) An increase made by The Albury Gas Company Limited under subsection (1) has no effect until the Company has notified the Minister, in writing, of the increase.

10 (11) (a) Section 16 (2A)—

After section 16 (2), insert:—

(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

- 15 (a) the dividends paid or payable by the company;
- (b) the terms of any approval granted by the Minister under section 20A (1) and any conditions imposed by the Minister under section 20A (1) or (1A) in respect of the company;
- 20 (c) the amount paid or payable by the company under section 22E; and
- (d) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry.

25 (b) Section 16 (3) (b)—

After “company” where thirdly occurring, insert “and each subsidiary of the company”.

(12) (a) Section 17 (1)—

30 After “accounts” where firstly occurring, insert “of the company and each subsidiary of the company”.

Gas and Electricity (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(b) Section 17 (1)—

5 After “the company” where secondly occurring, insert “or subsidiary, as the case may be.”

(c) Section 17 (1A)—

After section 17 (1), insert:—

10 (1A) A gas company (other than a local authority) shall forward to the Minister, on or before 30th April in each year, an annual summary, in the prescribed form, of the operations of the company and each subsidiary of the company.

(d) Section 17 (2)—

After “statement”, insert “and annual summary”.

(e) Section 17 (2)—

15 Omit “ten cents”, insert instead “\$1”.

(13) Section 18 (4)—

After section 18 (3), insert:—

(4) In this section, a reference to a gas company includes a reference to a subsidiary of the company.

20 (14) Section 18A—

After section 18, insert:—

Forwarding of information, etc., to Minister.

25 18A. (1) A gas company (other than a local authority) shall, after receipt of a request in writing from the Minister, forward to the Minister, in accordance with the request, such information or

*Gas and Electricity (Amendment).***SCHEDULE 1—continued.****AMENDMENTS TO THE PRINCIPAL ACT—continued.**

such records or documents, or copies of or extracts from such records or documents, as is or are required to be kept by the company by or under this Act or such other information as may be specified in the request relating to the operations of the company.

(2) A person shall not disclose any information obtained in connection with the administration or execution of this section unless that disclosure is made—

- 10 (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- 15 (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings;
- (d) in accordance with a requirement imposed under the Ombudsman Act, 1974; or
- (e) with other lawful excuse.

(15) (a) Section 20A (1)—

20 Omit “after the expiration of a period of six months after the commencement of the Gas and Electricity (Amendment) Act, 1967,”.

(b) Section 20A (1A), (1B)—

After section 20A (1), insert:—

- 25 (1A) A gas company (being a local authority) shall not—
- (a) establish or acquire a trading undertaking referred to in section 418 (1) (b) or (1) of the Local Government Act, 1919;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) enter into an agreement to supply or take a supply of gas in bulk to or from any person; or
- 5 (c) grant or renew permission to any person to supply gas to the public within its area,
- except with the approval in writing of the Minister and in accordance with any conditions to which any such approval is from time to time subject.
- 10 (1B) Without limiting the generality of subsection (1) or (1A), the conditions imposed by the Minister under those subsections may include conditions—
- (a) restricting the supply or distribution of gas to a region or an area specified by the Minister;
- 15 (b) requiring the supply of gas throughout the whole or a specified part of a region or an area referred to in paragraph (a); and
- (c) requiring the price at which gas is supplied to a person in a region or an area—
- 20 (i) to have a specified form and basis;
- (ii) to be adopted in accordance with a specified method; and
- (iii) to be the same as that at which gas is supplied in similar circumstances to any other person in the region or area or to other persons in such other
- 25 regions or areas as may be specified by the Minister.

(c) Section 20A (2)—

After “subsection (1)”, insert “or (1A)”.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 20A (4A)—

After section 20A (4), insert:—

- 5 (4A) Notification of the terms of an approval granted under this section, the conditions to which any such approval is subject and the variation, revocation or adding to of any such approval shall be published in the Gazette.

(e) Section 20A (5)—

- 10 After “subsection (1)”, insert “or (1A)”.

(16) Section 20B—

After section 20A, insert:—

Certain agreements unlawful.

- 15 20B. A person shall not enter into an agreement with another gas company which is inconsistent with the terms of an approval granted under section 20A or with any conditions to which any such approval is subject, being an approval granted in respect of either of those companies.

(17) Section 21—

- 20 Omit the section.

(18) Part III, Division 3—

After Division 2, insert:—

DIVISION 3.—*Natural Gas Development Support Account.***Interpretation: Pt. III, Div. 3.**

- 25 22B. In this Division—

“Account” means the Natural Gas Development Support Account established under section 22C;

“Authority” means the Energy Authority of New South Wales.

*Gas and Electricity (Amendment).***SCHEDULE 1—continued.****AMENDMENTS TO THE PRINCIPAL ACT—continued.****Natural Gas Development Support Account.**

22C. There shall be established in the Special Deposits Account in the Treasury a Natural Gas Development Support Account.

Payments into the Account.

22D. There shall be paid into the Account amounts received by the Authority pursuant to section 22E.

Determination, etc., of amounts to be paid for development support.

10 22E. (1) In this section—

“gas company” means a gas company which is prescribed for the purposes of this section, but does not include the Albury Gas Company Limited while it is a subsidiary of the Gas and Fuel Corporation of Victoria;

15 “year”, in relation to a gas company, means the year ending 30th June next occurring not less than 12 months after the day on which the gas company is prescribed for the purposes of this section, and each succeeding year ending 30th June.

20 (2) A gas company shall, within 2 months after the expiration of each year, or in accordance with such other agreement as may be entered into between the company and the Authority, pay to the Authority such amount, if any, determined in accordance with the following formula:—

25
$$A = k \left(D - \frac{CB}{100} \right)$$

where—

A is the amount to be paid to the Authority;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

B is—

- 5 (a) where, during the period of 4 months preceding 1st
March in the year in respect of which the amount is to
be paid to the Authority, Commonwealth Treasury
Bonds were, or Commonwealth Inscribed Stock was,
10 first issued for public subscription—the initial rate of
yield on that issue or, where there was more than one
such first issue during that 4 month period, the initial
rate of yield on the issue that had the longer or longest
period to maturity at the date of first issue; or
- 15 (b) where, during the period of 4 months preceding 1st
March in the year in respect of which the amount is to
be paid to the Authority, there was no first issue of
Commonwealth Treasury Bonds or Commonwealth In-
scribed Stock for public subscription—the initial rate of
yield on the first issue most recently made before that
4 month period;
- 20 C is the amount of the ordinary share capital of the company as
at 1st July in that year;
- D is the total amount distributed or liable to be distributed to
shareholders of the company during that year; and
- k is 1.852 or such other number as may be prescribed.

25 (3) The Minister may, by notice in writing given to a gas
company before the expiration of a year, require the company to
furnish a return to him, in a form determined by the Minister, within
2 months after the expiration of the year, as to any of the matters
referred to in subsection (2).

30 (4) On receipt of an amount payable under subsection (2),
the Authority shall pay the amount into the Account.

(5) The Authority may recover an amount due and payable
under subsection (2) as a debt in any court of competent jurisdiction.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (6) The directors of a gas company may, if they think fit, in any year, charge against the revenue of the company as part of the expenditure on revenue account, any sum not exceeding the amount payable under subsection (2) in the following year and any sum so charged shall be applied in payment of that amount.

Payments out of the Account.

10 22F. (1) There may be paid out of the Account, with the approval of the Minister, a grant or grants to a gas company for or towards the cost of reducing the charges payable for gas (whether natural gas or otherwise) supplied by the company.

15 (2) Before approving the payment of a grant under subsection (1), the Minister may require a gas company to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions upon and subject to which, the payment of the grant is made.

(19) Section 83 (1)—

Omit “exceeding one hundred dollars.”, insert instead:—
20 exceeding—

- (a) in the case of a person other than a corporation—\$500; and
- (b) in the case of a corporation—\$2,000.

(20) (a) Section 85 (1) (h)—

Omit “examiners.”, insert instead “examiners;”.

25 (b) Section 85 (1) (i)–(m)—

After section 85 (1) (h), insert:—

- (i) for or with respect to the recording and compilation of such information and the keeping of such books and records (including accounts and financial records) as

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 may be prescribed by gas companies and their subsidiaries, the particulars to be entered in and the manner of keeping those books and records;
- (j) prescribing the furnishing of information, particulars, returns and statistics by gas companies and their subsidiaries, the time and mode of furnishing and the manner of verification of that information and those particulars, returns and statistics;
- 10 (k) prescribing the form and basis of charging for gas (otherwise than for gas sold or supplied in bulk) and the methods to be adopted in fixing those charges and prescribing times for revising those charges;
- 15 (l) prescribing the terms and conditions under which gas (other than gas supplied in bulk) is to be supplied by gas companies; and
- (m) prescribing the fees and charges to be charged by a gas company for the supply, connection, inspection, testing and repair of a consumer's gas installation.
- 20

(c) Section 85 (1A)—

After section 85 (1), insert:—

- (1A) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- 25 (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- 30
- or may do any combination of those things.

*Gas and Electricity (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
NEWCASTLE GAS COMPANY LIMITED—*continued.*

(3) Schedule 1—

- 5 Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".

(4) Schedule 7—

- Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".

10

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

(1) Long title—

- 15 Omit "the Sydney Corporation Act, 1932-1934,".

(2) (a) Section 1 (3)—

From the matter relating to Part VI, omit "80" where firstly occurring, insert instead "79".

(b) Section 1 (3)—

20

Omit the matter relating to Division 7 of Part VI.

(c) Section 1 (3)—

Omit the matter relating to Part X.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (3) Section 2 (3)—
5 Omit “, as amended by subsequent Acts”.
- (4) Section 2A—
Omit the section.
- (5) Section 3, definitions of “Part”, “Prescribed”, “Schedule”—
Omit the definitions.
- 10 (6) Section 4 (3), (5)—
Omit the subsections.
- (7) Section 5 (4), (5)—
Omit “—1934” wherever occurring.
- (8) Section 9—
15 Omit the section.
- (9) (a) Section 12 (2) (c) (i)—
Omit “subparagraph (i) of paragraph (b)”, insert instead
“paragraph (b) (i)”.
- (b) Section 12 (2) (c) (ii)—
20 Omit “subparagraph (ii) of paragraph (b)”, insert instead
“paragraph (b) (ii)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (10) (a) Section 13 (1)—
5 Omit “, or the City of Newcastle Gas and Coke Company (Limited), ”, insert instead “or the Newcastle Gas Company Limited”.
- (b) Section 13 (1) (d)—
Omit “two hundred dollars”, insert instead “\$200”.
- 10 (c) Section 13 (1A)—
Omit “subsection (1A) of section 6”, insert instead “section 6 (1A)”.
- (11) Section 13A—
15 Omit “The City of Newcastle Gas and Coke Company (Limited)”, insert instead “the Newcastle Gas Company Limited”.
- (12) (a) Section 14 (1) (a)—
Omit “subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (2) of section 12”, insert instead “section 12 (2) (a) (i), (ii) and (iii)”.
- 20 (b) Section 14 (2)—
Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.
- (c) Section 14 (2)—
25 Omit “paragraph (c) of that subsection”, insert instead “subsection (1) (c)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(13) Section 16 (1)—

- 5 Omit “rates and/or charges”, insert instead “rates and charges or rates or charges”.

(14) (a) Section 17 (1)—

Omit “the thirtieth day of April”, insert instead “30th April”.

(b) Section 17 (1)—

- 10 Omit “the thirty-first day of December”, insert instead “30th December”.

(c) Section 17 (3)—

Omit “four dollars”, insert instead “\$4”.

(15) (a) Section 18 (1)—

- 15 Omit “as amended by subsequent Acts,”.

(b) Section 18 (3)—

Omit “forty dollars” wherever occurring, insert instead “\$40”.

(16) (a) Section 20 (1) (b)—

Omit “said”.

20 (b) Section 20 (1) (c)—

Omit “two hundred dollars”, insert instead “\$200”.

(c) Section 20 (1A)—

Omit “paragraph (b) of subsection (1)”, insert instead “subsection (1) (b)”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (d) Section 20 (1A)—
5 Omit “that paragraph”, insert instead “subsection (1) (b)”.
- (17) (a) Section 20A (5)—
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 20A (7)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- 10 (18) (a) Section 22 (1) (a)—
Omit “the purchase of the assets and undertaking of a gas
company by another such company and/or for the joint working
and/or for the amalgamation of any gas companies”, insert
instead:—
15 any one or more of the following:—
(i) the purchase of the assets and undertaking of a gas
company by another gas company;
(ii) the joint working of any gas companies;
(iii) the amalgamation of any gas companies,
- 20 (b) Section 22 (2)—
Omit “paragraph (b) or paragraph (c) of subsection (1)”,
insert instead “subsection (1) (b) or (c)”.
- (c) Section 22 (2)—
25 Omit “either of the said paragraphs”, insert instead “subsection
(1) (b) or (c)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (19) (a) Section 22A—
5 Omit “(1)”, insert instead “(a)”.
- (b) Section 22A—
Omit “(a)”, insert instead “(i)”.
- (c) Section 22A—
Omit “(b)”, insert instead “(ii)”.
- 10 (d) Section 22A—
Omit “(2)”, insert instead “(b)”.
- (20) (a) Section 24 (1)—
Omit “twenty dollars”, insert instead “\$20”.
- (b) Section 24 (1)—
15 Omit “fifty dollars”, insert instead “\$50”.
- (c) Section 24 (1)—
Omit “two hundred dollars”, insert instead “\$200”.
- (d) Section 24 (2), (2A), (3)—
20 Omit “one hundred dollars” wherever occurring, instead instead
“\$100”.
- (21) (a) Section 25 (1)—
Omit the subsection, insert instead:—
(1) Such gas examiners as may be necessary for the pur-
poses of this Act may be appointed under and subject to the
25 Public Service Act, 1979.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (b) Section 25 (4)—
5 Omit “one hundred dollars”, insert instead “\$100”.
- (22) Section 27 (3)—
Omit “one hundred dollars”, insert instead “\$100”.
- (23) (a) Section 28 (1)—
Omit “twenty”, insert instead “20”.
- 10 (b) Section 28 (1)—
Omit “forty-five”, insert instead “45”.
- (c) Section 28 (1)—
Omit “twelve”, insert instead “12”.
- (d) Section 28 (2)—
15 Omit “the said notice”, insert instead “the notice referred to in
subsection (1)”.
- (e) Section 28 (2)—
Omit “four dollars”, insert instead “\$4”.
- (f) Section 28 (3)—
20 Omit “ten”, insert instead “10”.
- (24) Section 29 (2)—
Omit “ten dollars”, insert instead “\$10”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (25) (a) Section 30 (1)—
5 Omit “one hundred dollars”, insert instead “**\$100**”.
- (b) Section 30 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 30 (1)—
Omit “fifty dollars”, insert instead “**\$50**”.
- 10 (26) Section 33—
Omit “said”.
- (27) (a) Section 34 (1)—
Omit “as amended by subsequent Acts”.
- (b) Section 34 (2)—
15 Omit “the said Act”, insert instead “the Act first referred to in
subsection (1)”.
- (c) Section 34 (2)—
Omit “the said company”, insert instead “**The Australian Gas
Light Company**”.
- 20 (d) Section 34 (4) (a)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(e) Section 34 (5)—

5 Omit the subsection, insert instead:—

(5) The Act first referred to in subsection (1) may be cited as the “Australian Gas Light Company Act, 1837”.

(28) (a) Section 38 (1)—

Omit “, as amended by subsequent Acts”.

10 (b) Section 38 (2)—

Omit “as so amended”.

(29) Section 39 (1)—

Omit “the said Part XXIX”, insert instead “Part XXIX of the Principal Act”.

15 (30) Section 40 (4) (a)—

Omit “subsections (2) and (3) of section 47”, insert instead “section 47 (2) and (3)”.

(31) Section 45 (2)—

Omit “paragraph (a) of section 2”, insert instead “section 2 (a)”.

20 (32) (a) Section 47 (1)—

Omit “-1928”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (b) Section 47 (1)—
- 5 Omit “The appointed day shall be not later than six months after the day appointed in pursuance of section 41 for the constitution of the Sydney County Council.”.
- (c) Section 47 (2)–(4)—
- Omit the subsections.
- 10 (33) (a) Section 48—
- Omit “said” where firstly occurring.
- (b) Section 48 (b)–(h)—
- Omit the paragraphs.
- (34) Sections 49, 50—
- 15 Omit the sections.
- (35) (a) Section 51 (1)—
- Omit “–1928, as amended by this Act”.
- (b) Section 51 (1A), (2)—
- Omit the subsections.
- 20 (36) (a) Section 52 (3)—
- Omit “said”.
- (b) Section 52 (3)—
- Omit “as amended by subsequent Acts”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 52 (3)—
5 Omit “section one hundred and seventy-one”, insert instead
“section 171”.
- (d) Section 52 (3)—
From the matter to be inserted at the end of section 171 of the
Local Government Act, 1919, omit “(2)”, insert instead “(6)”.
- 10 (37) Section 53—
Omit “-1928”.
- (38) (a) Section 54 (1)—
Omit “said”.
- (b) Section 54 (1)—
15 Omit “-1928”.
- (c) Section 54 (1)—
Omit “Four to this Act”, insert instead “4”.
- (d) Section 54 (2)—
Omit the subsection.
- 20 (39) (a) Section 55 (1)—
Omit “-1928”.
- (b) Section 55 (3)—
Omit “and/or”, insert instead “or”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 55 (4) (a)—
5 Omit “Municipal Council of Sydney”, insert instead “Council of
the City of Sydney”.
- (40) (a) Section 55A (3)—
Omit “-1938”.
- (b) Section 55A (4) (a)—
10 Omit “-1938, or any Act replacing the said Act”.
- (c) Section 55A (4) (b)—
Omit “of the Parliament of New South Wales”.
- (41) Section 55B—
Omit “(1)”.
- 15 (42) (a) Section 55F (1)—
Omit “Local Government Act, 1919, as amended by subsequent
Acts,” insert instead “Principal Act”.
- (b) Section 55F (2)—
20 Omit “the said section 654”, insert instead “section 654 of the
Principal Act”.
- (43) (a) Section 56 (1) (k)—
Omit “1912, or any amendment thereof,” insert instead “1940,”.
- (b) Section 56 (1) (r)—
Omit the paragraph.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (44) Section 59—
5 Omit the section.
- (45) Section 66 (4)—
Omit “ten”, insert instead “10”.
- (46) Section 72 (2)—
Omit “subsection (2) of section 47”, insert instead “section 47 (2)”.
- 10 (47) (a) Section 73 (1)—
Omit “the thirtieth day of June”, insert instead “30th June”.
- (b) Section 73 (1)—
Omit “the thirty-first day of December”, insert instead “31st
December”.
- 15 (c) Section 73 (1)—
Omit “the said thirty-first day of December”, insert instead “that
31st December”.
- (d) Section 73 (1)—
Omit “said” where secondly and thirdly occurring.
- 20 (48) (a) Section 74 (1) (b)—
Omit “and Acts amending the same”.
- (b) Section 74 (3)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 74 (3)—
5 Omit “ten dollars”, insert instead “\$10”.
- (49) (a) Section 75 (1)—
Omit “subsection (1) of section 74”, insert instead “section 74
(1)”.
- (b) Section 75 (8)—
10 Omit “for the Metropolitan District”.
- (c) Section 75 (8)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- (d) Section 75 (9)—
Omit “do”, insert instead “does”.
- 15 (50) (a) Section 77 (2)—
Omit “twelve”, insert instead “12”.
- (b) Section 77 (2)—
Omit “forty dollars”, insert instead “\$40”.
- (51) Section 82—
20 Omit “as amended by subsequent Acts”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(52) Section 85 (3)—

5 Omit the subsection, insert instead:—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

10 (53) Section 86—

Omit “, as amended by subsequent Acts”.

(54) Section 87 (3)—

Omit the subsection.

(55) Schedule 7—

15 Omit the Schedule, insert instead:—

SCHEDULE 7.

(Sec. 20A.)

20 Aberdare County Council.
The Albury Gas Company Limited.
Armidale City Council.
The Australian Gas Light Company.
Bathurst City Council.
Bega Valley Shire Council.
Broken Hill & Suburban Gas Coy. Limited.
25 Cabonne Shire Council.
Colonial Gas Holdings Limited.
Cootamundra Shire Council.
Cowra Shire Council.
Dubbo City Council.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- 5 Glen Innes Municipal Council.
City of Goulburn Gas and Coke Company (Limited).
Grafton Lighting Coy. Limited.
Greater Lithgow City Council.
The Katoomba and Leura Gas Company Pty. Limited.
Kiama Municipal Council.
- 10 Lismore City Council.
Newcastle Gas Company Limited.
The North Shore Gas Company Limited.
Orange City Council.
Parkes Shire Council.
- 15 Shoalhaven City Council.
Singleton Gas Company Limited.
Tamworth City Council.
Wagga Wagga City Council.
Weddin Shire Council.
- 20 Wellington Shire Council.
Wollongong Gas Light Coy. Limited.
Yass Shire Council.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(\$1.08)

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.

Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, April, 1982.

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1982.

An Act to amend the Gas and Electricity Act, 1935.

See also Energy Authority (Amendment) Bill, 1982; Aberdare County Council (Dissolution) Bill, 1982;
Newcastle Gas Company Limited (Amendment) Bill, 1982.

Gas and Electricity (Amendment).

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

5 Short title.

1. This Act may be cited as the "Gas and Electricity (Amendment) Act, 1982".

Commencement.

2. (1) This section, sections 1 and 6 and Schedule 4 (other than 10 Schedule 4 (36) (d)) shall commence on the date of assent to this Act.

(2) Section 5, in its application to a provision of Schedule 1, 2, 3 or 4, shall commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

15 (3) Schedule 2 shall commence on the prescribed day within the meaning of section 3 of the Aberdare County Council (Dissolution) Act, 1982.

(4) Schedule 3 shall commence on the day appointed and notified under section 2 (3) of the Newcastle Gas Company Limited (Amendment) 20 Act, 1982.

(5) Schedule 4 (36) (d) shall be deemed to have commenced on 11th April, 1935.

(6) Except as provided in this section, the several provisions of this Act shall commence on such day or days as may be appointed by the 25 Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Gas and Electricity (Amendment).

Principal Act.

3. The Gas and Electricity Act, 1935, is referred to in this Act as the Principal Act.

Schedules.

5 4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE ABERDARE COUNTY COUNCIL.

10 SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NEWCASTLE GAS COMPANY LIMITED.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 42, 1935.

5. The Principal Act is amended in the manner set forth in Schedules 15 1-4.

Validation of certain dividends.

6. A dividend declared by The Australian Gas Light Company at any time in 1981 or at any time in 1982 prior to 2nd March, 1982, is hereby validated.

Gas and Electricity (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 1 (3)—

5 From the matter relating to Part III, omit "22A" where firstly occurring, insert instead "22F".

(b) Section 1 (3)—

After the matter relating to Division 2 of Part III, insert:—

10 DIVISION 3.—*Natural Gas Development Support Account—*
ss. 22B–22F.

(2) (a) Section 3, definition of "Standard price" or "standard prices"—

Omit "first-mentioned order.", insert instead "first-mentioned order;".

15 (b) Section 3, definitions of "Standard rate of dividend",
"Subsidiary"—

After the definition of "Standard price" or "standard prices", insert:—

"Standard rate of dividend" means—

20 (a) except where an approval of the Minister under section 6 (2) has effect—

(i) in relation to the ordinary share capital of a gas company, the rate specified in section 6 (1) (a); and

25 (ii) in relation to the preference capital of a gas company, the rate specified in section 6 (1) (b); and

(b) where an approval of the Minister under section 6 (2) has effect—the increased rate approved in accordance with that subsection;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 “Subsidiary”, in relation to a gas company, has the meaning ascribed thereto in section 6 of the Companies Act, 1961, but does not include a company specified from time to time by the Minister.

(3) Section 6 (1), (1AA)—

Omit section 6 (1), insert instead:—

10 (1) The profits of a gas company available for distribution by way of dividend among the holders of its share capital in any year shall not, except as hereinafter provided, exceed the following rates, that is to say—

15 (a) on the ordinary share capital of the company—in respect of every \$100 actually paid up or issued as paid up of that capital, a rate being \$2 above—

20 (i) where, during the period of 4 months preceding 1st March in the year commencing 1st January in which the dividend is declared, Commonwealth Treasury Bonds were, or Commonwealth Inscribed Stock was, first issued for public subscription—the initial rate of yield on that issue or, where there was more than one such first issue during that 4 month period, the initial rate of yield on the issue that had the longer or longest period to maturity at the date of first issue; or

25 (ii) where, during the period of 4 months preceding 1st March in the year commencing 1st January in which the dividend is declared, there was no first issue of Commonwealth Treasury Bonds or Commonwealth Inscribed Stock for public subscription—the initial rate of yield on the first issue most recently made
30 before that 4 month period; and

Gas and Electricity (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

- 5 (b) on the preference capital of the company—in respect of every \$100 actually paid up or issued as paid up of that capital, a rate of \$5.50.

10 (1AA) Nothing in subsection (1) prevents a gas company which is involved in the exploration, development and bulk carriage of natural gas and which is prescribed for the purposes of this subsection from increasing, after such date as has been notified in the Gazette by the Minister in relation to the company, the rate of dividend determined in accordance with section 6 (1) on the ordinary share capital of the company to a rate which is—

- 15 (a) a maximum of 1.3 times the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii); and
(b) not more than \$3 above the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii).

(4) Section 10A—

After section 10, insert:—

Variation of certain financial arrangements.

- 20 10A. (1) The Minister may, at the request of a gas company, by notice published in the Gazette—
25 (a) vary or dispense with, in relation to that company, any requirement or other provision of section 7, 8 or 10 in respect of such circumstances, if any, and subject to such conditions, if any, as are specified in the notice; and

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (b) approve the transfer, expenditure or setting apart of money (other than money to which section 7, 8 or 10 applies) from the revenue of the company to any reserve, fund or account and specify the objects for which, the circumstances in which and the conditions subject to which that money may be transferred, expended, set apart or otherwise dealt with.
- 10 (2) The Minister may, where he has given not less than 1 year's notice in writing to a gas company in relation to which a notice under subsection (1) is in force, by notice published in the Gazette, revoke the notice under subsection (1).
- 15 (3) A notice under subsection (1) or (2) which is published in the Gazette shall have effect on and from the date of its publication in the Gazette or a later date specified in the notice.
- (4) A gas company in relation to which a notice under subsection (1) is in force shall not contravene the notice.
- (5) (a) Section 11 (1)—
Omit "in this Part", insert instead "by or under this Part,".
- 20 (b) Section 11 (3)—
Before "this Part", insert "or under".
- (c) Section 11 (4)—
Omit "two hundred dollars", insert instead "\$1,000".
- 25 (d) Section 11 (4)—
Omit "one hundred dollars", insert instead "\$200".

Gas and Electricity (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(6) (a) Section 12 (12A)—

After section 12 (2), insert:—

5 (2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

(a) the dividends paid or payable by the company;

(b) the terms of any notice published under section 10A and in force in respect of the company;

10 (c) the terms of any approval granted by and any conditions imposed by the Minister under section 20A (1) in respect of the company;

(d) the amount paid or payable by the company under section 22E;

15 (e) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry; and

20 (f) any matter referred to the board by the Minister.

(b) Section 12 (4) (b)—

After “company” where thirdly occurring, insert “and each subsidiary of the company”.

(7) (a) Section 13 (1)—

25 Omit “shall be subject”, insert instead “or a prescribed gas company shall be subject”.

Gas and Electricity (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.****(b) Section 13 (1A)—**

5 Omit “any of the three companies mentioned in subsection (1)”,
insert instead “a company to which this section applies”.

(8) Section 13A—

Omit “shall”, insert instead “and a prescribed gas company shall”.

(9) (a) Section 14 (1) (a)—

Omit “referred to in section 6”.

10 (b) Section 14 (2A)—

After section 14 (2), insert:—

(2A) In making an inquiry in relation to a gas company,
the board shall take into consideration—

- 15 (a) the dividends paid or payable by the company;
- (b) the terms of any approval granted by and any conditions
imposed by the Minister under section 20A (1) in
respect of the company;
- (c) the amount paid or payable by the company under
section 22E;
- 20 (d) any other matter which the company is authorised or
required to do by or under this Act or the regulations
made under this Act and which, in the opinion of the
board, is relevant to the subject-matter of the inquiry; and
- (e) any matter referred to the board by the Minister.

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 14 (3)—

5 After “concerned”, insert “and each subsidiary of the company”.

(d) Section 14 (6)—

Omit “referred to in section 6”, insert instead “of dividend”.

(10) Section 14A—

After section 14, insert:—

10 **Standard price or prices for gas—Albury.**

15 14A. (1) Except as provided by subsection (2), nothing in this Part prevents The Albury Gas Company Limited, while it is a subsidiary of the Gas and Fuel Corporation of Victoria, from increasing the standard price or prices for gas supplied by the Company by meter so that the standard price or prices does or do not exceed the price or prices for gas supplied by the Gas and Fuel Corporation of Victoria by meter in the metropolitan area of Melbourne in the State of Victoria.

20 (2) An increase made by The Albury Gas Company Limited under subsection (1) has no effect until the Company has notified the Minister, in writing, of the increase.

(11) (a) Section 16 (2A)—

After section 16 (2), insert:—

25 (2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

(a) the dividends paid or payable by the company;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (b) the terms of any approval granted by the Minister under section 20A (1) and any conditions imposed by the Minister under section 20A (1) or (1A) in respect of the company;
- (c) the amount paid or payable by the company under section 22E;
- 10 (d) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry; and
- (e) any matter referred to the board by the Minister.
- 15 (b) Section 16 (3) (b)—
- After “company” where thirdly occurring, insert “and each subsidiary of the company”.
- (12) (a) Section 17 (1)—
- 20 After “accounts” where firstly occurring, insert “of the company and each subsidiary of the company”.
- (b) Section 17 (1)—
- After “the company” where secondly occurring, insert “or subsidiary, as the case may be.”.

Gas and Electricity (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(c) Section 17 (1A)—

After section 17 (1), insert:—

- 5 (1A) A gas company (other than a local authority) shall forward to the Minister, on or before 30th April in each year, an annual summary, in the prescribed form, of the operations of the company and each subsidiary of the company.

(d) Section 17 (2)—

- 10 After “statement”, insert “and annual summary”.

(e) Section 17 (2)—

Omit “ten cents”, insert instead “\$1”.

(13) Section 18 (4)—

After section 18 (3), insert:—

- 15 (4) In this section, a reference to a gas company includes a reference to a subsidiary of the company.

(14) Section 18A—

After section 18, insert:—

Forwarding of information, etc., to Minister.

- 20 18A. (1) A gas company (other than a local authority) shall, after receipt of a request in writing from the Minister, forward to the Minister, in accordance with the request, such information or

Gas and Electricity (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

5 such records or documents, or copies of or extracts from such records or documents, as is or are required to be kept by the company by or under this Act or such other information as may be specified in the request relating to the operations of the company.

(2) A person shall not disclose any information obtained in connection with the administration or execution of this section unless that disclosure is made—

- 10 (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- 15 (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings;
- (d) in accordance with a requirement imposed under the Ombudsman Act, 1974; or
- (e) with other lawful excuse.

(15) (a) Section 20A (1)—

20 Omit “after the expiration of a period of six months after the commencement of the Gas and Electricity (Amendment) Act, 1967,”.

(b) Section 20A (1A), (1B)—

After section 20A (1), insert:—

- 25 (1A) A gas company (being a local authority) shall not—
- (a) establish or acquire a trading undertaking referred to in section 418 (1) (b) or (l) of the Local Government Act, 1919;

Gas and Electricity (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

- (b) enter into an agreement to supply or take a supply of gas in bulk to or from any person; or
- 5 (c) grant or renew permission to any person to supply gas to the public within its area,
- except with the approval in writing of the Minister and in accordance with any conditions to which any such approval is from time to time subject.
- 10 (1B) Without limiting the generality of subsection (1) or (1A), the conditions imposed by the Minister under those subsections may include conditions—
- (a) restricting the supply or distribution of gas to a region or an area specified by the Minister;
- 15 (b) requiring the supply of gas throughout the whole or a specified part of a region or an area referred to in paragraph (a); and
- (c) requiring the price at which gas is supplied to a person in a region or an area—
- 20 (i) to have a specified form and basis;
- (ii) to be adopted in accordance with a specified method; and
- (iii) to be the same as that at which gas is supplied in similar circumstances to any other person in the region or area or to other persons in such other
- 25 regions or areas as may be specified by the Minister.

(c) Section 20A (2)—

After “subsection (1)”, insert “or (1A)”.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 20A (4A)—

After section 20A (4), insert:—

- 5 (4A) Notification of the terms of an approval granted under this section, the conditions to which any such approval is subject and the variation, revocation or adding to of any such approval shall be published in the Gazette.

(e) Section 20A (5)—

10 After “subsection (1)”, insert “or (1A)”.

(16) Section 20B—

After section 20A, insert:—

Certain agreements unlawful.

- 15 20B. A person shall not enter into an agreement with another gas company which is inconsistent with the terms of an approval granted under section 20A or with any conditions to which any such approval is subject, being an approval granted in respect of either of those companies.

(17) Section 21—

20 Omit the section.

(18) Part III, Division 3—

After Division 2, insert:—

DIVISION 3.—*Natural Gas Development Support Account.***Interpretation: Pt. III, Div. 3.**

25 22B. In this Division—

“Account” means the Natural Gas Development Support Account established under section 22c;

“Authority” means the Energy Authority of New South Wales.

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.***Natural Gas Development Support Account.**

5 22C. There shall be established in the Special Deposits Account in the Treasury a Natural Gas Development Support Account.

Payments into the Account.

22D. There shall be paid into the Account amounts received by the Authority pursuant to section 22E.

Determination, etc., of amounts to be paid for development support.

10 22E. (1) In this section—

“gas company” means a gas company which is prescribed for the purposes of this section, but does not include the Albury Gas Company Limited while it is a subsidiary of the Gas and Fuel Corporation of Victoria;

15 “year”, in relation to a gas company, means the year ending 30th June next occurring not less than 12 months after the day on which the gas company is prescribed for the purposes of this section, and each succeeding year ending 30th June.

20 (2) A gas company shall, within 2 months after the expiration of each year, or in accordance with such other agreement as may be entered into between the company and the Authority, pay to the Authority such amount, if any, determined in accordance with the following formula:—

25
$$A = k \left(D - \frac{CB}{100} \right)$$

where—

A is the amount to be paid to the Authority;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

B is—

- 5 (a) where, during the period of 4 months preceding 1st
March in the year in respect of which the amount is to
be paid to the Authority, Commonwealth Treasury
Bonds were, or Commonwealth Inscribed Stock was,
10 first issued for public subscription—the initial rate of
yield on that issue or, where there was more than one
such first issue during that 4 month period, the initial
rate of yield on the issue that had the longer or longest
period to maturity at the date of first issue; or
- 15 (b) where, during the period of 4 months preceding 1st
March in the year in respect of which the amount is to
be paid to the Authority, there was no first issue of
Commonwealth Treasury Bonds or Commonwealth In-
scribed Stock for public subscription—the initial rate of
yield on the first issue most recently made before that
4 month period;
- 20 C is the amount of the ordinary share capital of the company as
at 1st July in that year;
- D is the total amount distributed or liable to be distributed to
shareholders of the company during that year; and
- k is 1.852 or such other number as may be prescribed.
- 25 (3) The Minister may, by notice in writing given to a gas
company before the expiration of a year, require the company to
furnish a return to him, in a form determined by the Minister, within
2 months after the expiration of the year, as to any of the matters
referred to in subsection (2).
- 30 (4) On receipt of an amount payable under subsection (2),
the Authority shall pay the amount into the Account.
- (5) The Authority may recover an amount due and payable
under subsection (2) as a debt in any court of competent jurisdiction.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (6) The directors of a gas company may, if they think fit, in any year, charge against the revenue of the company as part of the expenditure on revenue account, any sum not exceeding the amount payable under subsection (2) in the following year and any sum so charged shall be applied in payment of that amount.

Payments out of the Account.

10 22F. (1) There may be paid out of the Account, with the approval of the Minister, a grant or grants to a gas company for or towards the cost of reducing the charges payable for gas (whether natural gas or otherwise) supplied by the company.

15 (2) Before approving the payment of a grant under subsection (1), the Minister may require a gas company to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions upon and subject to which, the payment of the grant is made.

(19) Section 83 (1)—

Omit “exceeding one hundred dollars.”; insert instead:—

20 exceeding—

- (a) in the case of a person other than a corporation—\$500; and
- (b) in the case of a corporation—\$2,000.

(20) (a) Section 85 (1) (h)—

Omit “examiners.”; insert instead “examiners;”.

25 (b) Section 85 (1) (i)–(m)—

After section 85 (1) (h), insert:—

- (i) for or with respect to the recording and compilation of such information and the keeping of such books and records (including accounts and financial records) as

*Gas and Electricity (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 may be prescribed by gas companies and their subsidiaries, the particulars to be entered in and the manner of keeping those books and records;
- (j) prescribing the furnishing of information, particulars, returns and statistics by gas companies and their subsidiaries, the time and mode of furnishing and the manner of verification of that information and those particulars, returns and statistics;
- 10 (k) prescribing the form and basis of charging for gas (otherwise than for gas sold or supplied in bulk) and the methods to be adopted in fixing those charges and prescribing times for revising those charges;
- 15 (l) prescribing the terms and conditions under which gas (other than gas supplied in bulk) is to be supplied by gas companies; and
- (m) prescribing the fees and charges to be charged by a gas company for the supply, connection, inspection, testing and repair of a consumer's gas installation.
- 20

(c) Section 85 (1A)—

After section 85 (1), insert:—

- (1A) A provision of a regulation may—
- 25 (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
- 30

or may do any combination of those things.

Gas and Electricity (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
NEWCASTLE GAS COMPANY LIMITED—*continued.*

(3) Schedule 1—

- 5 Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".

(4) Schedule 7—

- Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".
-

10

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

(1) Long title—

- 15 Omit "the Sydney Corporation Act, 1932-1934,".

(2) (a) Section 1 (3)—

From the matter relating to Part VI, omit "80" where firstly occurring, insert instead "79".

(b) Section 1 (3)—

- 20 Omit the matter relating to Division 7 of Part VI.

(c) Section 1 (3)—

Omit the matter relating to Part X.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(3) Section 2 (3)—

5 Omit “, as amended by subsequent Acts”.

(4) Section 2A—

Omit the section.

(5) Section 3, definitions of “Part”, “Prescribed”, “Schedule”—

Omit the definitions.

10 (6) Section 4 (3), (5)—

Omit the subsections.

(7) Section 5 (4), (5)—

Omit “—1934” wherever occurring.

(8) Section 9—

15 Omit the section.

(9) (a) Section 12 (2) (c) (i)—

Omit “subparagraph (i) of paragraph (b)”, insert instead
“paragraph (b) (i)”.

(b) Section 12 (2) (c) (ii)—

20 Omit “subparagraph (ii) of paragraph (b)”, insert instead
“paragraph (b) (ii)”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (10) (a) Section 13 (1)—
5 Omit “, or the City of Newcastle Gas and Coke Company (Limited), ”, insert instead “or the Newcastle Gas Company Limited”.
- (b) Section 13 (1) (d)—
Omit “two hundred dollars”, insert instead “\$200”.
- 10 (c) Section 13 (1A)—
Omit “subsection (1A) of section 6”, insert instead “section 6 (1A)”.
- (11) Section 13A—
15 Omit “The City of Newcastle Gas and Coke Company (Limited)”, insert instead “the Newcastle Gas Company Limited”.
- (12) (a) Section 14 (1) (a)—
Omit “subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (2) of section 12”, insert instead “section 12 (2) (a) (i), (ii) and (iii)”.
- 20 (b) Section 14 (2)—
Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.
- (c) Section 14 (2)—
25 Omit “paragraph (c) of that subsection”, insert instead “subsection (1) (c)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(13) Section 16 (1)—

- 5 Omit “rates and/or charges”, insert instead “rates and charges or rates or charges”.

(14) (a) Section 17 (1)—

Omit “the thirtieth day of April”, insert instead “30th April”.

(b) Section 17 (1)—

- 10 Omit “the thirty-first day of December”, insert instead “30th December”.

(c) Section 17 (3)—

Omit “four dollars”, insert instead “\$4”.

(15) (a) Section 18 (1)—

- 15 Omit “as amended by subsequent Acts,”.

(b) Section 18 (3)—

Omit “forty dollars” wherever occurring, insert instead “\$40”.

(16) (a) Section 20 (1) (b)—

Omit “said”.

- 20 (b) Section 20 (1) (c)—

Omit “two hundred dollars”, insert instead “\$200”.

(c) Section 20 (1A)—

Omit “paragraph (b) of subsection (1)”, insert instead “subsection (1) (b)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (d) Section 20 (1A)—
5 Omit “that paragraph”, insert instead “subsection (1) (b)”.
- (17) (a) Section 20A (5)—
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 20A (7)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- 10 (18) (a) Section 22 (1) (a)—
Omit “the purchase of the assets and undertaking of a gas
company by another such company and/or for the joint working
and/or for the amalgamation of any gas companies”, insert
instead:—
15 any one or more of the following:—
(i) the purchase of the assets and undertaking of a gas
company by another gas company;
(ii) the joint working of any gas companies;
(iii) the amalgamation of any gas companies,
- 20 (b) Section 22 (2)—
Omit “paragraph (b) or paragraph (c) of subsection (1)”,
insert instead “subsection (1) (b) or (c)”.
- (c) Section 22 (2)—
25 Omit “either of the said paragraphs”, insert instead “subsection
(1) (b) or (c)”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (19) (a) Section 22A—
5 Omit “(1)”, insert instead “(a)”,
(b) Section 22A—
Omit “(a)”, insert instead “(i)”.
(c) Section 22A—
Omit “(b)”, insert instead “(ii)”.
10 (d) Section 22A—
Omit “(2)”, insert instead “(b)”.
- (20) (a) Section 24 (1)—
Omit “twenty dollars”, insert instead “\$20”.
(b) Section 24 (1)—
15 Omit “fifty dollars”, insert instead “\$50”.
(c) Section 24 (1)—
Omit “two hundred dollars”, insert instead “\$200”.
(d) Section 24 (2), (2A), (3)—
20 Omit “one hundred dollars” wherever occurring, instead instead
“\$100”.
- (21) (a) Section 25 (1)—
Omit the subsection, insert instead:—
(1) Such gas examiners as may be necessary for the pur-
poses of this Act may be appointed under and subject to the
Public Service Act, 1979.

(Gas and Electricity (Amendment)).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (b) Section 25 (4)—
5 Omit "one hundred dollars", insert instead "\$100".
- (22) Section 27 (3)—
Omit "one hundred dollars", insert instead "\$100".
- (23) (a) Section 28 (1)—
Omit "twenty", insert instead "20".
- 10 (b) Section 28 (1)—
Omit "forty-five", insert instead "45".
- (c) Section 28 (1)—
Omit "twelve", insert instead "12".
- (d) Section 28 (2)—
15 Omit "the said notice", insert instead "the notice referred to in
subsection (1)".
- (e) Section 28 (2)—
Omit "four dollars", insert instead "\$4".
- (f) Section 28 (3)—
20 Omit "ten", insert instead "10".
- (24) Section 29 (2)—
Omit "ten dollars", insert instead "\$10".

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (25) (a) Section 30 (1)—
5 Omit “one hundred dollars”, insert instead “\$100”.
- (b) Section 30 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 30 (1)—
Omit “fifty dollars”, insert instead “\$50”.
- 10 (26) Section 33—
Omit “said”.
- (27) (a) Section 34 (1)—
Omit “as amended by subsequent Acts”.
- (b) Section 34 (2)—
15 Omit “the said Act”, insert instead “the Act first referred to in
subsection (1)”.
- (c) Section 34 (2)—
Omit “the said company”, insert instead “The Australian Gas
Light Company”.
- 20 (d) Section 34 (4) (a)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(e) Section 34 (5)—

5 Omit the subsection, insert instead:—

(5) The Act first referred to in subsection (1) may be cited as the “Australian Gas Light Company Act, 1837”.

(28) (a) Section 38 (1)—

Omit “, as amended by subsequent Acts”.

10 (b) Section 38 (2)—

Omit “as so amended”.

(29) Section 39 (1)—

Omit “the said Part XXIX”, insert instead “Part XXIX of the Principal Act”.

15 (30) Section 40 (4) (a)—

Omit “subsections (2) and (3) of section 47”, insert instead “section 47 (2) and (3)”.

(31) Section 45 (2)—

Omit “paragraph (a) of section 2”, insert instead “section 2 (a)”.

20 (32) (a) Section 47 (1)—

Omit “-1928”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (b) Section 47 (1)—
5 Omit "The appointed day shall be not later than six months after the day appointed in pursuance of section 41 for the constitution of the Sydney County Council."
- (c) Section 47 (2)–(4)—
Omit the subsections.
- 10 (33) (a) Section 48—
Omit "said" where firstly occurring.
- (b) Section 48 (b)–(h)—
Omit the paragraphs.
- (34) Sections 49, 50—
15 Omit the sections.
- (35) (a) Section 51 (1)—
Omit "–1928, as amended by this Act".
- (b) Section 51 (1A), (2)—
Omit the subsections.
- 20 (36) (a) Section 52 (3)—
Omit "said".
- (b) Section 52 (3)—
Omit "as amended by subsequent Acts,".

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 52 (3)—
5 Omit “section one hundred and seventy-one”, insert instead
“section 171”.
- (d) Section 52 (3)—
From the matter to be inserted at the end of section 171 of the
Local Government Act, 1919, omit “(2)”, insert instead “(6)”.
- 10 (37) Section 53—
Omit “-1928”.
- (38) (a) Section 54 (1)—
Omit “said”.
- (b) Section 54 (1)—
15 Omit “-1928”.
- (c) Section 54 (1)—
Omit “Four to this Act”, insert instead “4”.
- (d) Section 54 (2)—
Omit the subsection.
- 20 (39) (a) Section 55 (1)—
Omit “-1928”.
- (b) Section 55 (3)—
Omit “and/or”, insert instead “or”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 55 (4) (a)—
- 5 Omit “Municipal Council of Sydney”, insert instead “Council of the City of Sydney”.
- (40) (a) Section 55A (3)—
- Omit “-1938”.
- (b) Section 55A (4) (a)—
- 10 Omit “-1938, or any Act replacing the said Act”.
- (c) Section 55A (4) (b)—
- Omit “of the Parliament of New South Wales”.
- (41) Section 55B—
- Omit “(1)”.
- 15 (42) (a) Section 55F (1)—
- Omit “Local Government Act, 1919, as amended by subsequent Acts,”, insert instead “Principal Act”.
- (b) Section 55F (2)—
- 20 Omit “the said section 654”, insert instead “section 654 of the Principal Act”.
- (43) (a) Section 56 (1) (k)—
- Omit “1912, or any amendment thereof,”, insert instead “1940,”.
- (b) Section 56 (1) (r)—
- Omit the paragraph.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (44) Section 59—
5 Omit the section.
- (45) Section 66 (4)—
Omit “ten”, insert instead “10”.
- (46) Section 72 (2)—
Omit “subsection (2) of section 47”, insert instead “section 47 (2)”.
- 10 (47) (a) Section 73 (1)—
Omit “the thirtieth day of June”, insert instead “30th June”.
- (b) Section 73 (1)—
Omit “the thirty-first day of December”, insert instead “31st
December”.
- 15 (c) Section 73 (1)—
Omit “the said thirty-first day of December”, insert instead “that
31st December”.
- (d) Section 73 (1)—
Omit “said” where secondly and thirdly occurring.
- 20 (48) (a) Section 74 (1) (b)—
Omit “and Acts amending the same”.
- (b) Section 74 (3)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 74 (3)—
5 Omit “ten dollars”, insert instead “\$10”.
- (49) (a) Section 75 (1)—
Omit “subsection (1) of section 74”, insert instead “section 74 (1)”.
- (b) Section 75 (8)—
10 Omit “for the Metropolitan District”.
- (c) Section 75 (8)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- (d) Section 75 (9)—
Omit “do”, insert instead “does”.
- (50) (a) Section 77 (2)—
15 Omit “twelve”, insert instead “12”.
- (b) Section 77 (2)—
Omit “forty dollars”, insert instead “\$40”.
- (51) Section 82—
20 Omit “as amended by subsequent Acts”.

*Gas and Electricity (Amendment).*SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (52) Section 85 (3)—
- 5 Omit the subsection, insert instead:—
- (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- 10 (53) Section 86—
- Omit “, as amended by subsequent Acts”.
- (54) Section 87 (3)—
- Omit the subsection.
- (55) Schedule 7—
- 15 Omit the Schedule, insert instead:—

SCHEDULE 7.

(Sec. 20A.)

- 20 Aberdare County Council.
The Albury Gas Company Limited.
Armidale City Council.
The Australian Gas Light Company.
Bathurst City Council.
Bega Valley Shire Council.
Broken Hill & Suburban Gas Coy. Limited.
- 25 Cabonne Shire Council.
Colonial Gas Holdings Limited.
Cootamundra Shire Council.
Cowra Shire Council.
Dubbo City Council.

*Gas and Electricity (Amendment).***SCHEDULE 4—continued.****AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—continued.**

- 5 Glen Innes Municipal Council.
City of Goulburn Gas and Coke Company (Limited).
Grafton Lighting Coy. Limited.
Greater Lithgow City Council.
The Katoomba and Leura Gas Company Pty. Limited.
Kiama Municipal Council.
- 10 Lismore City Council.
Newcastle Gas Company Limited.
The North Shore Gas Company Limited.
Orange City Council.
Parkes Shire Council.
- 15 Shoalhaven City Council.
Singleton Gas Company Limited.
Tamworth City Council.
Wagga Wagga City Council.
Weddin Shire Council.
- 20 Wellington Shire Council.
Wollongong Gas Light Coy. Limited.
Yass Shire Council.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

**GAS AND ELECTRICITY (AMENDMENT) ACT, 1982,
No. 72**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 72, 1982.

An Act to amend the Gas and Electricity Act, 1935. [Assented to, 21st
May, 1982.]

See also Energy Authority (Amendment) Act, 1982; Aberdare County Council (Dissolution) Act, 1982;
Newcastle Gas Company Limited (Amendment) Act, 1982.

Gas and Electricity (Amendment).

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

Short title.

1. This Act may be cited as the "Gas and Electricity (Amendment) Act, 1982".

Commencement.

2. (1) This section, sections 1 and 6 and Schedule 4 (other than Schedule 4 (36) (d)) shall commence on the date of assent to this Act.

(2) Section 5, in its application to a provision of Schedule 1, 2, 3 or 4, shall commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 2 shall commence on the prescribed day within the meaning of section 3 of the Aberdare County Council (Dissolution) Act, 1982.

(4) Schedule 3 shall commence on the day appointed and notified under section 2 (3) of the Newcastle Gas Company Limited (Amendment) Act, 1982.

(5) Schedule 4 (36) (d) shall be deemed to have commenced on 11th April, 1935.

(6) Except as provided in this section, the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Gas and Electricity (Amendment).

Principal Act.

3. The Gas and Electricity Act, 1935, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE ABERDARE COUNTY COUNCIL.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NEWCASTLE GAS COMPANY LIMITED.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 42, 1935.

5. The Principal Act is amended in the manner set forth in Schedules 1-4.

Validation of certain dividends.

6. A dividend declared by The Australian Gas Light Company at any time in 1981 or at any time in 1982 prior to 2nd March, 1982, is hereby validated.

Gas and Electricity (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 1 (3)—

From the matter relating to Part III, omit "22A" where firstly occurring, insert instead "22F".

(b) Section 1 (3)—

After the matter relating to Division 2 of Part III, insert:—

DIVISION 3.—*Natural Gas Development Support Account*—
ss. 22B–22F.

(2) (a) Section 3, definition of "Standard price" or "standard prices"—

Omit "first-mentioned order.", insert instead "first-mentioned order;".

(b) Section 3, definitions of "Standard rate of dividend", "Subsidiary"—

After the definition of "Standard price" or "standard prices", insert:—

"Standard rate of dividend" means—

(a) except where an approval of the Minister under section 6 (2) has effect—

(i) in relation to the ordinary share capital of a gas company, the rate specified in section 6 (1) (a); and

(ii) in relation to the preference capital of a gas company, the rate specified in section 6 (1) (b); and

(b) where an approval of the Minister under section 6 (2) has effect—the increased rate approved in accordance with that subsection;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

“Subsidiary”, in relation to a gas company, has the meaning ascribed thereto in section 6 of the Companies Act, 1961, but does not include a company specified from time to time by the Minister.

(3) Section 6 (1), (1AA)—

Omit section 6 (1), insert instead:—

(1) The profits of a gas company available for distribution by way of dividend among the holders of its share capital in any year shall not, except as hereinafter provided, exceed the following rates, that is to say—

- (a) on the ordinary share capital of the company—in respect of every \$100 actually paid up or issued as paid up of that capital, a rate being \$2 above—
 - (i) where, during the period of 4 months preceding 1st March in the year commencing 1st January in which the dividend is declared, Commonwealth Treasury Bonds were, or Commonwealth Inscribed Stock was, first issued for public subscription—the initial rate of yield on that issue or, where there was more than one such first issue during that 4 month period, the initial rate of yield on the issue that had the longer or longest period to maturity at the date of first issue; or
 - (ii) where, during the period of 4 months preceding 1st March in the year commencing 1st January in which the dividend is declared, there was no first issue of Commonwealth Treasury Bonds or Commonwealth Inscribed Stock for public subscription—the initial rate of yield on the first issue most recently made before that 4 month period; and

Gas and Electricity (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

- (b) on the preference capital of the company—in respect of every \$100 actually paid up or issued as paid up of that capital, a rate of \$5.50.

(1AA) Nothing in subsection (1) prevents a gas company which is involved in the exploration, development and bulk carriage of natural gas and which is prescribed for the purposes of this subsection from increasing, after such date as has been notified in the Gazette by the Minister in relation to the company, the rate of dividend determined in accordance with section 6 (1) on the ordinary share capital of the company to a rate which is—

- (a) a maximum of 1.3 times the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii); and
- (b) not more than \$3 above the initial rate of yield determined in accordance with subsection (1) (a) (i) or (ii).

(4) Section 10A—

After section 10, insert:—

Variation of certain financial arrangements.

10A. (1) The Minister may, at the request of a gas company, by notice published in the Gazette—

- (a) vary or dispense with, in relation to that company, any requirement or other provision of section 7, 8 or 10 in respect of such circumstances, if any, and subject to such conditions, if any, as are specified in the notice; and

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) approve the transfer, expenditure or setting apart of money (other than money to which section 7, 8 or 10 applies) from the revenue of the company to any reserve, fund or account and specify the objects for which, the circumstances in which and the conditions subject to which that money may be transferred, expended, set apart or otherwise dealt with.

(2) The Minister may, where he has given not less than 1 year's notice in writing to a gas company in relation to which a notice under subsection (1) is in force, by notice published in the Gazette, revoke the notice under subsection (1).

(3) A notice under subsection (1) or (2) which is published in the Gazette shall have effect on and from the date of its publication in the Gazette or a later date specified in the notice.

(4) A gas company in relation to which a notice under subsection (1) is in force shall not contravene the notice.

- (5) (a) Section 11 (1)—

Omit "in this Part", insert instead "by or under this Part,".

- (b) Section 11 (3)—

Before "this Part", insert "or under".

- (c) Section 11 (4)—

Omit "two hundred dollars", insert instead "\$1,000".

- (d) Section 11 (4)—

Omit "one hundred dollars", insert instead "\$20tr"

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) (a) Section 12 (2A)—

After section 12 (2), insert:—

(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

- (a) the dividends paid or payable by the company;
- (b) the terms of any notice published under section 10A and in force in respect of the company;
- (c) the terms of any approval granted by and any conditions imposed by the Minister under section 20A (1) in respect of the company;
- (d) the amount paid or payable by the company under section 22E;
- (e) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry;
and
- (f) any matter referred to the board by the Minister.

(b) Section 12 (4) (b)—

After “company” where thirdly occurring, insert “and each subsidiary of the company”.

(7) (a) Section 13 (1)—

Omit “shall be subject”, insert instead “or a prescribed gas company shall be subject”.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 13 (1A)—

Omit “any of the three companies mentioned in subsection (1)”, insert instead “a company to which this section applies”.

(8) Section 13A—

Omit “shall”, insert instead “and a prescribed gas company shall”.

(9) (a) Section 14 (1) (a)—

Omit “referred to in section 6”.

(b) Section 14 (2A)—

After section 14 (2), insert:—

(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

- (a) the dividends paid or payable by the company;
- (b) the terms of any approval granted by and any conditions imposed by the Minister under section 20A (1) in respect of the company;
- (c) the amount paid or payable by the company under section 22E;
- (d) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry; and
- (e) any matter referred to the board by the Minister.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 14 (3)—

After “concerned”, insert “and each subsidiary of the company”.

(d) Section 14 (6)—

Omit “referred to in section 6”, insert instead “of dividend”.

(10) Section 14A—

After section 14, insert:—

Standard price or prices for gas—Albury.

14A. (1) Except as provided by subsection (2), nothing in this Part prevents The Albury Gas Company Limited, while it is a subsidiary of the Gas and Fuel Corporation of Victoria, from increasing the standard price or prices for gas supplied by the Company by meter so that the standard price or prices does or do not exceed the price or prices for gas supplied by the Gas and Fuel Corporation of Victoria by meter in the metropolitan area of Melbourne in the State of Victoria.

(2) An increase made by The Albury Gas Company Limited under subsection (1) has no effect until the Company has notified the Minister, in writing, of the increase.

(11) (a) Section 16 (2A)—

After section 16 (2), insert:—

(2A) In making an inquiry in relation to a gas company, the board shall take into consideration—

(a) the dividends paid or payable by the company;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) the terms of any approval granted by the Minister under section 20A (1) and any conditions imposed by the Minister under section 20A (1) or (1A) in respect of the company;
- (c) the amount paid or payable by the company under section 22E;
- (d) any other matter which the company is authorised or required to do by or under this Act or the regulations made under this Act and which, in the opinion of the board, is relevant to the subject-matter of the inquiry; and
- (e) any matter referred to the board by the Minister.

(b) Section 16 (3) (b)—

After “company” where thirdly occurring, insert “and each subsidiary of the company”.

(12) (a) Section 17 (1)—

After “accounts” where firstly occurring, insert “of the company and each subsidiary of the company”.

(b) Section 17 (1)—

After “the company” where secondly occurring, insert “or subsidiary, as the case may be,”.

Gas and Electricity (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(c) Section 17 (1A)—

After section 17 (1), insert:—

(1A) A gas company (other than a local authority) shall forward to the Minister, on or before 30th April in each year, an annual summary, in the prescribed form, of the operations of the company and each subsidiary of the company.

(d) Section 17 (2)—

After “statement”, insert “and annual summary”.

(e) Section 17 (2)—

Omit “ten cents”, insert instead “\$1”.

(13) Section 18 (4)—

After section 18 (3), insert:—

(4) In this section, a reference to a gas company includes a reference to a subsidiary of the company.

(14) Section 18A—

After section 18, insert:—

Forwarding of information, etc., to Minister.

18A. (1) A gas company (other than a local authority) shall, after receipt of a request in writing from the Minister, forward to the Minister, in accordance with the request, such information or

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

such records or documents, or copies of or extracts from such records or documents, as is or are required to be kept by the company by or under this Act or such other information as may be specified in the request relating to the operations of the company.

(2) A person shall not disclose any information obtained in connection with the administration or execution of this section unless that disclosure is made—

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings;
- (d) in accordance with a requirement imposed under the Ombudsman Act, 1974; or
- (e) with other lawful excuse.

(15) (a) Section 20A (1)—

Omit “after the expiration of a period of six months after the commencement of the Gas and Electricity (Amendment) Act, 1967,”.

(b) Section 20A (1A), (1B)—

After section 20A (1), insert:—

(1A) A gas company (being a local authority) shall not—

- (a) establish or acquire a trading undertaking referred to in section 418 (1) (b) or (l) of the Local Government Act, 1919;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) enter into an agreement to supply or take a supply of gas in bulk to or from any person; or

(c) grant or renew permission to any person to supply gas to the public within its area,

except with the approval in writing of the Minister and in accordance with any conditions to which any such approval is from time to time subject.

(1B) Without limiting the generality of subsection (1) or (1A), the conditions imposed by the Minister under those subsections may include conditions—

(a) restricting the supply or distribution of gas to a region or an area specified by the Minister;

(b) requiring the supply of gas throughout the whole or a specified part of a region or an area referred to in paragraph (a); and

(c) requiring the price at which gas is supplied to a person in a region or an area—

(i) to have a specified form and basis;

(ii) to be adopted in accordance with a specified method; and

(iii) to be the same as that at which gas is supplied in similar circumstances to any other person in the region or area or to other persons in such other regions or areas as may be specified by the Minister.

(c) Section 20A (2)—

After “subsection (1)”, insert “or (1A)”.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 20A (4A)—

After section 20A (4), insert:—

(4A) Notification of the terms of an approval granted under this section, the conditions to which any such approval is subject and the variation, revocation or adding to of any such approval shall be published in the Gazette.

(e) Section 20A (5)—

After “subsection (1)”, insert “or (1A)”.

(16) Section 20B—

After section 20A, insert:—

Certain agreements unlawful.

20B. A person shall not enter into an agreement with another gas company which is inconsistent with the terms of an approval granted under section 20A or with any conditions to which any such approval is subject, being an approval granted in respect of either of those companies.

(17) Section 21—

Omit the section.

(18) Part III, Division 3—

After Division 2, insert:—

DIVISION 3.—*Natural Gas Development Support Account.***Interpretation: Pt. III, Div. 3.**

22B. In this Division—

“Account” means the Natural Gas Development Support Account established under section 22C;

“Authority” means the Energy Authority of New South Wales.

Gas and Electricity (Amendment).

SCHEDULE 1—continued.
AMENDMENTS TO THE PRINCIPAL ACT—continued.
Natural Gas Development Support Account.

22C. There shall be established in the Special Deposits Account in the Treasury a Natural Gas Development Support Account.

Payments into the Account.

22D. There shall be paid into the Account amounts received by the Authority pursuant to section 22E.

Determination, etc., of amounts to be paid for development support.

22E. (1) In this section—

“gas company” means a gas company which is prescribed for the purposes of this section, but does not include the Albury Gas Company Limited while it is a subsidiary of the Gas and Fuel Corporation of Victoria;

“year”, in relation to a gas company, means the year ending 30th June next occurring not less than 12 months after the day on which the gas company is prescribed for the purposes of this section, and each succeeding year ending 30th June.

(2) A gas company shall, within 2 months after the expiration of each year, or in accordance with such other agreement as may be entered into between the company and the Authority, pay to the Authority such amount, if any, determined in accordance with the following formula:—

$$A = k \left(D - \frac{CB}{100} \right)$$

where—

A is the amount to be paid to the Authority;

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

B is—

- (a) where, during the period of 4 months preceding 1st March in the year in respect of which the amount is to be paid to the Authority, Commonwealth Treasury Bonds were, or Commonwealth Inscribed Stock was, first issued for public subscription—the initial rate of yield on that issue or, where there was more than one such first issue during that 4 month period, the initial rate of yield on the issue that had the longer or longest period to maturity at the date of first issue; or
- (b) where, during the period of 4 months preceding 1st March in the year in respect of which the amount is to be paid to the Authority, there was no first issue of Commonwealth Treasury Bonds or Commonwealth Inscribed Stock for public subscription—the initial rate of yield on the first issue most recently made before that 4 month period;

C is the amount of the ordinary share capital of the company as at 1st July in that year;

D is the total amount distributed or liable to be distributed to shareholders of the company during that year; and

k is 1.852 or such other number as may be prescribed.

(3) The Minister may, by notice in writing given to a gas company before the expiration of a year, require the company to furnish a return to him, in a form determined by the Minister, within 2 months after the expiration of the year, as to any of the matters referred to in subsection (2).

(4) On receipt of an amount payable under subsection (2), the Authority shall pay the amount into the Account.

(5) The Authority may recover an amount due and payable under subsection (2) as a debt in any court of competent jurisdiction.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) The directors of a gas company may, if they think fit, in any year, charge against the revenue of the company as part of the expenditure on revenue account, any sum not exceeding the amount payable under subsection (2) in the following year and any sum so charged shall be applied in payment of that amount.

Payments out of the Account.

22F. (1) There may be paid out of the Account, with the approval of the Minister, a grant or grants to a gas company for or towards the cost of reducing the charges payable for gas (whether natural gas or otherwise) supplied by the company.

(2) Before approving the payment of a grant under subsection (1), the Minister may require a gas company to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions upon and subject to which, the payment of the grant is made.

(19) Section 83 (1)—

Omit “exceeding one hundred dollars.”, insert instead:—
exceeding—

- (a) in the case of a person other than a corporation—\$500; and
- (b) in the case of a corporation—\$2,000.

(20) (a) Section 85 (1) (h)—

Omit “examiners.”, insert instead “examiners;”.

(b) Section 85 (1) (i)–(m)—

After section 85 (1) (h), insert:—

- (i) for or with respect to the recording and compilation of such information and the keeping of such books and records (including accounts and financial records) as

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

may be prescribed by gas companies and their subsidiaries, the particulars to be entered in and the manner of keeping those books and records;

- (j) prescribing the furnishing of information, particulars, returns and statistics by gas companies and their subsidiaries, the time and mode of furnishing and the manner of verification of that information and those particulars, returns and statistics;
- (k) prescribing the form and basis of charging for gas (otherwise than for gas sold or supplied in bulk) and the methods to be adopted in fixing those charges and prescribing times for revising those charges;
- (l) prescribing the terms and conditions under which gas (other than gas supplied in bulk) is to be supplied by gas companies; and
- (m) prescribing the fees and charges to be charged by a gas company for the supply, connection, inspection, testing and repair of a consumer's gas installation.

(c) Section 85 (1A)—

After section 85 (1), insert:—

(1A) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

Gas and Electricity (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 85 (2)—

Omit the subsection, insert instead:—

- (2) The regulations may impose a penalty not exceeding—
 - (a) except as provided by subsection (2A), in the case of a person other than a corporation—\$500; and
 - (b) in the case of a corporation—\$2,000.

SCHEDULE 2.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO THE
ABERDARE COUNTY COUNCIL.

Schedule 7—

Omit “Aberdare County Council.”.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
NEWCASTLE GAS COMPANY LIMITED.

(1) Section 13 (1)—

Omit “Newcastle Gas Company Limited”, insert instead “Hunter Valley Gas Company Limited”.

(2) Section 13A—

Omit “Newcastle Gas Company Limited”, insert instead “Hunter Valley Gas Company Limited”.

Gas and Electricity (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
NEWCASTLE GAS COMPANY LIMITED—*continued.*

(3) Schedule 1—

Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".

(4) Schedule 7—

Omit "Newcastle Gas Company Limited", insert instead "Hunter Valley Gas Company Limited".

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

(1) Long title—

Omit "the Sydney Corporation Act, 1932–1934,".

(2) (a) Section 1 (3)—

From the matter relating to Part VI, omit "80" where firstly occurring, insert instead "79".

(b) Section 1 (3)—

Omit the matter relating to Division 7 of Part VI.

(c) Section 1 (3)—

Omit the matter relating to Part X.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(3) Section 2 (3)—

Omit “, as amended by subsequent Acts”.

(4) Section 2A—

Omit the section.

(5) Section 3, definitions of “Part”, “Prescribed”, “Schedule”—

Omit the definitions.

(6) Section 4 (3), (5)—

Omit the subsections.

(7) Section 5 (4), (5)—

Omit “—1934” wherever occurring.

(8) Section 9—

Omit the section.

(9) (a) Section 12 (2) (c) (i)—

Omit “subparagraph (i) of paragraph (b)”, insert instead “paragraph (b) (i)”.

(b) Section 12 (2) (c) (ii)—

Omit “subparagraph (ii) of paragraph (b)”, insert instead “paragraph (b) (ii)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(10) (a) Section 13 (1)—

Omit “, or the City of Newcastle Gas and Coke Company (Limited), ”, insert instead “or the Newcastle Gas Company Limited”.

(b) Section 13 (1) (d)—

Omit “two hundred dollars”, insert instead “\$200”.

(c) Section 13 (1A)—

Omit “subsection (1A) of section 6”, insert instead “section 6 (1A)”.

(11) Section 13A—

Omit “The City of Newcastle Gas and Coke Company (Limited)”, insert instead “the Newcastle Gas Company Limited”.

(12) (a) Section 14 (1) (a)—

Omit “subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (2) of section 12”, insert instead “section 12 (2) (a) (i), (ii) and (iii)”.

(b) Section 14 (2)—

Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.

(c) Section 14 (2)—

Omit “paragraph (c) of that subsection”, insert instead “subsection (1) (c)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(13) Section 16 (1)—

Omit “rates and/or charges”, insert instead “rates and charges or rates or charges”.

(14) (a) Section 17 (1)—

Omit “the thirtieth day of April”, insert instead “30th April”.

(b) Section 17 (1)—

Omit “the thirty-first day of December”, insert instead “30th December”.

(c) Section 17 (3)—

Omit “four dollars”, insert instead “\$4”.

(15) (a) Section 18 (1)—

Omit “as amended by subsequent Acts,”.

(b) Section 18 (3)—

Omit “forty dollars” wherever occurring, insert instead “\$40”.

(16) (a) Section 20 (1) (b)—

Omit “said”.

(b) Section 20 (1) (c)—

Omit “two hundred dollars”, insert instead “\$200”.

(c) Section 20 (1A)—

Omit “paragraph (b) of subsection (1)”, insert instead “subsection (1) (b)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (d) Section 20 (1A)—
Omit “that paragraph”, insert instead “subsection (1) (b)”.
- (17) (a) Section 20A (5)—
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 20A (7)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- (18) (a) Section 22 (1) (a)—
Omit “the purchase of the assets and undertaking of a gas company by another such company and/or for the joint working and/or for the amalgamation of any gas companies”, insert instead:—
any one or more of the following:—
(i) the purchase of the assets and undertaking of a gas company by another gas company;
(ii) the joint working of any gas companies;
(iii) the amalgamation of any gas companies,
- (b) Section 22 (2)—
Omit “paragraph (b) or paragraph (c) of subsection (1)”, insert instead “subsection (1) (b) or (c)”.
- (c) Section 22 (2)—
Omit “either of the said paragraphs”, insert instead “subsection (1) (b) or (c)”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (19) (a) Section 22A—
Omit “(1)”, insert instead “(a)”.
- (b) Section 22A—
Omit “(a)”, insert instead “(i)”.
- (c) Section 22A—
Omit “(b)”, insert instead “(ii)”.
- (d) Section 22A—
Omit “(2)”, insert instead “(b)”.
- (20) (a) Section 24 (1)—
Omit “twenty dollars”, insert instead “\$20”.
- (b) Section 24 (1)—
Omit “fifty dollars”, insert instead “\$50”.
- (c) Section 24 (1)—
Omit “two hundred dollars”, insert instead “\$200”.
- (d) Section 24 (2), (2A), (3)—
Omit “one hundred dollars” wherever occurring, insert instead
“\$100”.
- (21) (a) Section 25 (1)—
Omit the subsection, insert instead:—
(1) Such gas examiners as may be necessary for the purposes of this Act may be appointed under and subject to the Public Service Act, 1979.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (b) Section 25 (4)—
Omit “one hundred dollars”, insert instead “\$100”.
- (22) Section 27 (3)—
Omit “one hundred dollars”, insert instead “\$100”.
- (23) (a) Section 28 (1)—
Omit “twenty”, insert instead “20”.
- (b) Section 28 (1)—
Omit “forty-five”, insert instead “45”.
- (c) Section 28 (1)—
Omit “twelve”, insert instead “12”.
- (d) Section 28 (2)—
Omit “the said notice”, insert instead “the notice referred to in subsection (1)”.
- (e) Section 28 (2)—
Omit “four dollars”, insert instead “\$4”.
- (f) Section 28 (3)—
Omit “ten”, insert instead “10”.
- (24) Section 29 (2)—
Omit “ten dollars”, insert instead “\$10”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (25) (a) Section 30 (1)—
Omit “one hundred dollars”, insert instead “\$100”.
- (b) Section 30 (1)—
Omit “twelve”, insert instead “12”.
- (c) Section 30 (1)—
Omit “fifty dollars”, insert instead “\$50”.
- (26) Section 33—
Omit “said”.
- (27) (a) Section 34 (1)—
Omit “as amended by subsequent Acts,”.
- (b) Section 34 (2)—
Omit “the said Act”, insert instead “the Act first referred to in subsection (1)”.
- (c) Section 34 (2)—
Omit “the said company”, insert instead “The Australian Gas Light Company”.
- (d) Section 34 (4) (a)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(e) Section 34 (5)—

Omit the subsection, insert instead:—

(5) The Act first referred to in subsection (1) may be cited as the “Australian Gas Light Company Act, 1837”.

(28) (a) Section 38 (1)—

Omit “, as amended by subsequent Acts”.

(b) Section 38 (2)—

Omit “as so amended”.

(29) Section 39 (1)—

Omit “the said Part XXIX”, insert instead “Part XXIX of the Principal Act”.

(30) Section 40 (4) (a)—

Omit “subsections (2) and (3) of section 47”, insert instead “section 47 (2) and (3)”.

(31) Section 45 (2)—

Omit “paragraph (a) of section 2”, insert instead “section 2 (a)”.

(32) (a) Section 47 (1)—

Omit “-1928”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(b) Section 47 (1)—

Omit “The appointed day shall be not later than six months after the day appointed in pursuance of section 41 for the constitution of the Sydney County Council.”.

(c) Section 47 (2)–(4)—

Omit the subsections.

(33) (a) Section 48—

Omit “said” where firstly occurring.

(b) Section 48 (b)–(h)—

Omit the paragraphs.

(34) Sections 49, 50—

Omit the sections.

(35) (a) Section 51 (1)—

Omit “–1928, as amended by this Act”.

(b) Section 51 (1A), (2)—

Omit the subsections.

(36) (a) Section 52 (3)—

Omit “said”.

(b) Section 52 (3)—

Omit “as amended by subsequent Acts”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 52 (3)—
Omit “section one hundred and seventy-one”, insert instead “section 171”.
- (d) Section 52 (3)—
From the matter to be inserted at the end of section 171 of the Local Government Act, 1919, omit “(2)”, insert instead “(6)”.

- (37) Section 53—
Omit “-1928”.

- (38) (a) Section 54 (1)—
Omit “said”.
- (b) Section 54 (1)—
Omit “-1928”.
- (c) Section 54 (1)—
Omit “Four to this Act”, insert instead “4”.
- (d) Section 54 (2)—
Omit the subsection.

- (39) (a) Section 55 (1)—
Omit “-1928”.
- (b) Section 55 (3)—
Omit “and/or”, insert instead “or”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 55 (4) (a)—
Omit “Municipal Council of Sydney”, insert instead “Council of the City of Sydney”.
- (40) (a) Section 55A (3)—
Omit “-1938”.
- (b) Section 55A (4) (a)—
Omit “-1938, or any Act replacing the said Act”.
- (c) Section 55A (4) (b)—
Omit “of the Parliament of New South Wales”.
- (41) Section 55B—
Omit “(1)”.
- (42) (a) Section 55F (1)—
Omit “Local Government Act, 1919, as amended by subsequent Acts”, insert instead “Principal Act”.
- (b) Section 55F (2)—
Omit “the said section 654”, insert instead “section 654 of the Principal Act”.
- (43) (a) Section 56 (1) (k)—
Omit “1912, or any amendment thereof”, insert instead “1940”.
- (b) Section 56 (1) (r)—
Omit the paragraph.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (44) Section 59—
Omit the section.
- (45) Section 66 (4)—
Omit “ten”, insert instead “10”.
- (46) Section 72 (2)—
Omit “subsection (2) of section 47”, insert instead “section 47 (2)”.
- (47) (a) Section 73 (1)—
Omit “the thirtieth day of June”, insert instead “30th June”.
- (b) Section 73 (1)—
Omit “the thirty-first day of December”, insert instead “31st December”.
- (c) Section 73 (1)—
Omit “the said thirty-first day of December”, insert instead “that 31st December”.
- (d) Section 73 (1)—
Omit “said” where secondly and thirdly occurring.
- (48) (a) Section 74 (1) (b)—
Omit “and Acts amending the same”.
- (b) Section 74 (3)—
Omit “said”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- (c) Section 74 (3)—
Omit “ten dollars”, insert instead “\$10”.
- (49) (a) Section 75 (1)—
Omit “subsection (1) of section 74”, insert instead “section 74 (1)”.
- (b) Section 75 (8)—
Omit “for the Metropolitan District”.
- (c) Section 75 (8)—
Omit “one thousand dollars”, insert instead “\$1,000”.
- (d) Section 75 (9)—
Omit “do”, insert instead “does”.
- (50) (a) Section 77 (2)—
Omit “twelve”, insert instead “12”.
- (b) Section 77 (2)—
Omit “forty dollars”, insert instead “\$40”.
- (51) Section 82—
Omit “as amended by subsequent Acts”.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(52) Section 85 (3)—

Omit the subsection, insert instead:—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(53) Section 86—

Omit “, as amended by subsequent Acts”.

(54) Section 87 (3)—

Omit the subsection.

(55) Schedule 7—

Omit the Schedule, insert instead:—

SCHEDULE 7.

(Sec. 20A.)

Aberdare County Council.
The Albury Gas Company Limited.
Armidale City Council.
The Australian Gas Light Company.
Bathurst City Council.
Bega Valley Shire Council.
Broken Hill & Suburban Gas Coy. Limited.
Cabonne Shire Council.
Colonial Gas Holdings Limited.
Cootamundra Shire Council.
Cowra Shire Council.
Dubbo City Council.

Gas and Electricity (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

Glen Innes Municipal Council.
City of Goulburn Gas and Coke Company (Limited).
Grafton Lighting Coy. Limited.
Greater Lithgow City Council.
The Katoomba and Leura Gas Company Pty. Limited.
Kiama Municipal Council.
Lismore City Council.
Newcastle Gas Company Limited.
The North Shore Gas Company Limited.
Orange City Council.
Parkes Shire Council.
Shoalhaven City Council.
Singleton Gas Company Limited.
Tamworth City Council.
Wagga Wagga City Council.
Weddin Shire Council.
Wellington Shire Council.
Wollongong Gas Light Coy. Limited.
Yass Shire Council.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 21st May, 1982.